

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 433

Procs

~~Mis~~

287-289

Dated

31 — 3 — 1918

5/5

Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,
31st March 1864.

Read the following papers :—

No. 287. From J. B. NORTON, Esq., Clerk of the Crown; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 11th March 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 James Lynch of the 3rd Battalion, the King's Royal Rifle 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 a Statement (in duplicate) containing the date of the trial of the above-named individual.

No. 288. From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 29th March 1864, No. 44.

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 Rangoon yesterday, under sentence of Penal Servitude for six years.

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

No. 289. ORDER THEREON, 31st March 1864, No. 433.

The Master Attendant in charge of the Office of Superintendent of Marine is requested to provide passage to England for the Military offender, James Lynch, arrived at the Penitentiary, under sentence of Penal Servitude.

(True Extract.)

Chief Secretary.

To the Master Attendant in charge of the Office of Superintendent of Marine.
" Commissioner of Police.

Mxd. J. Tulloch.

Recd. of Madras at Madras forwarded pursuant to the directions

(Sg) C. 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 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 on, 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 Dominion 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, who on 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 sentenced, or where he may come on, be as aforesaid in obedience to the directions for the removal and treatment of convicts which shall from time to time be transmitted 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 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

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 James Lynch Regimental Number One hundred and fifty six, in the Number Five or Captain Vincent Longue's Company of the Third Battalion the King's Royal Rifle Regiment was tried by a General Court Martial holden at Tonghor on the Sixth November One thousand Eight hundred and Sixty three upon the following charge. That he, James Lynch on or about the Thirty first January One thousand Eight hundred and Sixty three at Tonghor being then and there a soldier serving in India at a distance of upwards of one hundred and twenty miles from the Presidencies of Fort William and Fort Saint George, did, with another, *rob. ho. Shoy- hee, and ho. Shoy- hee*, natives of the Shan states of the sum of Rupees One hundred and forty five in coin, of one silver betel box, and of one pair of tweezers striking them at the same time on the head with sticks and knocking them down. And Whereas the said Private James Lynch was found guilty of the charge leaving out the words "and of one pair of tweezers" And Whereas the said Private James Lynch was sentenced by the said General Court Martial to Penal servitude for Eight years and so much of the said sentence as extends to Six years Penal servitude was confirmed by His Excellency Lieutenant General Sir James Hope Grant G. C. B. Commander in Chief of the Madras Army and Whereas the said sentence of Six years Penal servitude was confirmed by His Excellency the Governor in Council. And Whereas a notification in writing of the aforesaid conviction and sentence of the said Private James Lynch hath by His Excellency the said Lieutenant General Sir James Hope Grant been made to me The Honorable Sir *John P. Norton* Clerk of the 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 James Lynch be removed and sent as soon as conveniently

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may be to the Penitentiary at Madras as the place of intermediate custody of and for the said Private James Lynch 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 James Lynch for the residue of the term of his aforesaid sentence. Given under my hand at Madras in the East Indies this Eleventh Day of March in the Year of our Lord One thousand Eight hundred and Sixty four.

(sig) John P. Norton
Clerk of the Crown.

(A True copy)

John P. Norton
Clerk of the Crown

Index of the Madras Govt.
No. 15 of 1864

Proceedings of the Madras Govt.

Read the following letters —

From the Clerk of the

Crown — Enter 11th Mar. 64.

" the Commr. of

Police — 29th do. N^o: 44.

Order — 31st March 1864 N^o: 433.

The Master attendant in charge
of the Office of Suptdt. of Ma-
rine is requested to provide pas-
sage to England for the Military
Offender, James Lynch, arrived
at the Penitentiary, under sentence
of Penal Servitude.

The Master attendant
in charge of the Of-
fice of Suptdt. of
Marine.

" Commr. of Police.

depos. 4/4

[Signature]