M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1486 Press ~~Mis.~~

87-89

Dated 13-10-~~19~~1864

5/5

Not to be folded or roughly handled

13.2.20

Read the following papers:—

No. 87. From B. BROOKS, Esq., Deputy Clerk of the Crown; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 7th October 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 His Excellency Lieutenant-General Sir James Hope Grant, G. C. B., Commander-in-Chief, for the intermediate custody of Private John Johnston, of Her Majesty's 102nd Regiment to the Penitentiary at Madras, there to remain until his sentence of Penal Servitude shall be carried into effect in due course of law, and statement (in duplicate) containing the date of the trial of the above-named individual.

2. I beg also to forward (in duplicate) a copy of the Descriptive return of this individual, as forwarded to me by the Assistant Adjutant General, H. M. B. Forces.

No. 88. From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 10th October 1864, No. 108.

With reference to the Extract from Minutes of Consultation noted in the margin, I have the honor to report, for the information of the Governor in Council, that a Military convict,* under sentence of Penal Servitude for four years, was received into the Penitentiary yesterday.

15th June 1858, No. 785, J. D.

* John Johnston, Private, Her Majesty's 102nd Regiment of Foot.

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

No. 89. ORDER THEREON, 13th October 1864, No. 1486.

The Superintendent of Marine is requested to provide passage to England for the Military offender, John Johnston, arrived at the Penitentiary under sentence of Penal Servitude.

(True Extract.)

Chief Secretary.

To the Superintendent of Marine.
„ Commissioner of Police.

Exd. J. Tulloch.

Wig[illegible] & H. Scotland

L.S

Whereas in and by an Act of Parlia
Twenty Fifth Year of the Reign of Her Majest
entitled an act for punishing Mutiny and desertion a
payment of the army and their Quarters. It is amon
enacted that whenever any sentence of Penal Servitu
hereafter passed upon any offender by any Court Ma
East Indies, or in any other part of Her Majesty's D
or elsewhere beyond the seas, is to be carried into exec
specified in such sentence or for any shorter term or
of Death passed by any such Court Martial has been or
be commuted to Penal Servitude the same shall be m
Officer commanding Her Majesty's Forces at the Presi
where the offender may come or be, or in his absence by
General for the time being to some Judge of one of the
Judicature in the East Indies or the Chief Justice, or
the case may be in any part of Her Majesty's Foreign D
shall make order for the Penal Servitude or intermediate
offender and upon any such order being made it shall
to the Governor of the Presidency if in the East Ind
Governor of the Colony if in any of Her Majesty's Co
person who shall for the time being be exercising the
of such Presidency or Colony who on receipt of such
cause such offender to be removed or sent to some

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 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 Presidency or Colony or in the Colony or place to which he has been so removed or sent respectively - And Whereas Private John Johnston Regiment Number Four Thousand Three hundred and Twenty Six in Number Four or Captain Edward Dunbar's company of Her Majesty's One hundred and Second Regiment was tried by a General Court Martial holden at Cannanore on the Ninth August One thousand Eight hundred and sixty four and found guilty upon the following charges First For having at Malliapuram on or about the Thirteenth of June One thousand Eight hundred and sixty four been deficient of the following articles of his Regimental Clothing and necessaries namely one pair of Cloth Trowsers, three white Tunics, and three pairs of white Trowsers, he having pawned, sold, lost through neglect, or made away with them - Second - For having at Malliapuram on or about the Twenty first June one thousand Eight hundred and sixty four when a Prisoner pending trial for the offence set fourth in the first charge, used violence against Lieutenant Vere Clinton Beatie of the same Regiment his superior officer, being in the execution of his office by throwing at him a Boot, which struck him on the back. And Whereas the said Private John Johnston was sentenced by the said General Court Martial to Penal Servitude for Four years and to be placed under stoppages till the cost of replacing the articles namely one pair of Cloth Trowsers, three white Tunics and three pairs of white Trowsers, sold lost through neglect, or made away with, be made good and the said sentence was approved and confirmed by His Excellency Lieutenant General Sir James Hope Grant G.C.B. Commander in Chief of the Madras army. And whereas a notification in writing of the aforesaid conviction and sentence of the said Private John Johnston hath by His Excellency the said Lieutenant General Sir James Hope Grant been made to me The Honorable Sir Colley Barman 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 John Johnston 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 Private John Johnston 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 Private John Johnston for the residue of the Term of his aforesaid sentence. Given under my hand at Madras in the East Indies this Twenty Seventh Day of September in the year of our Lord One thousand Eight hundred and Sixty four.

(sigd) P. Brooks
D/ Clerk of the Crown.

(A True Copy)

Brooks.
D/ Clerk of the Crown.

Proceedings of the Madras Govt.

Read the following letters — D/ 2n

From the Clerk of the Crown ——— Enter 7th Oct. '64.

" the Commr. of Police ——— 10th do. No. 108.

Order — 13th October 1864 No. 1486

Ind. Sec. to Govt. Fisheries No. 8. 1761/65

The ~~Master Attendants in charge of the Office of~~ Superintendent of Marine is requested to provide passage to England for the Military offender, John Johnston, arrived at the Penitentiary under sentences of Penal Servitude.

The ~~Master Attendants in charge of the Office~~ of Supdt. of Marine.

" Commr. of Police.