

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	465	Press
45-48		~~Mis.~~
Dated	S. 4	18.64

5/5

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
5th April 1864.*

• Read the following papers:—

No. 45. From J. B. NORTON, Esq., Clerk of the Crown; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 24th February 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, K. C. B., Commander-in-Chief, for the intermediate custody of Private Thomas Conway of the 1st Battalion 18th Royal Irish Regiment of Foot, 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. 46. From J. B. NORTON, Esq., Clerk of the Crown; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 3rd March 1864.

With reference to my letter of the 24th ultimo, I have the honor to forward a copy (in duplicate) of the Descriptive Return of Private Thomas Conway, of the 1st Battalion 18th Royal Irish Regiment, who has been sentenced by General Court Martial to Penal Servitude for 10 years.

No. 47. From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 24th March 1864, No. 43.

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

• Thomas Conway, Private, 1st Battalion, Her Majesty's 18th Royal Irish 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 Secunderabad yesterday, under sentence of Penal Servitude for 10 years.

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

No. 48. ORDER THEREON, 5th April 1864, No. 465.

The Master Attendant in charge of the Office of Superintendent of Marine is requested to provide passage to England for the Military offender, Thomas Conway, 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,

Exd. J. Tulloch.

Regt. C. M. Scotland

(S. I)

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 pronounced 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 be
or be or in his absence by the Assistant General for the
or some judge of one of the Supreme Courts of Judicature in
East India 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 who on receipt of such notification shall
order to be moved or sent to some other place or place
where he shall undergo his sentence within the Presidency, or place where
the Offender was sentenced, where he may come on to
obey said sentence 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 Privy
Secretaries

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 Presidency or Colony or in the Colony or place to which he has been so removed or sent, respectively. And Whereas Private Thomas Conway, Regimental Number seven hundred and fifty eight in the Third or Captain George Joy's Company of the first Battalion of Her Majesty's Eighteenth Royal Irish Regiment was tried by a General Court-Martial holden at Secunderabad on the Eighteenth Day of December One thousand eight hundred and sixty three and found guilty upon the following charges. First charge. For having at Trimalgherry on the Twentieth November One thousand eight hundred and sixty three when on duty on the Regimental guard offered violence against Captain George Joy, and Lieutenant William Edward Tugynning of the same Regiment his superior officers, being in the execution of their Office, by firing a Rifle loaded with gun powder and a Bullet at them. Second charge. For having at the same place and time named in the first charge made away with one round of his ball cartridge and one Percussion cap and wilfully spoiled his Rifle by throwing it on the ground. Third charge. For conduct to the prejudice of good order and discipline. Having at Trimalgherry on or about the Twenty first November One thousand eight hundred and sixty three when brought before his commanding officer, for the offences above mentioned on being ordered by acting Sergeant Major James Procter of the same Regiment to keep his arms still and stand steady insubordinately replied. I will if I like let me alone or it will be, or words to that effect. Second Instance. On having at

at the same place and time last specified, on being asked by his commanding officer what he had to say in his defence grossly insubordinately replied. I loaded the Rifle to knock off some of the tyrants of the and being then asked by him who are those tyrants? replied. Yourself & the with or words to that effect. And Whereas the said Private Thomas Conway was sentenced by the said General Court-Martial to Penal Servitude for life which said sentence was approved and confirmed but a legal sentence to ten years to Penal servitude by His Lordship Sir James Hope Grant G.C.B. Commander in Chief of the Army. And Whereas a notification in writing of the aforesaid sentence of the said Private Thomas Conway hath by this Excellency the said Lieutenant General Sir James Hope Grant made to me The Honorable Sir Colley Hoarman Scotland Knight Chief Justice of the High Court of Judicature at Madras aforesaid pursuant to the directions in the said Act contained is therefore ordered by me that the said Private Thomas Conway be removed and sent as soon as conveniently may be to the at Madras as the place of intermediate custody of and Private Thomas Conway there to remain in custody until further order. And the Honorable the Governor of Madras may be pleased to appoint and signify for the said Private Thomas Conway for the residue of the term of his aforesaid sentence. Given under my hand at Madras in the East Indies this Twenty third Day of February in the year of our Lord One thousand eight hundred and sixty four.

John B. Carter
Clerk of the Crown

Sp. True copy,
J. M. M. Carter
Clerk of the Crown

Jan 18 1864
No. 1578
13-24

Proceedings of the Madras Govt.

Read the following letters—

43

From the Clerk
of the Crown—Inter 24 Feb. & 3 Mar. '64
" the Commr. of Police—24 Mar. No. 43.

Order—5 April 1864 No. 465.

The Master Attendant in charge
of the Office of Superintendent
of Marine, is requested to pro-
vide passage to England for
the Military Offender Thomas
Conway, arrived at the Peni-
tentiary under sentence of Penal
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The Master attendant
in charge of the Of-
fice of Superintendent
of Marine. }
Commr. of Police. } dep. 5/4