

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1266	Press ~~Mis.~~
Dated	7-9	19-1865

58-60

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
7th September 1865.*

Read the following papers :—

No. 58. From Lieutenant Colonel B. E. BACON, Officiating Deputy Secretary to the Government of India; to Colonel H. MARSHALL, Secretary to Government, Fort Saint George, dated Fort William, 26th July 1865, No. 567.

Military Department.

I am directed to request that you will move the Government of Fort Saint George, to favor the Government of India with an early reply to letter from this Department, No. 256, of the 13th June 1865, enquiring whether William Buckley, late a Private in the 102nd Madras Fusiliers, has any claim to a free passage to England, and under what circumstances he was allowed to remain in India on the completion of his term of imprisonment.

To the Judicial Department, with reference to Military No. 3205, transferred on the 26th June 1865.

FORT SAINT GEORGE,

9th August 1865.

(Signed) H. MARSHALL, Colonel,
Secretary to Government.

Referred to the Acting Inspector General of Jails, in continuation of G. O., of the 30th June last, No. 923, for immediate attention:

FORT SAINT GEORGE,

19th August 1865.

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

No. 59. From Lieutenant Colonel W. J. WILSON, Acting Inspector General of Jails, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Bangalore, 28th August 1865, No. 214.

I have the honor to return the letter of the Officiating Deputy Secretary to the Government of India, in the Military Department, forwarded to me on the 9th instant, for immediate attention, with

Judicial Department.
30th June 1865, No. 923.

reference to the order of Government noted in the margin.

2. It is asked whether William Buckley, late a Private in the 102nd Madras Fusiliers, has any claim to a free passage to England, and also under what circumstances he was allowed to remain in India at the completion of the term of his imprisonment; but as the answer to the first question depends very much upon that to the second, I was obliged to refer to the Session Judge at Ootacamund for information on the subject, and I herewith annex copy of his reply, received yesterday, from which it will be seen that Buckley did not apply for a free passage, either to England or elsewhere.

3. William Buckley belonged to the Madras Fusiliers, and not to the 102nd. Had he done so, this question would not have arisen, as in that case he would have been sent to England, there to undergo his sentence. Men of the Honorable East India Company's European Regiments under sentence of Penal Servitude were of late years sent to Western Australia, and Buckley, together with three other men of the same service, viz., Walker, Summers, and Berry, were sent to the Madras Penitentiary about the beginning of 1861, there to await the means of transport to that Colony; but such not being procurable, they were transferred to the Prison at Ootacamund, and shortly before the release of the three men last named, application was

*Proceedings of the Madras Government, Judicial Department,
7th September 1865.*

made to Government by the Inspector General of Jails for free passages. These

Judicial Department.
14th January 1865, No. 86.
Judicial Department.
18th July 1865, No. 105.

applications were referred to the Military Department, and passages were granted to all, although it ultimately turned out that Walker was the only one who availed himself of the privilege.

4. As Buckley was released* about two months before any of the others, it is possible that he may have been ignorant that a free passage might have been procured for him, and I do not know of any reason why the same bounty should not be extended to him as was accorded to his fellow prisoners, unless the fact of his not having asked for it at the time of his release should be considered a bar.

* 28th September 1864.

From A. W. PHILLIPS, Esq., Session Judge in charge of European Prison, Ootacamund, to Lieutenant Colonel W. J. WILSON, Acting Inspector General of Jails; dated Ootacamund, 24th August 1865, No. 55.

I have the honor to acknowledge the receipt of your letter, No. 196, of the 21st instant, and in reply beg to state that William Buckley made no application for a free passage either to England or elsewhere, while a prisoner in the Ootacamund Jail. It was understood, moreover, that as he had a wife residing somewhere in or near Madras, he had no desire to leave the country after the completion of the term of his imprisonment.

2. I am not aware that he has any claim to a free passage to England or elsewhere, unless the fact of his being a discharged Soldier entitles him to it.

3. On his release from this Jail, the sum of Rupees 71-8-6, being the amount to his credit on account of labor while in Jail, was paid to him, and he was also supplied with a suit of upper and under clothing, with a change of body linen.

4. His conduct in Jail was good, and he made himself very useful in making up clothing for the prisoners.

(True Copy).

(Signed) W. J. WILSON,
Acting Inspector General of Jails.

No. 50. To the Secretary to the Government of India, Military Department, Fort William, dated Fort Saint George, 7th September 1865, No. 1266.

In acknowledging the receipt of the letters noted in the margin, I am directed

No. 256, dated 13th June 1865, from Officiating Deputy Secretary Lieutenant Colonel B. E. Bacon.
No. 567, dated 26th July 1865, from do.

to inform you, in reply, that William Buckley, having belonged to a local Regiment (the Madras Fusiliers), and a

passage to Western Australia—to which Colony it was the practice to send Military convicts of this class—not having been procurable, underwent his sentence first in the Madras Penitentiary, and subsequently in the Ootacamund Jail, and that on his discharge he was not granted a free passage to England, merely because, as will be seen from the annexed letter from the Acting Inspector General of Jails, he did not apply to be sent anywhere on the expiration of his sentence.

2. As it is the practice of this Government to grant free passages to England, or the Colonies, to time-expired European convicts, I am to add that, had any application been made on behalf of Buckley, it would have been complied with.

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

Ed. J. H. Burns.

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Judicial Department:
No. 1266-

To

The Secretary to the Government
of India.

Military Department,
Fort William

Sir,

*No. 256 dated 13th June 1865
from Officiating
Deputy Secretary Lieut. Col.
B. E. Bacon.*

*No. 567 dated 26th July 1865
from do.*

In acknowledging the receipt of the letters noted in the margin, I am directed to inform you in reply, that William Buckley, having belonged to a local Regiment (the Madras Fusiliers) and a passage to Western Australia, to which Colony it was the practice to send Military convicts of this class, not having been procurable, underwent the sentence first in the Madras Penitentiary and subsequently in the Ootacamund Jail, and that on his discharge

discharge he was not granted
a free passage to England
merely because, as will be
seen from the annexed letter
from the Acting Inspector-
General of Jails, he did not
apply to be sent anywhere
on the expiration of his sentence.

2 As it is the practice
of this Government to grant
free passages to England or
the Colonies to time expired
European Convicts, I am to
add that had any application
been made on behalf of
Buckley, it would have been
complied with.

W. R.

Fort St. George.
7 September/65

Sent 26th Sept/65

126 Pro. of Supr.
Judicial 1855 Departt

N^o 1266.

To
The Secy. to the Govt.
of India

Dated 7th September 1855
F.P. 27/48

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