

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

1394

Press
Mis.

294-296.

Dated

28. 9. 1865

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Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,

28th September 1865.

Read the following papers :—

No. 294. 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, 14th September 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 Le Marchant, G. C. M. G., Commander-in-Chief, for the intermediate custody of Private Patrick Glynn, of Her Majesty's 105th 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 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 Adjutant General, H. M.'s B. Forces.

No. 295. From Captain C. S. HEARN, Officiating Commissioner of Police, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Madras, 19th September 1865, No. 103.

With reference to the Minutes of Consultation noted in the margin, I have the

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

* H. M.'s 105th Regiment of Foot.

honor to report, for the information of His Excellency the Governor in Council, that Patrick Glynn,* a Military Convict,

under sentence of Penal servitude for five years, was received into the Penitentiary yesterday.

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

No. 296. ORDER THEREON, 28th September 1865, No. 1394.

The Governor in Council directs that the Military offender, named in the foregoing letters, be removed to England, to be there dealt with according to law. The Superintendent of Marine is requested to engage the necessary passage, on a vessel carrying Troops, or Invalids, returning to England.

(True Extract).

Acting Secretary to Government.

To the Commissioner of Police.

„ Superintendent of Marine.

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

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 Her Principal Secretaries of State to such Presidency or Colony;— and such Offender shall according to such direction 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 Patrick Glynn Regimental Number Seven hundred and Nineteen in Number Five or Captain Joseph Bradish's Company of Her Majesty's One hundred and Fifth Regiment of Foot was tried by a General Court Martial holden at Trichinopoly, on the Twentieth Day of July One thousand Eight hundred and Sixty five and found guilty upon the following Charges.

Firstly—For having at Trichinopoly on or about the first of July One thousand Eight hundred and Sixty five Struck with his fist on the face his superior Officer Captain Henry

James Bell of the same Regiment, being in the execution of his Office at the same time saying "I'll do for you yet," or words to that effect.

Secondly—For having at Trichinopoly on or about the first of July One thousand Eight hundred and Sixty five, when a Prisoner in the Guard for the above offence, used threatening language to his superior

Officer Captain Henry James Bell, of the same

Regiment

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Regiment, namely, "I'll do for you or you will do for me" or words to that effect. And Whereas the said Private Patrick Glynn was sentenced by the said General Court Martial to Penal Servitude for Five years and the said sentence was approved and confirmed by His Excellency Lieutenant General Sir John Gaspart 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 Private Patrick Glynn hath by His Excellency the said Lieutenant General Sir John Gaspart Le Marchant been made to me The Honorable Sir Colley Harman Scotland 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 Private Patrick Glynn be removed and sent as soon as conveniently may be to the Penitentiary at Madras as the place of immediate custody of and for the said Private Patrick Glynn 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 Patrick Glynn for the residue of the Term of his aforesaid sentence. Given under my hand at Madras in the East Indies this thirteenth Day of September in the year of our Lord One thousand Eight hundred and Sixty five.

(Sig^d) P. O. Sullivan
Off^r Clerk of the Crown.

(A True copy)
P. Sullivan
Off^r Clerk of the Crown

Read the following letters:— 4
From the Clerk of the
Crown— Jinter 14th Sept. '65.

" the Commissioner
of Police— 19th do. N^o. 103.

Order— 28th September 1865 N^o. 1394.

The Governor in Council directs
that the Military Offender nam-
ed in the foregoing letters, be
removed to England to be there
dealt with according to law.
The Superintendent of Marine
is requested to engage the neces-
sary passage on a vessel carry-
ing Troops or Invalids returning
to England.

The Commissioner of
Police. }
" Superintendent of }
Marine. } desd 30/9

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