

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1933	Press
		~~Mis.~~
Dated	27—11—1918	7/10

Not to be folded or roughly handled

27th November 1867.

Read the following papers:—

No. 333. From the Acting Magistrate of South Canara, to the Chief Secretary to Government, Fort Saint George; dated Mangalore, 3rd October 1867, No. 35.

I have the honor to seek the orders of Government with reference to one O'Clery, a European British subject, who is perhaps a deserter, and certainly insane; and I submit a copy of the record with reference to him.

2. I was unable at first to come to a conclusion how much of method there might be in his madness, and apprehended him as an admitted soldier, unable to produce a discharge certificate, and therefore probably a deserter. The explanation that he gives is, however, quite as likely to be true as false, and can only be tested in Madras or Calcutta, by a reference to the discharge rolls of the late Honorable Company's European Regiments.

3. Whether a deserter or not though, he is clearly insane, as the record and his own letters will show—the poor man's conduct in my Court too was extraordinary, laughing freely at his own "figures of rhetoric," and exhibiting a strange fondness for his accuser; starting to pick up a pencil dropped by him, respectfully calling him "Captain," and wishing to talk over Ireland with him; desiring to take any employ under him, but under no one else; and citing him, and only him, as the person to stand security for his keeping the peace towards himself—he is possessed with the idea that Mrs. Baillie's Irish maid-servant is Captain Baillie's daughter; and, though he has never seen her for three full minutes of time, and never spoken a word to her, he is so determined to marry her in spite of all difficulties, that the house and its occupants are not safe from his pertinacity. He calls himself "a wounded mariner—*vulneratus non victus*," and Captain Baillie "a lever," a fulcrum," and so forth. The house had to be constantly guarded, and the prisoner watched, till he was confined in the Jail Hospital. His is something more than an extravagant love episode; and since he has been under observation in the Jail, I have learnt that he had once before been detained in the Lunatic Asylum at Madras. Whether he was discharged or escaped from thence I do not know, but it seems that his insanity is only a monomania, of which Captain Baillie's house is the one pivot, and that in all other respects he is perfectly harmless, so that, if he can only be removed to a sufficient distance from Mangalore, there will be no necessity for depriving him of his liberty; elsewhere, he would apparently be harmless. His desire is to go to Ceylon, where, in lieu of matrimony, he hopes to practise celibacy as a Roman Catholic Priest.

4. If I am at liberty to do so, I will arrange that he has an opportunity of a passage to Ceylon at the private cost of the charitably disposed people of Mangalore, who are interested in the poor man; and failing his accepting of the opportunity, which is improbable, I seek to be allowed to send him to the Madras Lunatic Asylum, under a medical certificate that he is a proper person to be temporarily taken care of. It seems to be once in two or three years that he is subject to monomania.

No. 80 of 1867.

Deposition on oath of Captain J. E. BAILLIE, Superintendent of Police, Mangalore.

Some ten or fifteen days ago, the prisoner now before the Court, calling himself Mr. O'Clery, came to my house to seek Police employment. I told him there was no vacancy, and I could do

that I will take any work under him ; otherwise I am ready to leave Mangalore in two hours. I was an Ecclesiastical Student—not I am ; I am now nothing. I can't remember what was my regimental number. I so often changed my rifle that there were a number of numbers. There was only one Charles McCarthy in the Light Company, though there were many other McCarthys in the Regiment. I was that Charles McCarthy. This will be found on the General Register. My discharge was signed at the Adjutant General's Office at Calcutta. I have heard the above read over, and it is substantially correct.

(Signed) C. M. O'CLERY.
This deposition, taken down by me with my own hand, this 19th day of September 1867, has been read over to the deponent in English language, which he understands, and has been acknowledged by him to be correct, and contains accurately the whole statement made by the accused person.

(Signed) H. S. THOMAS,
*Ag. Magistrate and
Justice of the Peace.*

I, the undersigned, J. Macpherson, Acting Zillah Surgeon of Mangalore, hereby certify that I, on the 18th day of September, at Public Bungalow, Mangalore, personally examined Charles McCarthy O'Clery, Mangalore, and that the said Charles McCarthy O'Clery is a person of unsound mind, and a proper person to be taken charge of and detained under care and treatment, and that I have formed this opinion on the following grounds, namely—

Facts indicating insanity observed by myself. From conversations I have had with him concerning Captain Baillie and a supposed Miss Baillie, when he told me he had spoken with the latter in volition, though never in person.

From his conduct and appearance in Court. From letters I have seen written by him to Captain Baillie, which are now in the hands of Mr. Thomas, in one of which he called himself a "wounded mariner," and Captain Baillie "a fulcrum" and "a lever"; from a letter to myself, in which he calls himself "an exile and bold outlaw," from a letter written by him to Mr. Thomas. All these letters will be forwarded along with this certificate by Mr. Thomas.

MANGALORE,
3rd October 1867.

(Signed) J. MACPIERSON, M. B.,
Acting Zillah Surgeon, Mangalore.

Referred to the Military Department, in order that, if possible, it may be ascertained whether the individual referred to is, or is not, a deserter from the Army.

FORT SAINT GEORGE,
28th October 1867.

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

Referred to the Provincial Commander-in-Chief (Adjutant General's Department).

FORT SAINT GEORGE,
1st November 1867.

(Signed) H. MARSHALL, Major Genl.,
Secretary to Government, M. D.,

No. 334. From the Adjutant General, to the Secretary to Government, Military Department; dated Fort Saint George, 16th November 1867, No. 614.

With reference to the correspondence referred with your docket of the 1st instant, I have the honor, by order of the Commander-in-Chief, to annex in the margin an extract from the Register of the late 3rd Madras European Regiment, of a discharged soldier, named "Charles McCarthy," formerly of the above Regiment.

Regimental No. 1170, Charles McCarthy, of the town of Kilmallock, County of Limerick, Ireland; by profession an Apothecary; enlisted at Cork on the 25th March 1857; arrived in India on the Steamer *Prince Arthur*, 10th October 1857, and discharged from the Army on the 20th November 1859.

2. The Superintendent of the Lunatic Asylum has reported that no man of the name of Charles McCarthy, a discharged Soldier from the above Corps, was ever an inmate of the Lunatic Asylum.

Forwarded to the Chief Secretary.

FORT SAINT GEORGE,
19th November 1867.

(Signed) C. S. ELLIOT, Major,
Offg. Dy. Secy. to Govt., M. D.

No. 335. ORDER THEREON, 27th November 1867, No. 1933.

From the letter received from the Adjutant General, above recorded, it appears that Charles McCarthy, *alias* O'Clery, is not a deserter, but that he was discharged from the Army on the 20th November 1859. The Governor in Council sees no objection, therefore, to Mr. Thomas procuring, in the manner suggested, a passage for McCarthy to Ceylon.

(True Extract).

Chief Secretary.

To the Acting Magistrate of South Canara.
,, Accountant General.
,, Military Department.

Exd. J. H. Burns.

To A.

Mr Bailey

Dear Sir,

I very much regret any irregularity which
may have occurred in the mode of proceeding on Monday
last.

I would very gladly rectify it if in my
power and be most happy to begin the term if it be
agreeable to Miss B. to her Dr. Mannin and self.

I have the honor to be,

Dear Sir,

Very sincerely yours

Sign'd W. M. O'Clery

Travellers

Bengalour

Sept 11/67.

P.S.

I am, in reply, with much oblige.

B.

Captain Baillie has to inform Mr O'Clery
that he has received his absurd communication and
takes this opportunity to request that he will in the
address him in future or enter his premises.

Captain Baillie informs Mr O'Clery that
in case of his giving further annoyance, he is prepared
to take such proceedings against him as may be
necessary.

12th September 1867.

C.

To

Captain Baillie.

Sir,

I thank you very sincerely for your candid

reply to my communication of yesterday.

And since you would not recognize me as your assistant, perhaps you might kindly do so in some subordinate capacity connected with the police department, as I should like to deal even at a disadvantage with an honorable gentleman such as you appear to be in my estimation.

Believe me very sincerely

Sir

Your Obedient Servant.

Signed C. M. O'Clery

Mangalore
Travellers Bungalow
September 12th 1867.

D.

To
Mrs Baillie

D^r Madam.

I presume you must be aware by this time that I ventured on the 11th instant a proposal for the hand of your amiable and excellent daughter Miss Baillie, but on the condition that such proposal coming from so humble an individual would not be offensive or disagreeable to her.

In doing so D^r Madam I do assure you the idea of wealth, affluence or great fortune did not enter my mind. No. I would instantly spurn so base a motive. What I proposed to myself D^r Madam is simply this, to become connected in a respectable family

family and settle down in life once for all in a happy domestic circle: this is my object, these my motives.

I do not require silver or gold tho' a little is necessary to go through life. All I require is Miss Baillie's "Pure Hand." I will be a fair hand to me, more precious than silver and gold. Mrs Baillie may give silver and gold when and in what quantity he may please. Let him only give me a position suitable to his Fair Daughter's Rank, and then I shall be most happy to earn her bread and my own of which I declare she shall have the larger portion.

On the 1st and only occasion on which I had the Happiness of seeing Her, I felt like simplicity, the unaffected modesty and the graceful negligence of her entire deportment spoke to me much more forcibly than words made a deep impression on my mind and have touched my very Heart of which after God I make her an offer together with my hand.

May you might excuse me D^r Madam for this trespass on your time. Please say a thousand kind things to her for me.

I have the honor to be,
D^r Madam.

Most sincerely yours.
Signed C. M. O'Clery.

P.S.

With your permission, D^r Madam, I would write her personally, since my dress is not quite as I should wish for a visit.

Travellers Bungalow
Mangalore
Augth 13th 1867
(Signed) C. M. O'Clery

To
Mr Baillie
My Dr Sir

E.

It appears to me that a gleam of Hope
still beams on the cloudy brow of the Wounded Mariner
"Yes, wounded but not conquered:
"Vulneratus Non Victus"

The Banner of Victory still flutters
on the merry morning breeze outloping by its Native
Majesty the lofty plumage of the surrounding towers
Had hills and howling batteries.

Yes, My Dr Sir, the anchor of Hope
is still hoisted a fast staple and firm, fixed and im-
moveable exulting in its primitive durability and easy
conquest.

You my Dr Sir hold the scale of Victory
in your Mighty and potent grasp. The balance of power
has to poised on the lever of which you are the centre the
pivot the fulcrum then my dear Sir It remains for you
to determine on which side the centre of gravity shall
turn whether to the Right or Left. Surely My Dr
Sir It is not too much to hope that you will graciously
incline on the side of Mercy and in favour of the
wounded tho' not yet conquered Mariner and pour
into his free King wounds the Refreshing Enriching
and stirring Oil of Gladness Consolation and Peace.

I have the honor to be,

My Dr Sir

Yours most Sincerely

Signe of C. M. O'Leary

Whether your reply My Dr Sir be

Travellers Bungalow
Mangalore
16 September 1867
P.S.

pro or con allowed to beg at least one request.
That you please say a thousand kind
things from me to Miss B. and her Dr. Mamma
Signed C. M. O'Leary

To
Mr Baillie
My Dr Sir

E.

I beg leave to enclose for your information
and kind consideration an order received on 13th inst.
in which I could make no other reply than Saluti
"Quia Nemo dat quod non habet" Moreover My
Dr Sir I have got nothing in hand. At present I
browne my frugal meal Bread and Water &
spoon which alone I have lived since 1st instant.

If you my Dr Sir would relieve this
urgent and present pressing necessity by sending me
Rupees 15 or 20 in the shape of loan or in any other
form you please, I shall acc. Wit with many thanks
and heartfelt gratitude, and will then remain here
independent to strangers, a Voluntary and Happy
Captive during your good pleasure and until you
shall think proper to treat me to better fare if
such I deserve in your estimation. With Renewed
Repeated Reiterated and Multiplied Respects to
Miss Baillie her Dr. Mamma, Family and Self

I have the honor to be

My Dr Sir

Most Sincerely yours

Signe of C. M. O'Leary

Travellers Bungalow
Mangalore
18th Sept 1867

No 36.

Memorandum

The undersigned requests that Mr. O'Clery will forthwith pay all fees due by him for the occupation of the Traveller's Bungalow during the last week. Fees are not allowed to accumulate but should be paid daily.

Signed J. E. Hall
Assistant Collector.

Post Office
Mangalore
13th September 1867.

(True Copies)

Matthew

Magistrate &
Justice of the Peace.

comp. Sub.

Subsequently received.

Doctor McJerson

M. D. & L. Sur.

Dr Sir,

Accept a thousand thanks and same to Capt Baillie thro' you, for your very kind compliances and his generous sanction in favor of his Captive and bold outlaw, If such be his generous Conduct in War times, What might not be expected when the Battle once over and peace restored.

Dr Sir, I beg you will excuse me when I say that I

I am going to ask you both conjointly for one other little favor on Saturday next 28th inst. merely one hour's leave of absence on that morning and under an escort of Police to any amount you Both may please, and deem necessary while I go see my Spiritual Director and Confessor, the Rev. F. Ladislau D. C. & F. O'Neilboil whom I have not seen in the Confessional for last 15 days and whose Spiritual aid and Consolation I stand much in need of.

Yesterday's favor was but a Corporal work. To-day's a Spiritual - and since you have both so kindly admitted the utility of the former, a fortiori you cannot deny the necessity of the latter. Et tunc vos eritis mihi Magnus Appollo.

I have the honor to be,

My Dr Sir,

Your obedient Servant,

Signed J. M. O'Clery.

Jail
Mangalore
26th Sept 1867.

J

Thomas O'quire

Collector & M. Magistrate.

Mr. J. M. O'Clery a faithful and Loyal British subject, demands from the Court a redress of his grievance. He requests from Mr. Thomas Act Magistrate at Mangalore a full and fair Statement of his crime and the cause of his detention in Jail at said Mangalore.

since the 18th ult. As himself is not aware of any just or legitimate grounds for such detentions save and except the caprice of a petty Magistrate in an obscure and almost unknown corner of Her Majesty's British possessions in India.

An answer in due course will oblige.
O. J.

He further more begs leave to state that if decision of Court on 18th and 19th ult. was meant with a view to give Mr Baillie an opportunity of learning O'Clery's antecedents, and in order to ——— and make him O'Clery happy, he is not only ready and willing now, as he then was, and always shall be, but most happy to render Mr Baillie any and all such assistance as is in his power which might enable Mr Baillie to come to a satisfactory, Definite and Final Conclusion.

It was this consideration and only this which induced O'Clery hitherto to abide so tamely and passively decision of Court, & submit with joy and gladness to the unjust degradation flung upon him with a hope and confidence that it would be only momentary.

Let the Court take either, Alternative an Honorable and Immediate Release, or show sufficient grounds for such Durance Vile. "Utrum horum mavult accipiat."

Et sic finitur thesis Contra systema Mangalorem.

Jail
Mangalore
3rd Dec^r 1867

(True Copies)

M. Thomas

Acting Magistrate
& Justice of the Peace

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter.

From the Magistrate, Krishna Dist. Recd. 3rd Oct, '67 No 35.
— Adjutant General — 16 Nov. — 1867.

Order thereon 27 Nov 1867 No 1933.

N.
W.M.
L.P.

From the letter received from the Adjutant General, above recorded, it appears that Charles McCarthy alias O'Clery is not a deserter but that he was discharged from the Army on the 20th November 1859. The Governor in Council sees no objection therefore to Mr. Thomas procuring, in the manner suggested,

a passage for McCarthy
to Ceylon.

To the Honble Secy of S. Canara
dispt/2 • Accountant General
• Public Department