M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 435 Press ~~Mis.~~

108-111

Dated 19.3.1863 ~~19~~ .

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 19th March 1863.

Read the following papers:—

No. 108. From J. D. MAYNE, Esq., Clerk of the Crown; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated 20th December 1862.

I have the honor to forward by the direction of the Honorable Sir Colley Harman Scotland, Knight, Chief Justice, a duplicate of an order and a copy thereof made by His Lordship upon the requisition of Colonel James Maurice Primrose, Deputy Adjutant General of Her Majesty's British Forces, in the absence of His Excellency Lieutenant General Sir James Hope Grant, G. C. B., Commander-in-Chief, for the intermediate custody of Private George Brown, of Her Majesty's 1st Battalion 1st Royal Regiment, to the Penitentiary at Madras, therein to remain until his sentence of Penal Servitude shall be carried into effect in due course of Law, and a Statement (in duplicate) containing the date of the trial of the abovenamed individual.

No. 109. From J. D. MAYNE, Esq., Clerk of the Crown; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated 7th January 1863.

With reference to my letter of the 20th December 1862, I have the honor to forward a copy (in duplicate) of the Descriptive Roll of Private George Brown, Her Majesty's 1st Battalion Royal Regiment of Foot, who has been sentenced by a General Court Martial to Penal Servitude.

No. 110. From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 14th March 1863, No. 41.

Judicial Department, 15th June 1858, No. 785.

* Private George Brown, 1st Battalion the Royal Regiment.

With reference to the Extract from Minutes of Consultation, noted in the margin, I have the honor to report for the information of His Excellency the Governor in Council the arrival of a Military Convict* from Trimulgherry yesterday under sentence of Penal Servitude for seven years.

2. The original Commitment and Descriptive Rolls of the prisoner are herewith forwarded.

No. 111. ORDER THEREON, 19th March 1863, No. 435.

The Superintendent of Marine will provide passage to England for the Military Convict, George Brown, arrived at the Penitentiary.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

(Sig^d) C.R. Seal Canal

Whereas in and by an act of Parliament
passed in the Twenty fifth year of the Reign of Her Majesty Queen
Victoria entitled an act for furnishing Victuling and Disposition and for
the better payment of the Army and their Quarters It is amongst
other things enacted that whenever any Sentence of Penal Servitude
heretofore or hereafter passed upon any Offender by any Court Martial
holden in the East Indies or in any other part of Her Majesty's Foreign
Dominions or elsewhere beyond the Seas is to be carried into execution
for the Term specified in such Sentence or for any shorter Term or when
Sentence of Death passed by any such Court Martial has been or
shall as aforesaid be commuted to Penal Servitude the same shall be
notified by the Officer Commanding Her Majesty's Forces at the Presidency
or Station where the Offender may come to be or [illegible] his absence by the
Deputy Advocate General for the time being to some Judge of one of the
Supreme Courts of Judicature in the East Indies or the Chief Justice
or some other Judge as the Case may be in any part of Her Majesty's
Foreign Dominions who shall make Order for the Safe Custody or
intermediate Custody of such Offender and upon any such Order being
made it shall be duly notified to the Governor of the Presidency if in the
East Indies or to the Governor of the Colony if in any of Her Majesty's
Colonies or to the person who shall for the time being be exercising the
Office of Governor of such Presidency or Colony whereupon receipt of
such notification shall cause such Offender to be removed or sent to
some other Colony or place or to undergo his sentence within the Presidency
or Colony where the Offender was so sentenced or where he may come
or be as aforesaid in Obedience to the directions for the removal
and treatment of Convicts which shall from time to time be transmitted
from

from Her Majesty throughout Her Principal Secretaries of State to such Presidency or Colony and such Offender shall according to such directions undergo the sentence of Penal servitude which shall have been passed upon him either in the Presidency or Colony in which he has been sentenced or in the Colony or place to which he has been so removed or sent and whilst such sentence shall remain in force shall be liable to be imprisoned and kept to hard labour and otherwise dealt with under such sentence in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of the Penal servitude by the Judgment of the Court of Competent Jurisdiction in such Presidency or Colony or in the Colony or place to which he has been so removed or sent respectively.

And Whereas Private George Brown Regimental Number Five hundred and Ninety in the Light Company of Her Majesty First Battalion First Royal Regiment was tried by a General Court Martial holden at Secunderabad on Wednesday the Nineteenth day of November One Thousand Eight hundred and Sixty two and found guilty upon the following Charges. First For having at Trimulgherry on or about the Sixteenth of October One Thousand Eight hundred and Sixty two disobeyed the lawful Command of his Superior Officer Lance Corporal Edward Hutchinson of the same Battalion he so acting in Carrying a box to the Company Stores by ordering to do so saying "I will not" or words to that effect.

Second That he having at the same time and place aforesaid on the Sixteenth of October One Thousand Eight hundred and Sixty two when a Prisoner at the Regimental orderly Room struck with his fist in the head and body Corporal John Ross of the same Battalion his Superior Officer being in the execution of his Office and Third For Conduct to the prejudice of Good Order and Military discipline in the following Instances. First instance For having at the same time and place mentioned in the First charge when being conducted to the Guard Room as Prisoner broke away from the Escort. Second Instance For having at the same time and place mentioned in the Second charge made use of highly insubordinate language towards his Commanding Officer Colonel Alexander Barry Montgomery C.B. saying "Montgomery you never gave me a chance I'll serve you the same, give me Seven years" or words to that effect.

And Whereas the said Private George Brown was sentenced by the said General Court Martial to Seven years penal Servitude.

And Whereas notification in writing of the aforesaid conviction and Sentence of the said Private George Brown has been by Colonel James Maurice Primrose Deputy Adjutant General Her Majesty British Forces in the absence of his Excellency the Lieutenant General Sir James Hope Grant G.C.B. Commander in Chief in the said Presidency been made to me The Honorable Sir Colley Norman Scotland Knight Chief Justice of the High Court of Judicature at Madras aforesaid pursuant to the directions in the said Act contained. It is therefore ordered by me that the said Private George Brown be removed and sent as soon as conveniently may be to the Penitentiary at Madras aforesaid there to remain in Custody until duly removed to such place as the Governor The Governor in Council may be pleased by Warrant under the Signature for the said Private George Brown for the remainder of the term of his aforesaid

aforesaid Sentence. Given under my hand at Madras in the East Indies this Seventeenth Day of December in the Year of our Lord One Thousand Eight hundred and Sixty Two.

(Sgd) John D'Cayne
Clerk of the Crown.

(True Copy)
John D'Cayne
Clerk of the Crown

No 41.

MADRAS POLICE COMMISSIONER'S OFFICE,
17th March 1863.

From Lt Colonel C. H. Hutchinson
Commissioner of Police.

To The Honorable G. F. Adderley
Chief Secretary to Government.
Fort Saint George.

SIR,

Jail Dept. 15th June 1858, No. 785.

With reference to the Extract from Minutes of Consultation, noted in the margin, I have the honor to report for the information of His Excellency the Governor in Council the arrival of a Convict from Trichinopoly yesterday under sentence of Penal Servitude for 7 years.

* Private George Brown 1st Bn 15th Regt Royal Regt.

2. The original Commitment and Descriptive Rolls of the Prisoner are herewith for-

I have the honor to be,

Sir,

Your most obedient Servant,

Commissioner of Police.

Jud. Pro. Mar.
Jud. 1863 Depts.

From

The Hon'ble C.H. Bittleston
Commissioner of Police

&c

The Hon'ble J.F. Thomas
Chief Secretary to Government
Fort St. George &c.

Dated 16th March 1863.
Rec'd 16th March 1863.

No. 41 No. 562
Enclosure Para -

Reports the attack on a Convict Military Guard at Trivalloor, and forwards the Commitments and Descriptions of the Convicts of the Prisoners.

Judl. Dept. to Govt.
12th August 1863.

Ft. No. 2502/62-304-2/7/63.
Abstract.

Proceedings of the Madras Govt.

Read the following letters —

From the Clerk of the Crown — Enter 20th Dec. 62 & 7th Jany. 63.

" the Commr. of Police — 14th Mar. 63. No. 41.

Order — 19th March 1863 No. 435.

The Supt. Gt. of Marine will provide passage to England for the Military Convict, George Brown, arrived at the Penitentiary.

The Supt. Gt. of Marine,
" Commr. of Police. } &c. &c. &c.

Visits an Order.

In Mem. 19th March 1863
Jud. Dept. 25 &c.

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