

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1160	Presse
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Dated	1. 2. 1864	19

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Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,
1st February 1864.

Read the following papers:—

No. 5. From J. B. NORTON, Esq., Clerk of the Crown; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 16th January 1864.

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, 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 Gunner Martin Shea, of the A Battery, 14th Brigade Royal Artillery, 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 above-named individual.

No. 6. From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 28th January 1864, No. 19.

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

* Martin Shea, Gunner, 14th Brigade Royal Artillery.

With reference to the Extract from the 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 Bangalore under sentence of penal servitude for four years.

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

No. 7. ORDER THEREON, 1st February 1864, No. 140.

The Master Attendant in charge of the Office of Superintendent of Marine is requested to provide passage to England for the Military offender, Martin Shea, under sentence of penal servitude.

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

Exd. J. Tulloch.

sig 16 H Scotland

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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 punishing Mutiny and desertion 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 or 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 or be, or in his absence by the Adjutant 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 Penal servitude 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, whose 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 through One of Her Principal Secretaries of State to such Presidency or Colony and such Offenders 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 so 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 his Penal Servitude by the Judgment of a Court of Competent Jurisdiction in such a Presidency or Colony or in the Colony or place to which he has been so removed or sent respectively. And Whereas Gunner Martin Shea Number One hundred and Thirty in the A. Battery Fourteenth Brigade Royal Artillery was Tried by a General Court Martial holden at Bangalore on Tuesday the Eighth December One Thousand Eight hundred and Sixty Three and found Guilty upon the following Charge. That he Martin Shea, on or about the Thirtieth November One Thousand Eight hundred and Sixty Three, at Bangalore being then and there a soldier serving in India, in the Territories of His Highness the Rajah of Mysore, did attempt voluntarily to cause grievous hurt to Corporal Joseph Barrell of the same Battery, by means of an instrument, which used as a Weapon of offence, is likely to cause death, that is to say a stone and in such attempt did an act towards the commission of the same And Whereas the said Gunner Martin Shea was sentenced by the said General Court Martial to Penal Servitude for Four Years. and which said sentence was approved and confirmed in by the Governor in Council And Whereas a notification in writing of the aforesaid Conviction and sentence of the said Gunner Martin Shea hath by Colonel James Maurice Primrose Adjutant

Adjutant General of Her Majesty's British Forces in the Service of His Excellency Lieutenant General Sir James Hope Grant G. C. B. Commander in Chief in the said Presidency been made to me. The Honorable Sir Colley Harman 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 Gunner Martin Shea be removed and sent as soon as Conveniently may be to the Penitentiary at Madras as the place of intermediate custody of and for the said Gunner Martin Shea there to remain in custody until duly removed to such place as the Honorable the Governor in Council may be pleased to appoint and signify for the said Gunner Martin Shea for the residue of the term of his aforesaid sentence given under my hand at Madras in the East Indies this Fifteenth Day of January in the Year of our Lord One Thousand Eight hundred and Sixty Four.

Ed
Ch

John Bruce Norton
Clerk of the Council

A True Copy
John Bruce Norton

Clerk of the Crown

Proceedings of the Madras Govt.
Read the following letters—

From the Clerk of the
Crown ————— Enter 16 Janry. —

" the Commr. of
Police ————— 28th do. N^o 19.

Order — 1st February 1864 N^o 140.

The Master Attendant in charge
of the Office of Superintendent
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The Master Attendant
in charge of the Office
of Suptd. of Marine. }
" Commr. of Police. }
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