M.R.O. 1—38,000—16-10-28.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	877	Press Mis.
Dated	20-4	19 1865

136-139

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
20th April 1865.

Read the following papers :—

No. 136. From B. BROOKS, Esq., Deputy Clerk of the Crown, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George ; dated Madras, 24th March 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 Thomas Clarke, of Her Majesty's 2nd Battalion 21st Royal Fusiliers, 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.

No. 137. 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, 4th April 1865.

With reference to my letter of the 24th ultimo, I have the honor to forward a copy (in duplicate) of the Descriptive Return of Private Thomas Clarke, of Her Majesty's 2nd Battalion 21st Royal Fusiliers, who has been sentenced by General Court Martial to Penal Servitude for fourteen years.

No. 138. From Lieutenant Colonel W. J. WILSON, Commissioner of Police, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George ; dated Madras, 10th April 1865, No. 38.

With reference to the Minutes of Consultation noted in the margin, I have the honor to report, for the information of the Governor in Council, that Thomas Clarke,* a Military Convict under sentence of Penal Servitude for fourteen years, was received into the Penitentiary on the 8th instant.

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

* 2nd Battalion 21st Fusiliers.

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

No. 139. ORDER THEREON, 20th April 1865, No. 597.

The Superintendent of Marine is requested to provide passage to England for the Military Offender referred to in the foregoing letters.

(True Extract).

Chief Secretary.

To the Superintendent of Marine.
„ Commissioner of Police.

Exd. J. H. Burns.

Whereas in and by an Act of Parliament
passed in the Twenty ~~eleventh~~ Year of the Reign of Her Majesty Queen
Victo[illegible] y and
better pro[illegible]ny and their Quarters &c.
things
hereafter passed upo[illegible] offende[illegible]
[illegible]
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
[illegible]
[illegible]
of [illegible]une ben[illegible] ere
of Judica[illegible] India or the Chief Justice
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 Her Principal Secretaries of State to such
Presidency

[illegible] C. A. Scotland

Le[illegible]

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 Private Thomas Clarke, Regimental Number One Thousand Six hundred and Thirty one, in Number Two or Captain Aubrey William Agilvie Saunder's Company of Her Majesty's Second Battalion Twenty first Royal Fusiliers was tried by a General Court Martial holden at Bellary on the Second February One Thousand Eight [illegible] Convicted upon the following Charge. For having at Bellary on the Thirtieth December One thousand Eight hundred and sixty four, when a Prisoner at the Orderly Room under enquiry into a previous offence, Struck with his fist on the face Major Edwin Ashley Tucker Steward, Commanding the same Battalion, his Superior Officer being in the execution of his Office, at the same time Saying "It's my discharge I want," or words to that effect. And Whereas the said Private Thomas Clarke was sentenced by the said General Court Martial to Penal Servitude for Fourteen years, and the said Sentence was approved and confirmed by His Excellency Lieutenant General Sir James Hope Grant G.C.B. Commander in Chief of the Madras Army. And Whereas a notification [illegible]

Chief Justice of the High Court of Judicature at Madras aforesaid pursuant to the directions of the said Act contained. It is therefore ordered by me that the said Private Thomas Clarke be removed and sent as conveniently may be to the Penitentiary at Madras as the place of Intermediate Custody of and for the said Private Thomas Clarke 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 Thomas Clarke for the residue of the Term of his aforesaid Sentence. Given under my hand at Madras in the East Indies this Twenty third Day of March in the year of our Lord one Thousand Eight hundred and Sixty five.

(Signed) B. Brooks.
Actg Clerk of C.J.

A True Copy

Brooks

Dy Clerk of the Crown

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters —

From the Clerk of the Crown — Inter 24th Mar. & 4th Apl. 65.

" the Commissioner of Police — 10 Apl 65 No. 38

Order — 20th April 1865 No. 597.

The Superintendent of Marine is requested to provide passage to England for the Military Offender referred to in the foregoing letters.

The Superintendent of Marine. } "
" Commr. of Police. } dest 21/4

Judl. Letter Engd. 7th June No. 8 of 1865

Judicial 1865 Department.

No. 597

PROCEEDINGS OF GOVERNMENT.

F.C. 996.

Dated 20th April 1865

136 to 139.