

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1223	Press ~~Mis.~~
Dated 31-7-1918	

Not to be folded or roughly handled

27/7/20

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*Proceedings of the Madras Government, Judicial Department,
31st July 1867.*

Read the following papers :—

No. 341. From the Acting Clerk of the Crown, to the Acting Chief Secretary to Government, Fort Saint George; dated Madras, 12th July 1867.

I have the honor to forward, by the direction of the Honorable Sir Colley Harman Scotland, Knight, Chief Justice, duplicate of order, and copy thereof made by His Lordship upon the requisition of His Excellency Lieutenant General Sir John Gaspard LeMarchant, G. C. M. G., Commander-in-Chief, for the intermediate custody of Private Thomas Jones, of the 2nd Battalion 10th 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 statement (in duplicate) containing the date of the trial of the above named individual.

No. 342. From the Commissioner of Police, to the Acting Chief Secretary to Government, Fort Saint George; dated Madras, 26th July 1867, No. 89.

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 Thomas Jones†, a Military Convict

under sentence of penal servitude for 5 years, was received into the Penitentiary yesterday.

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

No. 343. ORDER THEREON, 31st July 1867, No. 1223.

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

(True Extract).

Acting Chief Secretary.

To the Superintendent of Marine.
„ Commissioner of Police.

Ed. J. H. Burns.

Whereas in and by an Act of Parliament passed in the Twenty-Ninth 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 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 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 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 Colony who on receipt of such notification shall cause such Offender to be removed or sent to some other Colony or place

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place or to undergo his sentence within the Presidency or Colony where the Offender was 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 James Mulready Regimental Number One Thousand Seven hundred and Seventy Two in No One or Major Joseph Petrus Hendrick Crowes Company of Her Majesty's Second Battalion South Regiment was tried by a General Court Martial held at Bangalore on Wednesday the Third July One Thousand Eight hundred and Sixty seven and found guilty upon the following charges. First, That he James Mulready on the night of the Eighth July One Thousand Eight hundred and Sixty

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Sixty seven at Bangalore, being then and there a Soldier serving in India in the territories of His Highness the Rajah of Mysore, did commit house breaking by night in the house of Lieutenant General Edward Garstin in order to commit theft. Second, That he James Mulready on the night of the Eighth July One Thousand Eight hundred and Sixty seven at Bangalore being then and there a Soldier serving in India in the territories of His Highness the Rajah of Mysore, did commit theft in the house of Lieutenant General Edward Garstin by dishonestly taking therefrom, One glass tooth brush case, One gold brooch, One silver brooch, One small breast pin, a pair of earrings, and a watch box the property of Miss Louisa C Garstin. And whereas the said Private James Mulready was sentenced by the said General Court Martial to Penal Servitude for Eight years to commence at the expiration of the Imprisonment to which he Private James Mulready was sentenced by a District Court Martial on the twenty fifth June One Thousand Eight hundred and Sixty seven and the said sentence was approved and confirmed by His Excellency Lieutenant General Sir John Gaspard Le Marchant B. C. M. G. Commander in Chief of the Madras Army, and whereas a Notification in writing of the aforesaid Conviction and sentence of the said Private James Mulready hath by His Excellency the said Lieutenant General Sir John Gaspard Le Marchant been made to me, The Honorable Sir Colley Harman Scottland, Knight, Chief Justice of the High Court of Judicature at Madras aforesaid, pursuant to the directions in the said Act

Continued

contained. It is therefore ordered by me that the said
Private James Mulready 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 James Mulready 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 James Mulready for the
residue of the Term of his aforesaid Sentence of Penal
Servitude. Given under my hand at Madras in the
East Indies this Thirteenth Day of August
in the Year of our Lord One Thousand Eight hundred
and sixty seven.

(Sd) J. Sullivan
Clerk of the Court.

(A True copy)

J. Sullivan

Clerk of the Court

31st July 1867 H: 1223.

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21-3-68

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

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To The Superintendent of
Marine } depts. 3/8
- - - Commissioners of Police }