

*Proceedings of the Madras Government, Judicial Department,
24th December 1866.*

Read the following papers:—

No. 184. From the Acting Clerk of the Crown, to the Chief Secretary to Government, Fort Saint George; dated Madras, 15th December 1866.

I have the honor to forward, by the direction of the Honorable Sir Adam Bittleston, Knight, Officiating 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. M. I., Commander-in-Chief, for the intermediate custody of Private John Hurley, of Her Majesty's 102nd 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 abovenamed individual.

No. 185. From the Commissioner of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 20th December 1866, No. 125.

With reference to the Minutes of Consultation noted in the margin, I have the honor to report, for the information of His Excellency the Governor in Council, that John Hurley, a Military Convict under sentence of Penal Servitude for eight years, was received into the Penitentiary yesterday.

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

No. 186. ORDER THEREON, 24th December 1866, No. 1998.

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

(True Extract).

Chief Secretary.

To the Superintendent of Marine.
„ Commissioner of Police.

Ed. J. H. Burns.

(247) Skittlestone

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Whereas in and by an act of Parlia-
ment passed in the Twenty Ninth Year of the
Reign of Her Majesty Queen Victoria entitled "
An act 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.

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 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 John Hurley Regimental Number Three Thousand Four hundred and Thirteen in the 4th or Captain Lawrence Anthony Murray Graham's Company of 102nd Regiment was tried by an European General Court Martial holden at Cannanore on the Second Day of November One Thousand Eight hundred and sixty six and found guilty upon the following Charges. First Charge For having at Cannanore on or about the Twelfth September one Thousand

Eight

Eight hundred and sixty six failed to appear at the place appointed by his Commanding Officer for evening Roll call. Second Charge For having at the same place as set forth in the first charge and between the 9th of August and Twelfth of September One Thousand Eight hundred and sixty six made away with the following articles of Regimental Clothing necessaries and Bedding namely one Great Coat, one cloth Tunic, one Pair of cloth Trowsers, (Government Clothing in wear) Two White Tunics, Two Flannel shirts, Two Pair of Cotton socks, one Pair of Woollen socks, one Hair Brush, one Helmet Puggree, one Bible, one Prayer Book, one Blanket and one sheet. Fourth Charge For having at the same place as set forth in the first charge and on or about the 13th September one Thousand Eight hundred and sixty six when a Prisoner being paraded for the orderly Room struck with his hand on the face Sergeant Major Maurice Pearson of the same Regiment his superior officer being in the execution of his office. And Whereas the said Private John Hurley was sentenced by the said General Court Martial to Penal servitude for a term of Eight years and the said sentence was approved and confirmed by His Excellency Lieutenant General Sir John Gaspard Le Marchant G. C. B. G. Commander-in-Chief of the Madras Army and Whereas a notification in writing of the aforesaid Conviction and sentence of the said Private John Hurley hath by his Excellency the said Lieutenant General Sir John Gaspard Le Marchant been made to me The

Honorable

Honorable Sir Adam Bittleston Knight
officiating 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 John Hurley
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
John Hurley 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 John Hurley
for the residue of the Term of his aforesaid
sentence of Penal Servitude. Given under my hand
at Madras in the East Indies this Fifteenth Day of
December in the year of our Lord one Thousand
Eight hundred and sixty six.

(Sgd) B Brooks

By Clerk of the Crown

True copy

M. W. S.

By Clerk of the Crown

Ind. P. 21 - Dec 21/66
L. 1866

20/12/66
B. Brooks

102nd Royal Madras Engineers

Descriptive Register of a soldier
of the 102nd Regiment of Foot
who has been discharged the
service with ignominy

Commanded B
December 1866

Indt. Nov. 24. Dec. 1866

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Caennanore 11th December 1866

Company	Rank Name and Number	Crime	Sentence	When and where tried.	Whether he can read and write.	Single married or widower.	Former occupation or trade.	Whether he is convicted or transported and how often.	Character and Behaviour.	age		Height		Complexion	Color of Eyes	Whether he has any particular marks.
										Years	Months	Feet	Inches			
A.	Private John Hurley No 3413	First Charge: For having at Cannanore on or about the 13 th September 1866 failed to appear at the place appointed by his commanding Officer for receiving Roll call. Second Charge: For having at the same place as set forth in the first charge and between the 9 th of August and 15 th of September 1866 made away with the following articles of Regimental clothing: 1 pair of Tunic, 1 pair of cloth Trousers (Government clothing in wear), 2 white Tunics, 2 flannel shirts, 2 pair of cotton socks, 1 pair of cotton socks, 1 pair of braces, 1 flannel Belt, 1 hair brush, 1 helmet, 1 dagger, 1 tin of Blacking, 1 Bible, 1 Prayer Book, 1 Blanket, and 1 sheet. Third Charge: For having at the same place as set forth in the first charge, and between the 9 th of August and 15 th of September 1866 lost through neglect the following articles of his Regimental clothing: 1 pair of Tunic, 1 pair of cloth Trousers (Government clothing in wear), 2 white Tunics, 2 flannel shirts, 2 pair of cotton socks, 1 pair of cotton socks, 1 pair of braces, 1 flannel Belt, 1 hair brush, 1 helmet, 1 dagger, 1 tin of Blacking, 1 Bible, 1 Prayer Book, 1 Blanket, and one sheet. Fourth Charge: For having at the same place as set forth in the first charge and on or about the 13 th September 1866 when a Prisoner being paraded for the usual orderly Room struck with his hand with ignominy from the Prisoner to the Prisoner in the execution of their office on the face of Sergeant Major Maurice, superior officer being in the execution of his office.	The Court sentences the Prisoner John Hurley Regimental No 3413 Private in the 4 th or Captain Laurence Anthony Murray Graham's Company 102 nd Regiment of Foot to Penal servitude for a term of eight years. Recommendation The Court further recommend that the Prisoner Private John Hurley Regimental No 3413 of 102 nd Regiment be discharged with ignominy and also that he be marked in the right breast with the letters B C. Approved and Confirmed by J. Gaspard Le Marchant Esq. General in Chief, Commander in Chief, Portacampund 21 st November 1866. Remarks by His Excellency the Commander in Chief: This is the fourth conviction in less than 2 years against the Prisoner for the grave crimes of striking and using violence against his superior officers in the execution of their office. The Prisoner to be marked with the letters B C in the usual manner and discharged by order of His Excellency the Commander in Chief. J. M. Primrose, Colonel, 1 st Adjutant General. The Prisoner is to be discharged with ignominy in the manner directed in Paragraph 96, Regulation after which he is to be sent to the Prisoner under escort and delivered over to the custody of the Civil Power. J. C. Longcroft Esq. 1 st Adjutant General.	2 nd November 1866, Cannanore	Can neither read nor write	Single	Labourer	9 times convicted by Courts Martial	Bad	28	3	5	7	Fresh	Hazel	None With the exception of the letters B C on the right breast

Erasmus

(signed) J. Dineen — Lieutenant
Adjutant 102nd Royal Madras Fusiliers

W. Tullwin
Clerk of the Court

(signed) John Black Purvis - Colonel
Commanding 102nd Royal Madras Fusiliers

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
papers

From Secy. to Govt. of the Province (Dated 18. Decr 1866)
— Commr. of Police (— 20 — — No 125)

Order, No 1998 dated 24 Decr 1866.

The Superintendent
of Marine is request-
ed to provide passage
to England for the
Military Observers re-
ferred to in the fore-
going letter

So Supdt. of Marine
— Commr. of Police

24/12/66
D. P. R. 1866

Ind. Office to Secy. 22 March 1867.

Ind. of 9th May

Industrial 1866. Department.

No. 4998.

PROCEEDINGS OF GOVERNMENT.

8th. 45/67.

Dated 24 December 1867.

Ind. of 9th May

Ind. of 9th May

Ind. of 9th May

1866 1867

1867 1868