

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	947	Press
		Mis.
Dated	6-7	19-1835

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

6th July 1865.

Read the following papers :—

No. 20. From A. P. HOWELL, Esq., Under Secretary to the Government of India, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George ; dated Fort William, 20th March 1865, No. 2000.

Home Department.

With reference to your letter, No. 53, dated the 11th January last, to the address of the Government of Bengal,

Letter, No. 2569, dated 18th March 1865, to the Government of Bengal.

Letter of this day's date to Chief Commissioner British Burmah.

I am directed to forward, herewith, copy of the orders noted in the margin, from which it will be observed that His

Excellency the Governor General in Council has decided to grant a *conditional* pardon to prisoner John Smith, for both of the offences (larceny and jail breaking) committed by him, and to sanction his transfer to Port Blair.

2. I am, accordingly, to request you will have the goodness to take the necessary steps for transmitting the prisoner to Port Blair, where, pending the receipt of the pardon, which will be forwarded as soon as it is ready, he will be retained in custody.

From A. P. HOWELL, Esq., Under Secretary to the Government of India, to the Honorable A. EDEN, Secretary to the Government of Bengal; dated Fort William, 18th March 1865, No. 2569.

Home Department.

I am directed to acknowledge the receipt of your letter, No. 1127, dated the 24th ultimo, regarding a prisoner, named John Smith, who is recommended by the Inspector of Jails at Madras for a free pardon, but whom the Lieutenant Governor proposes for transfer to Port Blair on a ticket of leave.

2. In reply, I am desired to observe that, if it will be necessary for the prisoner to come to Calcutta by the end of the year, to work out his second sentence, it does not seem expedient to send him to Port Blair only for the remaining portion of his first sentence. He would probably pass three months of the short intervening time in going and coming, and the expense of removing him would not be inconsiderable.

3. Nor does the Governor General in Council desire to grant a free pardon in opposition to the opinion of the Lieutenant Governor. His Excellency in Council has, therefore, decided to grant a *conditional* pardon for both of the offences (larceny and jail breaking) committed by the prisoner, the conditions being that the prisoner shall reside at Port Blair, and serve there under the orders of the Superintendent of the Settlement, and performing such duties as that officer may direct, until the period of both sentences has expired. The necessary documents will be forwarded direct from this office to the Government of Madras, who will likewise be requested to take steps for transmitting the prisoner to Port Blair.

From A. P. HOWELL, Esq., Under Secretary to the Government of India, to Lieutenant Colonel A. P. PHAYRE, Chief Commissioner of British Burmah; dated Fort William 29th March 1865, No. 2399.

Home Department.

I am directed to forward, for your information, a copy of the documents noted in the margin,

Letter from the Government of Bengal, No. 1127, dated 24th

February 1865, and enclosure.

Do. to do. No. 2569, dated 18th March 1865.

Do. to Government of Madras, No. 2000, dated the 29th March 1865.

and at the same time the accompanying pardon for prisoner John Smith, to whom the Governor General in Council has granted a *conditional* pardon, for both of the offences (larceny and jail breaking) committed by him, the conditions

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6th July 1865.*

being that he shall reside at Port Blair, and serve there, under the orders of the Superintendent of the Settlement, until the period of both sentences has expired.

2, The prisoner John Smith will be retained as an ordinary prisoner under sentence, until the receipt of the pardon at Port Blair.

(True Copies).

(Signed) A. P. HOWELL,
Under Secy. to the Govt. of India.

No. 185.

MEMORANDUM.

No. 21.

In transmitting the enclosed letter from the Government of India, dated 29th ultimo, No. 2900, the Chief Secretary to Government has the honor to request that the Superintendent of Marine will be good enough to inform him whether an opportunity is likely to offer for engaging passages to Port Blair for convict John Smith, who is at Ootacamund, and the convict referred to in G.O. of the 15th instant, No. 583, who has not proceeded by the Steamer *Arracan* as was intended.

FORT SAINT GEORGE,

27th April 1863.

To the Superintendent of Marine.

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

No. 1467.

No. 22.

OFFICIAL MEMORANDUM.

In reply to Official Memorandum of this day's date, No. 185, from the Honorable the Chief Secretary, the Superintendent of Marine has the honor to inform him that there is no likelihood of an early opportunity occurring for the transport of John Smith, or the convict referred to in Government Order of the 15th instant, No. 583, to Port Blair direct. The *Arracan* will shortly be going to Rangoon, and it would appear advisable that they be sent to that station, there to await the departure of some vessel bound for the Penal Settlement to which they have to proceed.

MADRAS, MARINE SUPERINTENDENT'S OFFICE,

27th April 1865.

To the Chief Secretary to Government, Fort Saint George.

(Signed) J. J. FRANKLIN,
Superintendent of Marine.

No. 23. From Captain H.N. DAVIES, Secretary to Chief Commissioner British Burmah, to the Secretary to the Government of India, Home Department; dated Rangoon, 16th May 1865, No. 183.

I have the honor, by direction of the Chief Commissioner, to state, with reference to Mr. Under Secretary Howell's letter, dated 29th March last, No. 2899, that the conditional pardon received therewith, for John Smith, was forwarded to the Superintendent of Port Blair, on the 6th April, and that Major Ford reports, under date the 10th May (instant), that he had heard nothing regarding the prisoner from the Madras authorities up to that date.

No. 1418.

Copy forwarded to the Government of Fort Saint George, for information, in continuation of No. 2900, dated the 29th of March.

HOME DEPARTMENT,
SIMLA, 13th June 1865.

(By Order).
(Signed) A. P. HOWELL,
Under Secy. to the Govt. of India.

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6th July 1865.*

No. 24.

ORDER THEREON, 6th July 1865, No. 947.

As it appears that there is no immediate prospect of an opportunity offering for sending the convicts referred to in the foregoing letters direct to Port Blair, the Governor in Council directs that the Superintendent of Marine will arrange, in communication with the officer in charge of the European Prison at Ootacamund, and the Commissioner of Police at Madras, for their being sent to Rangoon, in view to their transmission from that place to Port Blair.

Martin Murphy.
John Smith.

2. Mr. Franklin will report when the prisoners in question are likely to be embarked, in order that the necessary communication may be made to the authorities at Rangoon.

(True Extract).

Acting Secretary to Government.

To the Superintendent of Marine.

„ Commissioner of Police.

„ Inspector General of Jails.

Exd. J. H. Burns.

7 3 V
Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
papers:-

From the Under Secretary
to the Govt of India, Home Dept. } Res enters 29th March 1855,
Memorandum of the Chief of the } No 2900
Superintendent of }
Marine. } 27 April 1855 No 1457
Under Secy to the
Govt. of India, Home Dept. } 13 June 1855 - 1118

Order thereon 6th July 1855 No. 947.

Martin Murphy
John Smith

As it appears that
there is no immediate
prospect of an opportunity
offering for sending the
convicts referred to in the
foregoing letter direct to
Port Blair, the Governor,
in Council directs that
the

The Superintendent of
Marine will arrange,
in communication with
the officer in charge of
the European Prison at
Pootacamund and the
Commissioners of Police at
Madras, for their being
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To the Capt. of Marine }
- Commr. of Police. } a
- - Inspector Genl. of Jails } b

Put in list.

1865
Judicial 1865. Department.

No. 947.

PROCEEDINGS OF GOVERNMENT.

Dated 6. 8. 1865.
J. L. 1865.

Case No. 88-87
11/1/65