

(1) Number of pages 11
 (2) Date of repair 3.10.86
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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

DEPARTMENT

Judicial.

G.O. No.	608	Press.
B.P. No.		Mis.
Dated	16.4.1868	197.

Not to be folded or roughly handled

MY.

Read the following papers :—

No. 117. From A. VERRON, Madras, to the Chief Secretary to Government, Fort Saint George; dated John Pereiras, 12th March 1868.

I beg to tender my thanks to the Right Honorable the Governor in Council for the Order passed in my favor, as per Proceedings of Government, Judicial Department, dated 4th March 1868, and in accordance with the tenor of my first letter, dated 8th February 1868 to the address of the Right Honorable the Governor in Council. I beg this day to bring to the notice of Government the two undermentioned cases of desertion, in order to again obtain redress.

2. In August 1867 a deserter, belonging to Her Majesty's 2nd Battalion 10th Foot, was tried at the High Court under the name of Smith, and sentenced to twelve months' rigorous imprisonment on a charge of grievous hurt. Shortly after the above sentence was recorded, and before the usual Sessions Calendar was received at the Penitentiary, I informed the Keeper that this prisoner was a deserter from the Regiment mentioned above, and that the deserter's Regimental name was Thomas Harris; the Keeper placed my information before the then Commissioner of Police.

3. And as an Order of Government, since 1864, directs that any European prisoner undergoing a sentence of twelve months and upwards shall undergo the same at the Ootacamund Jail, the said Thomas Harris was early in the month of November 1867, in conformity with the above Order, transferred to the Jail at Ootacamund. A day or two previous to leaving the Madras Penitentiary, Smith *alias* Thomas Harris got information from a prisoner of the name of Moore (since released, and who lived in terms of great intimacy with the Keeper) that he (Smith) had been given up as a deserter by some of his fellow-prisoners, and that, under these circumstances, the best course that he (Smith *alias* Harris) could pursue was, on his arrival at Ootacamund, to give himself up to the Jail Authorities as a deserter of Her Majesty's 2nd Battalion 10th Foot, as this course of proceeding would very likely lead to a mitigation of sentence at the Court Martial which must follow after the expiration of his present sentence.

4. The Warder, who escorted Smith *alias* Harris to Ootacamund, informed me that the deserter did deliver himself up on entering the Jail. Under these circumstances, I believe, Sir, I am entitled to the usual reward, inasmuch as my information induced the deserter to deliver himself in the way he did, in order to be leniently dealt with hereafter.

5. The second case of desertion, which I beg to lay before Government for redress, is that of Charles Angling and George Henry Upittlestone *alias* Henry Wilson, belonging to the 3rd Battalion 60th Rifles, who deserted from the fort on the 25th March 1867; and in this instance Government will see how careless the Keeper of the Jail was in the discharge of his duties, and the low state of discipline at the Madras Penitentiary, when a crime can be fully prepared by men undergoing the sentence of the law; and, indeed, I will very shortly lay before Government an extract of the Journal I kept during my incarceration of two years at the Penitentiary, which, I have no doubt will enable the Government to make a thorough reformation in that Institution.

6. In February 1867 seven men belonging to the British Ship *Weathersfield*, then at anchor in the roads, were sentenced at the Town Police Court to undergo four

Proceedings of the Madras Government, Judicial Department,
16th April 1868.

weeks' in prison with hard labor, for refusing to do duty on board of the ship. At the time of this sentence the first deserter, Charles Angling, was undergoing a sentence of one month at the Penitentiary, and on the latter promising a fine present two of the *Weatherfield's* men consented to secrete Charles Angling and his friend George Henry Upitstone alias Henry Wilson, on the first ship sailing from Madras.

7. When the above plan had been settled between them I hid the whole information before the Keeper, and the latter never for a moment troubled himself with informing either the Commissioner of Police, or the Military Authorities of the intended desertion.

8. When the imprisonment of the seven men of the Ship *Weatherfield* was over, the ship had sailed down the Coast, and consequently the Master Attendant ordered these men to a Boarding-house in Black Town, pending the return of the *Weatherfield* from the Coast.

9. In the meantime the British Ship *Pride of the Ocean* was fitting out for Calao, and according to agreement entered into at the Penitentiary the two Riflemen mentioned above were duly secreted on board of the *Pride of the Ocean*.

10. On the return of the Ship *Weatherfield* from the Coast eight or ten days after the desertion of the two Riflemen the men refused to join her, and they were finally sentenced to twelve weeks' imprisonment with hard labor. It was on the return of these men to the Penitentiary that I got the information as to the place of destination and name of the ship which carried the deserting Riflemen. I immediately laid the same before the Keeper, who communicated to the then Commissioner and the latter Officer to Government.

11. Since my release from the Penitentiary I have in vain endeavoured to ascertain their capture through the Government, although I have very good reason to believe that these men are either lying at Chatham, or are now back on their way to India.

12. Trusting to receive justice in these two cases from the Government.

Referred for the report of the Commissioner of Police.

Fort Saint George,
13th March 1868.

(Signed) C. G. WALKER,
Under Secretary to Government.

No. 118. From the Acting Commissioner of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 30th March 1868, No. 15.

With reference to the petition, herewith returned, from Alfred Verron, I have the honor to report as follows.

2. The Keeper of the Penitentiary, Mr. Owen, states that on Smith alias Harris being admitted into the prison, he suspected from his gait and manner that he was a deserter, and reported the same verbally to the Commissioner.

3. Sometime after, Verron informed Mr. Owen that Smith belonged to the 2nd Battalion 10th Regiment, and the Keeper then ascertained from Convict Jones of the same Regiment, then in Jail, and since sent to England, that his proper name was Harris. This was reported to the Commissioner who communicated the information to the Superintendent, European Prison, Ootacamund, to which Jail Harris had just then been transferred.

Proceedings of the Madras Government, Judicial Department,
16th April 1868.

4. The Superintendent informs me he did not, on arrival, declare himself a deserter, nor did he admit being so until he was charged with it by the Keeper, Mr. Bailey, who suspected some effaced tattooed marks on his side, to be the remains of the usual letter D.

5. This occurred before the receipt of the Commissioner's report reporting him to be a Soldier of the 2nd Battalion 10th Foot.

6. He is still in confinement at Ooty, and cannot be tried for desertion until his sentence expires.

7. I have received no reply from the Officer Commanding his Regiment to my inquiry as to whether it is his intention to prosecute him for desertion, and until he is so prosecuted, the usual reward cannot, I presume, be paid.

8. I solicit orders as to whom it is to be paid in the event of my receiving the amount.

9. My own opinion is that no one is entitled to it; had his person been properly examined on admission, the fact could as readily have been discovered at Madras as at Ooty.

10. In regard to the claim made by Verron for rewards for information given about the two deserters from the Rifles I have the honor to state that Mr. Owen has no recollection of Verron's mentioning any thing to him in regard to the men of the *Weatherfield* having agreed to secrete Charles Angling and Henry Wilson on board that vessel, but that he mentioned that these men had escaped in the *Pride of the Ocean* to Mr. Owen ten or twelve days after that vessel had sailed, a fact which was reported to the Commissioner.

11. In this case I am inclined to think Verron is drawing a good deal on the imaginative.

12. It is scarcely likely that Charles Angling, a European Soldier, would have taken an East Indian such as Verron into his confidence, or allowed him to know not only of his own but of a comrade's intention to desert at a future period not then decided.

13. It is still more unlikely that Verron knowing this should not at the time have spoken of it to Major Hearn when he was, as he says, aware that Mr. Owen had not acted on his information.

14. But in any case it does not appear to me that rewards for these men can be claimed here by any one.

No. 119. From A. VERRON, Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 2nd April 1868.

Being on the eve of my departure for Rangoon, and as my complaints to Government as per my letter, dated 12th March 1868, have not yet been settled, may I request of you to be good enough to forward to Mr. Joseph Holmes, of Isack Street, John Parakra, the Order of Government when passed on the subject of my complaints and to allow Mr. J. Holmes to receive for me, and on my behalf, any sum of money which the said Government Order shall direct to be paid to me.

No. 120. ORDER THEREON, 16th April 1868, No. 608.

As it appears from the foregoing report of the Acting Commissioner of Police that the information afforded by Alfred Verron, that Convict Smith alias

Proceedings of the Madras Government, Judicial Department,
16th April 1868.

Barth was a deserter from Her Majesty's 2nd Battalion 16th Foot, proved correct, the Governor in Council directs that the usual reward of Rupees (30) thirty be distributed to him.

In consequence of orders regarding the information furnished in respect of the two deserters from the 2nd Battalion 16th Foot, who, it is stated, proceeded to England, the Secretary of the Government has been directed to communicate these papers to the Military Department, in order that steps may be taken for communicating the information regarding these men to the Secretary of State for India, and that it may be ascertained whether the deserters in question can be traced in England. These papers will also be communicated to the Commissioner of Police and to the Government of Bombay and Bengal, in order that these deserters may be arrested should they return to India.

(True Extract)

Chief Secretary.

To the Commissioner of Police.
" Assistant General.
" Examiner of Claims.
" Military Department.
To Alfred Vernon, care of Mr. J. Holmes.

Vol. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

John Percival has
12th March 1868.
The Chief Secretary to Government
Perk St. George

I beg to tender my thanks to the Right Honorable the Governor in Council for the order passed in my favor as per proceedings of Government, Judicial Department dated 4th March 1868 and in accordance with the tenor of my first letter dated 8th February 1868 to the address of the Right Honorable the Governor in Council. I beg to say to bring to the notice of Government the two under-mentioned cases of desertion in order to obtain oblige notice.

In August 1864 a Deserter belonging to Her Majesty's 2nd Battalion 16th Foot was taken into custody under the name of Smith and sentenced to the rigorous imprisonment on a charge of Guiltless Theft. Shortly after the above sentence was recorded and before the Annual Sessions Order was received at the Prison, I informed the Keeper that this prisoner was a Deserter from the Regiment mentioned above and that the Deserter's Regimental name was Thomas Harris. The Keeper placed my information before the then Commissioner of Police.

And as an order of Government since 1864 directs that any European prisoner undergoing a sentence of twelve months and upwards shall undergo the same at the Botocaimund Jail, the said Thomas Harris was sent in the month of November 1864 in conformity with the above order transferred to the Jail at Botocaimund. A day or two prior to

On the 15th of the ship "Walthamfield" from
 1858 to 1859 after the departure of the
 vessel, the ship was reported to have been
 actually sentenced to 12 months
 but having been taken to the
 to the ship
 which might
 lead the name
 to the then Com.
 Government

Since my
 I have in vain endeavoured
 capture through the
 my good reason to believe
 at the lying at Chatham now
 way to the ship

Trusting to receive justice in these
 two cases from the Government

I beg to subscribe myself
 Sir
 Your most obedient servant
 Alfred Vernon

Alfred Vernon
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From
 To
 Major W. S. Owen
 Agt. Commissioner of Coler
 Her Hon. R. S. Ellis & Co.
 Chief Secretary to Government
 Fort St. George

With reference to the Police
 herewith returned, from Alfred Vernon, I
 have the honor to report as follows.

2. The Super of the Penitentiary
 Mr Owen states that on Smith alias Harris,
 being admitted into the Prison, he suspected
 from his gait and manner, that he was
 a deserter, and reported the same
 verbally to the Commissioner.

3. Some time after, Vernon informed
 Mr. Owen, that Smith belonged to the
 2nd Battalion 10th Regiment, and the
 Super then ascertained from Council
 Jones of the same Regiment, that in
 jail on 10 June 1858 to England that
 his proper name was Harris. This was
 reported to the Commissioner who
 communicated the information to the
 Superintendent European Prison

Alfred Vernon

1. Objections to which I have been
just then been transferred.

2. The permanent informant
he did not on arrival, declare himself
a deserter, nor did he admit being so
until he was charged with the charge by the
Major Mr. Budge who suspected since
appeared, killed, was on his side.

3. This occurred before the receipt
of the Commissioner's letter reporting him
to be a soldier of the 9th.

4. He is still in confinement at
Cody, and cannot be tried for desertion
until his sentence expires.

5. I have received no reply from
the Officer Commanding his Regiment,
to my inquiry as to whether it is his
intention to prosecute him for desertion
and until he is so prosecuted, the
usual reward, cannot be paid.

6. I shall order as to when it
is to be paid in the event of my receiving
the amount.

Wm. H. S.

7. My own opinion is that no one is
entitled to it, had his person been properly
examined on admission, the fact could
as readily have been discovered at
Maoras as at Cody.

8. In regard to the claim made
by Verron for rewards for information
given about the two deserters from
the Rifles, I have the honor to state
that, Mr. Owen has no recollection of
Verron mentioning anything to him in
regard to the men of the "Weatherfield"
having agreed to desert Charles
Angling and Henry Wilson on board
that vessel, but that he mentioned that
these men had escaped in the "Pride of
the Ocean" to Mr. Owen, 10 or 12 days
after that vessel had sailed a fact
which was reported to the Commissioner.

9. In this case, I am inclined to
think Verron is drawing a good deal on
the imagination.

10. It is scarcely likely that Charles
Angling a European soldier would
have taken an East Indian boat as

Verron

7/80

1. Vernon into his confidence at all times & him
2. to know not only of his own but of all
3. comrades intention to desert at a future
4. period not then decided.
5. 13.

It is still more unlikely that
6. Vernon knowing this, should not at
7. the time have spoken of it to Hearn
8. Hearn when he was, as he says, aware
9. that Mr. Owen had not acted on his
10. information.
11. 14.

But in any case it does not
12. appear to me that rewards for these
13. seven can be claimed here by any one.
14. 15.

I have the honor to be,
16. Sir,
17. Your Most Obedt. Servant.
18. W. S. Drury
19. Esq. Comptroller of Public
20. Land

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Enoches 2^d April 1868.

To
The Chief Secretary to Government
Fort St. George.
Sir.

Being on the eve of my departure
from Rangoon, and as my complaints to
the Government as per my letter dated 12th
March 1858 have not yet been settled, may I
request of you to be good enough to forward
to Mr Joseph Holmes of Spack Street, John
Pereira, the order of Government which
passed on the subject, my complaints and to
allow^d to receive for me and on my behalf
any sum of money which the said Government
order shall direct to be paid to me.

I have the honor to be

Sir
Your most obedient servant
— Wm. A. Brown

Judicial Department

10/8

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter

petition from Alfred Vernon (H.E. dated 12th March/68)

Read also the following letter from the Acting Commissioner of Police

(H.E. dated 30th March/68)

No 157

Order 16 April 1868 No 608

As it appears from the foregoing Report of the Acting Commissioner of Police that the information afforded by Alfred Vernon, that Convict Smith alias Harris was a deserter from her Majesty's 2nd Battalion 10th Regt, proved

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proved correct, the
Governor in Council
directs that the usual
reward of Rs(50) thirty
be disbursed to him.

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ing the information
furnished in respect
of the two Deserters
from the 3rd Battal-
ion 80 Rifles, who, it
is stated proceeded
to England in the ship
"Pride of the Ocean",
the Government resolve
to communicate these
papers to the Military
Department in order

that steps may be taken for ~~ascertaining~~
the information regarding them ~~being~~ ^{communicated} to the
to ascertain from the ~~authorities~~ ^{Secretaries of State in India}
~~authorities in England~~ ^{that of being}
whether the Deserters
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in question ~~have been~~
~~discovered~~ ^{can be traced in England}
These papers will also be
communicated to the
Govt. of India and to
the Govts of Bombay
& Bengal in order
that these deserters may
be arrested should
they return to India.

2/11/68.

M.L.R.

- to the Commissioner of Police
- " - Accountant General
- " - Military Department
- Alfred Vernon - Secy of the Indian

Exhibit 1862. *Exhibition*

Exhibit

PROCEEDINGS OF GOVERNMENT T.

Exhibit 1862

Dated 11 April 1862.

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