

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1555	Press MIS.
Dated 1-11-1865	

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
1st November 1865.*

Read the following papers:—

No. 4. From the Officiating Clerk of the Crown, to the Chief Secretary to Government, Fort Saint George; dated Madras, 24th October 1865.

I have the honor to forward, by the direction of the Honourable Sir Colley Harman Scottland, 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. B., Commander-in-Chief, for the intermediate custody of Private Bryan Smith, of Her Majesty's 2nd Battalion, 10th 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.

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 R. Forces.

No. 5. From the Acting Commissioner of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 28th October 1865, No. 110.

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

the honor to report, for the information

Judicial Department, No. 705, dated 12th June 1865.

* Her Majesty's 10th Regiment of Foot.

of His Excellency the Governor in Council, that Bryan Smith,* a Military Convict under sentence of Penal Servi-

tude for five years, was received into the Penitentiary yesterday.

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

No. 6. Order received, 1st November 1865, No. 1555.

The Superintendent of Marine is requested to provide passage to England for the Military offender, Bryan Smith, arrived at the Penitentiary under sentence of Penal Servitude.

(True Extract).

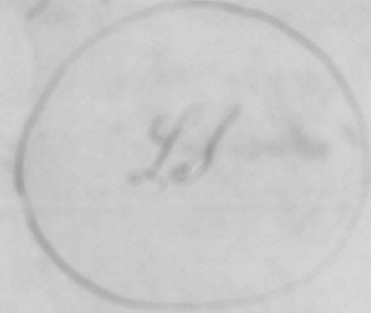
Acting Secretary to Government.

To the Superintendent of Marine.

cc Acting Commissioner of Police.

Edw. J. H. Burns.

[Signed] G. H. Dutton



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, detaining
and disposing of the better payment of the Army and
their Disasters. It is amongst other things enacted that whenever
any Sentence of Penal Servitude heretofore or hereafter passed upon
any Offender by any Court Martial held 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 be as aforesaid
be committed 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 accordance 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 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

from 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 town
or in the Colony or place to which he has been removed or sent
respectively. And Whereas Private Bryan Smith
Number Three hundred and Seventy Nine in
His Majesty's Second Battalion Tenth Regiment was tried by
a General Court Martial holden at Bangalore on the Twenty
Third Day of September One thousand Eight hundred and
Sixty five and found guilty upon the following Charge
"That he, Bryan Smith on or about the Twenty Sixth of
August One thousand Eight hundred and sixty five, at Bangalore
being then and there a Soldier serving in India, in the service
of His Highness the Rajah of Mysore, did commit larceny
House Trespass by night in the house of Captain Robert
Armitage of His Majesty's Second Battalion Tenth Regiment
with intent to commit theft." And whereas the said
Private Bryan Smith was sentenced by the said General
Court Martial to Penal servitude for Five years and the
said sentence was approved and confirmed by the Honorable
Lieutenant General Sir John Gaspard Le Marchant
Commander in Chief of the Madras Army. And Whereas
a notification in searching of the aforesaid Conviction and
sentence of the said Private Bryan Smith hath by His
Excellency the said Lieutenant General Sir John Gaspard
Le Marchant been made to me The Honorable Sir
Colley Ker of the High Court of Judicature at Madras aforesaid
pursuant to the directions in the said Statute contained.
It is therefore Ordered by me that the said Private
Bryan Smith 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 Private Bryan
Smith then to remain in Custody until duly removed to
such

such place as the Honorable the Governor in Council may
be pleased to appoint and signify for the said Private Bryan
Smith for the residue of the Term of his aforesaid sentence
Given under my hand at Madras in the East Indies this
Twenty first Day of October in the year of our Lord One
Thousand Eight hundred and sixty five.

(Sd) R. Brooks

Deputy Clerk of the Crown

A True copy,

M. B.

Deputy Clerk of the Crown

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Read letter from the Clerk of the Crown - 24 Oct 1865 -
" " Acting Commissioner of Prisons - 22 - 22

Order of Council, 1st November 1865. N^o 1555.

The Superintendent of
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passage to England for the Military
offender, Bryan Smith, arrived at
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of Penal servitude -

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The Capt of Marine } despatch
" " of Prison } despatch

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