

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	28	Press
		~~Mis.~~
40-42		
Dated	8 - 1 - 1918	1864

12/13 (12/13)

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
8th January 1864.*

Read the following papers:—

No. 40. From A. W. PHILLIPS, Esq., Sessions Judge of Chingleput; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Chingleput, 17th December 1863, No. 449.

I have the honor to bring to your notice that two East Indian boys, of the respective ages of ten and eleven years, arrived here a few days since, sentenced by the Joint Magistrate at Saint Thomas' Mount to six months' rigorous imprisonment for house-breaking and theft under Sections 454 and 380 of the Indian Penal Code, but as the boys are so young and the theft was committed at the Artillery Regimental School where they were scholars, I would earnestly beg that you will bring the case as a special one before Government, and get me permission to return the boys to the school to receive there a good flogging, the same appearing a far more fitting punishment than that to which they have been sentenced.

No. 41. From Lieutenant F. S. BUDD, Acting Superintendent of Police; to the Chief Secretary to Government, Fort Saint George, dated Saint Thomas' Mount, 5th January 1864, No. 1.

In the absence of Joint Magistrate, and with reference to your Official Memorandum, No. 463 of the 2nd instant, I have the honor to submit copy of the proceedings, &c. in case No. 28 of 1863, therein called for.

No. 42. ORDER THEREON, 8th January 1864, No. 28.

The Governor in Council is not prepared to remit the sentences passed upon the prisoners referred to.

2. The crime of which they were convicted was a deliberately planned house-breaking and theft, and while it is to be regretted that there is no reformatory in which youthful offenders can be confined, the Government do not think it would be right that the perpetrators of a crime of this character should be permitted to return to the Regimental School.

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

No. of Charge or on Magistrate's file.	Magistrate before whom the Charge is brought.	Date and hour of Receipt of charge sheet and Prisoner by the Magistrate.	Date and hour of issue of Process by Magistrate and its nature.	Date and hour of Defendant appearing before Magistrate.	REMANDS GRANTED.		Charge how disposed of by Magistrate; what offence proved; date of sentence committal or discharge and name of Police Officer conducting the case before the Magistrate.	Remarks by the Magistrate on the conduct of the Police and the nature of the case. If not proved what further operation directed by the Magistrate.—Charge sheet when transmitted to the Superintendent.	Date when charge sheet was received in the Superintendent's Office and remarks by the Superintendent.
13	14	15	16	17	No. of and date.	For what period.	20	21	22
28	Sheriff C. G. Gunning Joint Magistrate	At 12 P.M. on the 9 th December 1863		At 4 P.M. on the 9 th December 1863			The Joint Magistrate reads out Arthur Henry C. Brien and Thomas Robert Wray leave committed the offences specified in the Charge—namely that Arthur Henry C. Brien and Thomas Robert Wray, have committed House breaking in order to the Commission of theft and theft in a building and have thereby committed an offence punishable under sections 459 and 386 of the Indian Penal Codes and the said Arthur Henry C. Brien and Thomas Robert Wray be rigorously imprisoned for the space of 6 Months	Transmitted on the 11 th December 1863. Signed C. G. Gunning Joint Magistrate True copy A. Budd Lieut Ag. Superintendent of Police	

W. Buelman, Inspector.

MADRAS POLICE.

Form No. 1.

Division of the District
POLICE STATION on the day of 188

Es taken at or Information laid by Police of

Defendant or Person charged or Suspected. Name, Address and Occupation.	Charge or Information Name of offence and circumstances connected with it, in concise detail.	Persons charging or informing Name, Address, and Occupation.	Witnesses.		Prisoner Taken into custody by whom and at what hour, or nature of Process requested.	Property Found on Person or elsewhere when and by whom; and list of Articles forwarded.	At the Station House.		Date and hour of being placed by the Police before the Magistrate.
			Name and address; Present or not Present.	What points called to prove.			Confined from what hour to what hour.	At what hour admitted to bail.	
5	6	7	8	9	10	11	12		
At 9.30 A.M. on the 7 th December about 50 yards from No. 1 Station Saint Thomas Mount	James Tyndeman & Joseph 456-P.C. Prisoner for breaking into the Mary School and stealing from out of a desk Refus 56-7-5 the property interested to Mr. Tyndeman 2nd. Prisoner for aiding and abetting on the	J. Tyndeman Head School Master of the Mary School. J. Tyndeman Head School Master. Inspector W. Tyndeman of Head Constables J. Parker & Pasanth.	The fact of 1st Prisoner having gained admittance into the School by opening a window and collecting Refus 56-7-5 from a desk & that he was then in possession of articles the above offences by watching during the time the act was going on.	By ~~Inspector~~ J. Tyndeman & James Inspt of Saint Thomas Mount at 1 P.M. on the 8 th December 1883	Found in 1 st Prisoner Letter & new Refus 53 that were stolen from the School room at 2 P.M. on the 8 th December 1883 by Inspt W. Tyndeman the above property forwarded to Saint Magistrate at 12 P.M. on the 9 th December 1883	At 1 P.M. on the 8 th December 1883 At 12 P.M. on the 9 th December 1883	Not	At 12 P.M. on the 9 th December 1883	

Signature of Complainant
James Tyndeman
Signature of Officer taking the Charge.
J. W. Buckman
Inspector

Columns 13-21 on the other side will be filled up by the Magistrate.

N. B. No prisoner to be detained in custody more than 24 hours without being taken before a Magistrate.

N^o 3

The Deposition of Police Inspector William Buckman

On the morning of 7th December 1863 Mr. Tydeman Head School Master of the Army School reported to me that the School had been entered some time between 12 A.M. on the 5th instant and 10 A.M. on the 7th and 56 Rupees. seven annas and five pie were taken from his desk. I then caused enquires to be made. nothing was heard until the morning of 8th when one Mr. Didiah informed me that her son brought and gave her 14 annas that were given to her by the 1st prisoner Arthur O'Brien now before the Court and that he was now gone to Lydappett in a Pandy taking her son with him. On receiving this information I despatched Constables in search of him. They found them (the two Prisoners) near Lydappett and brought them to me. when 1st Prisoner brother who was with him and 2^d prisoner told me that the money was in Lieut O'Brien's House of Battery 23rd Brigade. I then obtained permission from the Officer commanding to search the House and in a box belonging to Mrs. O'Brien I found a bag containing 53 Rupees which O'Brien and his wife acknowledge did not belong to them or either did they know how it came there. I took the money in possession and now produce it before the Court.

Witnessed by W. Buckman
Inspector of Police

Sworn before me this ninth day
of December 1863.

Witnessed by C. G. Gunning
Court Magistrate

Read over to the witness in a language

he understands (English) and he acknowledged
its correctness it was taken down in my
presence and hearing and under my
personal direction and superintendence

Mount } Signed C. G. Gunning
9th Decr 1863 } Joint Magistrate

(True Copy)

A. B. B. B. Lieut.
Acting Superint. of Police

N^o 4

Charge.

Lieutenant C. G. Gunning Joint Magistrate
of Saint Thomas Mount declare that there is
herely made against Arthur Henry O'Brien
and Thomas Robert Gray the charge.

That they on or about the 6th day of
December 1863 Committed house breaking in order
to the Commission of theft in the Army School
House at Saint Thomas Mount and that they have
thereby Committed an offence punishable under
Section 454 of the Indian Penal Code and within
my Cognizance.

That they on or about the 6th day of
December 1863 Committed theft in a building
and have thereby Committed an offence
punishable under Section 380 of the Indian
Penal Code and within my Cognizance.

Mount } Signed C. G. Gunning
9th Decr 1863 } Joint Magistrate

(True Copy)

A. B. B. B. Lieut.
Acting Supt of Police

The Statement of Arthur
O'Brien

On Sunday last at about 7 o'clock in
the morning I opened the Venetian of the
Army School and went in and I opened
the desk and took Papers Fifty Six Annas
seven and pie five - I took the money home
and put it in my stockings - next morning
I took 3 Papers seven annas & five pie -
I hired a Bandy and went to Sydapett
there I spent 2.7.5 - I came back to the
Mount - On Tuesday I went again to Sydapett
with one Paper out of which I paid 14 Annas
to John Medyan and spent 2 Annas myself - at
I met 2 Pons and they brought me to Mount
and they kept me at this Office.

The above taken in my presence and
hearing and contains accurately the whole
of the statement made by the accused

Mount
9th Decr 1863

Signed C. G. Gunning
Smt Magistrate

[True Copy]

A. Sudd Smt.

Acting Superint^t of Police

N^o 6

The statement of Prisoner Thomas
Robert May

On Sunday last about 7 O'clock in
the morning I went with Arthur O'Brien
to the Army School and opened the window
and entered inside - O'Brien opened the
desk and took out money from it which
was in a Bag and took to his house -
he put the money in a Bag - On Tuesday
he (O'Brien) brought 3 Pipes seven annas
and five pie hired a Ransy and I and
O'Brien went to Madras there we spent the
money we took - we returned to the house
and on the same evening we went to Sydapet
and bought several Meats - we met two persons
and they brought us to this Office

The above taken in my presence
and hearing and contains accurately the
whole of the statement made by the accused.

Witness
9th Dec 1863

Signed C. G. Gunning
Joint Magistrate

(True Copy)

A. S. S. S. S. S.
Acting Superint^{nt} of Police

9th Decemba 1863

Signed/ C. G. Gunning
Joint Magistrate

/ True Copy /

J. J. G. G. G. Leut.
Acting Supt of Police

CALENDAR OF PERSONS TRIED BEFORE THE JOINT MAGISTRATE AT SAINT THOMAS MOUNT.

CALENDAR OF PERSONS TRIED BEFORE THE JUDGE													
1	2	3	4	5	6	7	8	9	10	11	12	13	14
No. of the case	Name of the accused	Copy of the charge, or substance of the complaint	Name of the complainant	Names of the Witnesses for the prosecution	Names of the Witnesses for defence	Summary of the facts proved or confessed	Finding and Sentence	Date of offence	Date of complaint	Date of apprehension or appearance	Date of commencing trial	Date of sentence	Explanation of delay
28	A. H. O'Brien J. R. Wray	1 st That they A. H. O'Brien & J. R. Wray on or about the 6 th day of December 1863 committed house breaking in order to the Commission of theft in the Army School House at Saint Thomas Mount & that they have thereby committed an offence punishable under Section 454 of the Indian Penal Code & within my Cognizance. 2 ^d That they on or about the 6 th day of December 1863 committed theft in a building & have thereby committed an offence punishable under Section 380 of the Indian Penal Code & within my Cognizance.	James Tyndeman Army School Master			Prosecution James Tyndeman Army School Master Sworn States that on Sunday the 5 th December 1863 he left 56 Rupees odd in his desk in the Army School at the Mount & on the following Monday returning to the School he found the money missing & reported the circumstances to the Police, the desk alluded to, was not locked on fastened in any way. 1 st Witness Police Inspector W. Buckman Sworn States that on the morning of the 7 th December the Prosecutor reported to him that he had lost 56 Rupees odd from a desk in the Army School room, on the morning of the 8 th a Mr. Didiak reported to him that he had given her 14 annas which were given to him by the 1 st Prisoner (O'Brien) who sent constables to Tyndeman where he heard the Prisoners had gone & had them taken into custody. On subsequently searching the house of O'Brien's father 53 Rupees were found in a Box which money the parents said they knew nothing about. 2 ^d Prisoner O'Brien states that on Sunday 4 th instant he went into the Army School by the window opening it through Venetian & stole 56 Rupees odd from a desk. he subsequently spent 3 Rupees odd of the money & was then taken up at Tyndeman. 3 ^d Prisoner Thomas Robert Wray states that he was with the 1 st Prisoner when the theft was committed & helped him to spend 5 Rupees odd of the money stolen, afterwards.	Robert Wray have committed the offence specified in the charge, namely that Arthur Henry O'Brien & Thomas Robert Wray have committed House breaking in order to the Commission of theft & theft in a building & have thereby committed offences punishable under Section 454 & 380 of the Indian Penal Code & the Joint Magistrate directs that the said Arthur Henry O'Brien & Thomas Robert Wray be rigorously imprisoned for the space of 6 Months.	6 th December 1863	7 th December 1863	7 th December 1863	8 th December 1863	9 th December 1863	9 th December 1863
						(Signed) C. G. Gunning Joint Magistrate							
						True Copy / A. Budd Smith. Acting Supt of Police							

/Signed/ C. G. Gunning
Joint Magistrate

/True Copy/
A. S. S. Smith
Acting Supt of Police

Sur. 1863
No 25

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letters

From the Sessions Judge of Chingleput. { Here enters 17th Decr/63, No. 149.
Mr. Cantonment Supt. of Police. St. Tho's Mount. } 5th Jan/64 - 1.

Order thereon 8th January 1864 No. 28.

The Governor in Council is not prepared to remit the sentences passed upon the prisoners referred to.

2. The crime of which they were convicted was a deliberately planned house breaking and theft, and while it is to be regretted that there is no reformatory in which youthful

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JP

youthful offenders can
be confined, the Govern-
ment do not think
it would be right that
the perpetrators of a crime
of this character should
be permitted to return to
the Regimental School.

by A

1810

3 To the Sessions Judge of Chingleput
3 " St. Magistrate, St. Thomas Mount
6

F. M. A.

1810

186 . Department.

No. 78

PROCEEDINGS of GOVERNMENT.

Dated

July 53.

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