M.R.O. 1—32,400—22-11-30.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1131 Press Mis.

116-1/9

Dated 15-8- 1865

5/6

Not to be folded or roughly handled

Read the following papers:—

No. 116. From P. O'SULLIVAN, Esq., Officiating Clerk of the Crown, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Madras, 8th August 1865.

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 John Gaspard LeMarchant, G. C. M. G., Commander-in-Chief, for the intermediate custody of Driver John Randall, of the D. Battery D. Brigade Royal Horse Artillery, 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 abovenamed individual.

2. I beg also to forward (in duplicate) a copy of the descriptive Return of this individual, as forwarded to me by the Deputy Adjutant General H. M.'s B. Forces.

No. 117. From Captain C. S. HEARN, Officiating Commissioner of Police, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Madras, 11th August 1865, No. 88.

With reference to the Minutes of Consultation, noted in the margin, I have the honor to report, for the information of His Excellency the Governor in Council, that John Randall,* a Military Convict under sentence of Penal Servitude for ten years, was received into the Penitentiary this day.

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

* D. Brigade, Royal Horse Artillery.

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

No. 118. No. 2906.

OFFICIAL MEMORANDUM.

In reply to Official Memorandum from the Honorable the Chief Secretary, of the 12th instant, No. 322, the Superintendent of Marine has the honor to state that passage to England by the *Theresa* can be secured for the Military offender, John Randall, who will have to embark with the other, about the end of the current month.

MADRAS, (Signed) J. J. FRANKLIN,
MARINE SUPERINTENDENT'S OFFICE, *Superintendent of Marine.*
14th August 1865.

To the Honorable the Chief Secretary, Judicial Department, Fort Saint George.

No. 119. ORDER THEREON, 15th August 1865, No. 1131.

The Commissioner of Police is requested to arrange, in communication with the Superintendent of Marine, for the embarkation of the Military offender, John Randall, on the Ship *Theresa*, for conveyance to England.

(True Extract).

Chief Secretary,

To the Commissioner of Police.
„ Superintendent of Marine.

Fxd. J. H. Burns.

(Sig'd) C. H. Scotland

L.S

Whereas in and by an Act of Parliament passed in the Twenty Seventh 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 India, 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 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 India, 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 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 Her Majesty through one

of

of Her Principal Secretaries of State to such 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 Driver John Randall Regimental Number Six hundred and two in the D or Captain Richard George Frederick Venegan's Battery, of D Brigade Royal Horse Artillery was tried by a General Court Martial holden at Bellary on the Seventh Day of July One thousand Eight hundred and Sixty five and found Guilty upon the following Charges Firstly - For having at Bellary, on the Twenty Eighth Day of May One thousand Eight hundred and Sixty five when a Prisoner, undergoing the Sentence of a District Court Martial in the Garrison Prison, Struck with his boots on the head and body, Provost Serjeant Daniel Delaney, his Superior Officer being in the execution of his Office - Secondly - For having at Bellary, on the Twenty ninth Day of May One thousand Eight hundred and Sixty five when a Prisoner, undergoing the Sentence of a District Court Martial in the Garrison Prison, used threatening language to his Superior Officer, Provost Serjeant Delaney namely "You old lugger, I will knock your day-lights out when I can lay my hands on you" or words to that effect Thirdly - For having at Bellary on the Fifth Day of June One thousand Eight hundred and Sixty five when a Prisoner undergoing the Sentence of a District Court Martial in the Garrison Prison disobeyed the lawful Command

Command of his Superior Officer Lance Corporal William Marse of the Second Battalion Twenty first Fusiliers, to turn out to work, Saying "I'll not turn out to work for the best bloody man in India" "or words to that effect. And Whereas the said Driver John Randall was sentenced by the said General Court Martial to Penal Servitude for ten years and the said Sentence was approved and Confirmed by his Excellency Lieutenant General Sir John Gaspard Le Marchant G. C. M. G Commander in Chief of the Madras Army And Whereas a notification in writing of the aforesaid Conviction and Sentence of the said Driver John Randall hath by his Excellency the said Lieutenant General Sir John Gaspard Le Marchant been made to me The Honorable Sir Colley Harman Scolland 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 Driver John Randall 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 Driver John Randall 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 Driver John Randall for the residue of the Term of his aforesaid Sentence - Given under my hand at Madras in the East Indies this Seventh Day of August in the Year of our Lord One thousand Eight hundred and Sixty five.

xd
C.A.

(Sign'd) P. O. Sullivan
Offg Clerk of the Crown.

A True Copy

P. O'Sullivan
Offg Clerk of the Crown

Proceedings of the Madras Govt.

Read the following papers:—

Letter from the Clerk of the Crown — Inter 8th Augt. '65.

Do. from the Commissioner of Police — 11th do — No. 88.

Memo. from the Superintendent of Marine — 14th do. — " 2906.

Order — 15th August 1865 — No. 1131.

The Commissioner of Police is requested to arrange, in communication with the Superintendent of Marine, for the embarkation of the Military Offender, John Rundall, on the Ship Theresa, for conveyance to England.

The Commr. of Police.
" Superintendent of Marine. — 5

Proofsheets.

Judicial 1865 Department.

No. 113X

PROCEEDINGS OF GOVERNMENT.

Dated 15th August 1865.

Judicial Letter to Govt 12th Sept.
No 12 of 1865

116 to 119.