

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

496

Press

~~Mis.~~

Dated

26.3.1867

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
26th March 1867.*

Read the following papers :—

No. 323. From the Acting Clerk of the Crown, to the Chief Secretary to Government, Fort Saint George ; dated Madras, 15th March 1867.

I have the honor to forward, by the direction of the Honorable Sir Adam Bittleston, Knight, Officiating Chief Justice, duplicates of Orders, and copies 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 Privates George Claydon and Jeremiah McCarthy, of the 2nd Battalion, 10th Foot, to the Penitentiary at Madras, there to remain until their sentences of Penal Servitude shall be carried into effect in due course of Law, and Statements (in duplicate) containing the dates of the trial of the abovenamed individuals.

2. I beg also to forward (in duplicate) copies of the Descriptive Returns of these individuals, as forwarded to me by the Adjutant General, Her Majesty's British Forces.

No. 324. From the Commissioner of Police, to the Chief Secretary to Government, Fort Saint George ; dated Madras, 19th March 1867, No. 33.

With reference to the Minutes of Consultation noted in the margin, I have the

Judicial Department 15th June 1853, No. 753.

2nd Battalion, 10th Regiment of Foot;

honor to report, for the information of His Excellency the Governor in Council, that George Claydon and Jeremiah McCarthy, Military Convicts, under sentence of Penal Servitude for 6 and

4 years, respectively, were received into the Penitentiary on the 16th instant.

2. The original Commitments and Descriptive Rolls of the prisoners are herewith forwarded.

No. 325. ORDER THEREON, 26th March 1867, No. 496.

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

(True Extract).

Chief Secretary.

To the Superintendent of Marine.

„ Commissioner of Police.

Exd. J. H. Burns.

(Signed) A. B. Littleton

(L. S.)

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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 Murther and robbery 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 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 in
notified by the Officer Commanding Her Majesty's Forces
at the Presidency or Station where the offender may be
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 orders 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

Prisidney 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 His Majesty through one of His 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 Criminal Jurisdiction in such Presidency or Colony or in the Colony or place to which he has been so removed or sent respectively. And whereas Privates George Claydon, Regimental No. 751 and Jeremiah McCarthy, Regimental No. 581 in the 4th or 5th Mysore Joseph Petrus Hendrick Cross Company of the 2^d Battalion 10th Foot were tried by a General Court Martial held at Bangalore on Friday the 25th January 1867 and found guilty upon the following charges. First - That they George Claydon and Jeremiah McCarthy, on or about the 1st October 1866 at Bangalore, being then and there soldiers serving

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serving in India, in the Territories of His Highness the Rajah of Mysore, did together, commit House Breaking by night in the quarters of Color Sergeant Thomas Head of the same Battalion in order to commit theft. Second - That they George Claydon and Jeremiah McCarthy, on or about the 1st October 1866 at Bangalore, being then and there soldiers serving in India, in the Territories of His Highness the Rajah of Mysore, did together commit theft in the quarters of Color Sergeant Thomas Head of the same Battalion, by dishonestly taking therefrom one Box with cash Box, one cheque for Rupees 400, one cheque for Rupees 300 and one cheque for Rupees 70 the property of the said Color Sergeant Thomas Head. Third - That they George Claydon and Jeremiah McCarthy, on or about the 1st October 1866 at Bangalore, being then and there soldiers serving in India, in the Territories of His Highness the Rajah of Mysore, did together commit House Breaking by night in the quarters of Quarter Master Sergeant James Simperton of the same Battalion in order to commit theft. Fourth - That they George Claydon and Jeremiah McCarthy, on or about the 3rd October 1866 at Bangalore, being then and there soldiers serving in India, in the Territories of His Highness the Rajah of Mysore, did together, commit theft in the quarters of Quarter Master Sergeant James Simperton of the same Battalion, by dishonestly taking therefrom one cheque for Rupees 400 and cash Rupees 70 the property of the said Quarter Master Sergeant James Simperton. And whereas the said Privates George Claydon and Jeremiah McCarthy were each and severally sentenced by the said General Court Martial to Penal Servitude for

Quoted by the Comptroller 30-1-1867
No 7 of 1867

for four years, and the said sentence was approved
and confirmed by His Excellency Lieutenant General
Sir John Gaspard Le. Merchant, G. C. M. G. Commander
in Chief of the Madras Army, and whereas a notification
in writing of the aforesaid convictions and sentences of the
said Prisons George Claydon and Jeremiah McFarthy
has by His Excellency the said Lieutenant General Sir
John Gaspard Le. Merchant been made to me the

Honorable Sir Adam Pritchard Knight Officiating
Chief Justice of the High Court of Judicature at Madras
at which pursuant to the directions in the said notification
it is therefore ordered by me that the said Prisons
George Claydon and Jeremiah McFarthy be removed
and sent as soon as conveniently may be to the Military
at Madras as the place of intermediate custody of
the said Prisons George Claydon and Jeremiah
McFarthy, 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
Prisons George Claydon and Jeremiah McFarthy
for the residue of the term of their aforesaid sentences
of Penal Servitude given under my hand at Madras
in the East India this thirteenth day of March in the
year of our Lord one Thousand eight Hundred and
Sixty seven.

(Sd) W. Sullivan
At Clerk of the Crown

(A. True copy)
W. Sullivan

At Clerk of the Crown

Judicial Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
papers

From Secy. Clerk of the Crown / dated 15 March 1867 /
Commissioner of Police / 19-3-67

Order - 26 March 1867 N: 496.

The Superintendent
of Marine is requested
to provide passage
to England for the
Military offenders re-
ferred to in the fore-
going letter.

So Superintendent of Marine,
Commissioner of Police } 29/3.

Recd of Civil
Quoted to Engd 30th
April 22nd of 1867

Judicial 1867. Department.

No. 496.

PROCEEDINGS OF GOVERNMENT.

of 1865.

Dated. 26th June 1867.