

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 393

Press
Mis.

Dated 13.3.1974

Not to be folded or roughly handled

Judicial-1865
C.O. 393-13.3.1974
74-76
10/45 1192/57/96
corroborating
9/4/96
11/4/96

*Proceedings of the Madras Government, Judicial Department,
13th March 1865.*

Read the following papers:—

No. 74. From J. D. MAYNE, Esq., Clerk of the Crown, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated 20th January 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 James Hope Grant, G. C. B., Commander-in-Chief, for the intermediate custody of Private Daniel Callaghan, 3rd Battalion 60th Royal Rifles, 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.

The date of the trial of Private Daniel Callaghan of the 3rd Battalion 60th Royal Rifles.

Private Daniel Callaghan was tried at Rangoon, on Monday, the 12th Day of September 1864.

CROWN OFFICE, MADRAS,
20th January 1865.

(Signed) J. D. MAYNE,
Clerk of the Crown.

No. 75. From Lieutenant Colonel W. J. WILSON, Commissioner of Police, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Madras, 8th March 1865, No. 28.

With reference to the Extract from Minutes of Consultation noted in the

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

Margin, I have the honor to report, for the information of the Governor in Council, that a Military Convict*, under sen-

* Daniel Callaghan 3rd Battalion 60th Rifles.

tence of Penal Servitude for six years, was received into the penitentiary yesterday.

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

No. 76. ORDER THEREON, 13th March 1865, No. 393.

The Superintendent of Marine is requested to engage passage to England for the Military Offender, Daniel Callaghan, arrived at the Penitentiary under sentence of Penal Servitude.

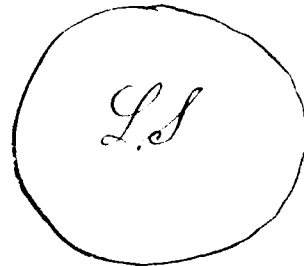
(True Extract).

Chief Secretary.

To the Superintendent of Marine.
„ Commissioner of Police.

Ed. J. H. Burns.

C. B. Scotland



Whereas in and by an Act of Parliament
passed in the Twenty. 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
Navy. It is amongst other things enacted that when
Sentence of Penal Servitude heretofore or hereafter passed upon any
Offender by any Court Martial. 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 a shorter term or who
passed by any such Court Martial has been
be commuted to Penal Servitude
Officer Commanding Her Majesty's Forces at his residence
where the Prisoner may come or be or
Adjutant General for the same or
Supreme Courts of Judicature in India or elsewhere
or some other Judge the case or
Foreign Do. shall make Rules
Servitude awarded to any of such offender and upon
any such Order being made it shall be duly
Governor of the Presidency if in the India
Colony if in any of Her Majesty's Colonies
who shall for the time being be exercising the
all causes such order to be removed
Colony or to undergo his Sentence
any where the Prisoner was so sentenced, or where he may come
as aforesaid or decline to directions removal and
all from the

from Her Majesty through One of Her Principal Secretaries of
State such Presidency or Colony, and such Offenders shall
according to such direction undergo the sentence of Penal Servitude
shall have been passed upon him either in the Presidency
Colony or in the place to which he has been sentenced or in the Colony or
place to which he has been sentenced.

imprisoned and to hard labour and otherwise shall
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 sentence by the judgment of a Court
of Competent Jurisdiction. Such Presidency Colony or in
any or place to which he has been sentenced or in the
Colony or in the place to which he has been sentenced.
And Whereas Private Daniel Gallagher
Regimental Number One Thousand Three hundred

Number Eight or Nine Edward Campbell and his
company of the Third Battalion Sixtieth Royal Rifles was
being held at Rangoon on
Monday the Twentieth Day of September One Thousand
Eight hundred and Sixty four and found guilty upon the following
Charge. That he Daniel Gallagher on or about the Eleventh
Month of August Eight hundred and Sixty four, at Rangoon
being then there Soldier serving in the
of upwards of one hundred and twenty English miles from
the Residences of Port Blair, Fort Saint George, and

John H. Cernellon of the same Battalion by discharging at
him a Rifle loaded with Gunpowder and a Bullet, with
the intention of causing his death. And Whereas the said
Private Daniel Gallagher was sentenced by the said
General Court Martial to Penal Servitude for six years

and the said sentence was approved and confirmed
by His Excellency Lieutenant General Sir
G. G. B. Commander in Chief of Madras Army. And
Whereas the said sentence of Six years Penal Servitude was
concurred in by His Excellency the Governor
And Whereas notification of the
conviction and sentence of the said Private Daniel
Gallagher by His Excellency the said Lieutenant General
H. G. B. has been made to me The Honorable
Herbert Scottland Knight Chief Justice of the High Court
of Judicature at Madras aforesaid pursuant to the direction
in the said Act contained. It is therefore ordered by me
that the said Private Daniel Gallagher be removed
and sent as soon as conveniently may be to the Penitentiary
at Madras as the place of intermediate custody

custody until duly removed to such place as The Honorable
the Governor in Council may think fit to appoint
Signify for the said Private Daniel Gallagher
Residue of the Term of his aforesaid sentence
my hand at Madras East Indies this Twentieth
Day of January in the Year of our Lord One Thousand
Eight hundred and Sixty five.

Ed
Ed
(Signed) John D. Haynes
Clerk of the Crown
A True Copy
John D. Haynes
Clerk of the Crown

Proceedings of the Madras Govt.

Read the following letters -

From the Clerk of the
Crown - Inter 20 Jan'y '65.

• the Commissioner
of Police - 8th Mar '65 N^o 28.

Order - 13 March 1865 N^o 393.

The Superintendent of Marine
is requested to engage passage
to England for the Military
Offender, Daniel Callaghan,
arrived at the Penitentiary,
under sentence of Penal Serv-
itude.

The Suptd. of Marine. }
• Commr. of Police } des^d 16/3