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MADRAS RECORD OFFICE.

Government of Madras.

Lulu W. 2018 DEPARTMENT.
Cons. 21.7.57

G.O. No. 1363	Press Mis.
5-6 Dated 15-7-1857	

Not to be folded or roughly handled

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Fort Saint George, Public Works Consultation of 21st July 1857.

- No. 5. Read the following letter from Lieutenant Colonel W. G. WOODS, Adjutant General of the Army; to H. FORBES, Esq., Acting Secretary to Government, dated 18th June 1857, No. 3173.

SIR,

I have the honor, by order of the Provincial Commander-in-Chief, to annex Extracts giving the result of the trial of Assistant Overseer Byrne referred to in Minutes of Consultation No. 680, dated 15th April 1857.

It will be observed that the Officer Commanding Centre Division, has directed the release of the Prisoner but he has not been allowed to return to his duty pending further orders as to his disposal.

I am instructed to state that the trial of the above man was delayed in consequence of the absence of one of the witnesses.

Extracts from Proceedings of a District Court Martial upon the trial of THOMAS BYRNE, Corporal of the Madras European Veteran Battalion and Assistant Overseer in the Public Works Department, dated Vellore, the 4th day of June 1857.

The Court having weighed and considered the evidence before it and what has been stated in defence is of opinion that the Prisoner Thomas Byrne, General number two thousand eight hundred and one, Corporal in the Madras European Veteran Battalion and Assistant Overseer in the Public Works Department is.

Finding on the charge. Guilty of the charge with the exception of the words "Embezzled" and "Fraudulently" and that the sum misapplied amounts to Rupees one hundred and thirty-five, annas nine, and pice three.

Sentence. The Court having found the prisoner Guilty as above stated and having further more taken into consideration his General character doth sentence him the Thomas Byrne, General number, two thousand eight hundred and one, a Corporal in the Madras European Veteran Battalion to imprisonment without hard labour for one Calendar month and further to be put under monthly stoppages to the amount of one half of his pay until the sum of Rupees one hundred and thirty-five, annas nine, and pice three, be recovered for Government.

Not Confirmed.

Madras, 10th }
June 1857. }

(Signed) P. E. CRAIGIE, Major General,
Commanding Centre Division.

I am at a loss to understand how a man can be guilty of misapplying to *his own use* money belonging to the East India Company received by, and entrusted to him as a public servant for certain Government purposes; thereby misapplying public money for purposes other than those it was intended for; and yet be innocent of embezzlement and Fraud. I should have directed a revision of this, as I cannot but consider it, inconsistent finding were it not that the evidence is defective on material points. The receipts as stated to have been given by the Prisoner to the Prosecutor, and the Prisoners accounts as spoken of by the witnesses should have been proved and recorded as evidence in the Proceedings; or should have been produced in evidence and copies of them entered as an appendix to the Proceedings, the Prisoner will be released.

Madras, 10th }
June 1857. }

(Signed) P. E. CRAIGIE, Major General,
Commanding Centre Division.

(True Extracts.)

(Signed) W. G. WOODS, Lieut.-Colonel,
Adjutant General of the Army.

Fort Saint George, Public Works Consultation of 21st July 1857.

No. 6.

ORDER THEREON, No. 1363; dated 15th July 1857.

Pensioner Thomas Byrne of the Madras European Veteran Battalion and Assistant Overseer in the Department of Public Works, having been found, by Court Martial, guilty of embezzlement, the Government resolve to direct that he be dismissed from the Department and remanded to his corps, the same being notified in the Gazette. The monthly stoppages ordered by the Court will be credited to the Department of Public Works, and the Military Department will be requested to intimate to this Department when the whole amount embezzled by Pensioner Byrne has been made good.

2. Resolved that the foregoing Extract be communicated to the Chief Engineer, and he be requested to submit his recommendation for filling up the vacancy.

(Signed) H. FORBES,
Acting Secretary to Government.

2
Extracts from Proceedings of a District Court Martial
upon the trial of Thomas Byrne Corporal of the Madras European
Veteran Battalion and Assistant Overseer in the Public Works
Department.

The Court having weighed and considered
the Evidence before it and what has been stated in
Defence is of opinion that the Prisoner Thomas Byrne
General number Two Thousand eight hundred and
one Corporal in the Madras European Veteran Battalion
and Assistant Overseer in the Public Works Depart-
ment is

Finding on the
guilt

guilty of the charge with the exception of the
words "embezzled" and "fraudulently" and that the
sum misappropriated amounts to Rupees one hundred
and Thirty five annas nine and pice three.

(Sentence).

The Court having found the Prisoner
guilty as above stated and having furthermore taken
into consideration his general character - doth sen-
- tence him the Thomas Byrne General number
Two Thousand eight hundred and one as Corporal in
the Madras European Veteran Battalion to imprison-
- ment without hard labour for one calendar month
and further to be put under monthly stoppages to the
amount of one half of his pay until the sum of Rupees
one hundred and Thirty five annas nine and pice
three

three be recovered for Government.

Tell me the fourth day
of June one thousand
eight hundred and fifty
seven.

Madras
10th June 1857

Not Confirmed

/Signed/ P. E. Craigie Major Em.
Comd. in the Division

I am at a loss to understand how
a man can be guilty of misapplying to his own use
money belonging to the East India Company received
by, and entrusted to him as a public servant for
certain Government purposes; thereby misapplying public
money for purposes other than those it was intended
for; and yet be innocent of Embezzlement and
Fraud. I should have directed a decision of this, as
I cannot but consider it, inconsistent finding were
it not that the evidence is defective on material points.
The receipts as stated to have been given by the Prisoner
to the Prosecutor, and the Prisoner's accounts as spoken
of by the witnesses should have been proved and re-
- corded as Evidence in the Proceedings, or should
have been produced in evidence and copies of them in-
- troduced as an appendix to the Proceedings. The Prisoner
will be released.

Madras
10th June 1857

/Signed/ P. E. Craigie Major Em.
Comd. in the Division
/True Extracts/

W. J. L. G. G.
Adj. Gen. of the Army

43143
To J. Forbes Esqre
Acting Secretary to Government

Sir
I have the honor, by order of the Provincial Commander in Chief, to annex Extracts to you the result of the trial of Assistant Overseer Byrne referred for in minutes of consultation & to be stated 15th April 1857.

It will be observed that the Officer Commanding Centre Division has directed the release of the Prisoner but he has not been allowed to return to his duty pending further orders as to his disposal.

I am instructed to state that the trial of the above man was delayed in consequence of the absence of one of the witnesses.

Assistant General Officer
Fort Saint George
18th June 1857

I have the honor to be
Sir
Your most Obedt Servt
Michael D. Hall
Assistant General
of the Army

K.O.A.

Public Works Department
No 1363

Extract from the Minutes of Consultation
Under date the 15th July 1857.

Read the following letter
from the Adjutant General
of the Army.

(Hörsal den 18^{de} June 1893)

3D
Genderson Thomas
Byrnie of the Madras
European Veteran Battalion
and Assistant Overseer in
the Department of Public
Works, having been found,
by Court Martial, guilty
of embezzlement, the Govern-
ment resolved to direct that
he be dismissed from the
Department and remanded

16

Cons. St. of Q. / Inc. / 871152458

Ex: 18854 of 2000
2000/2000/2000/2000

from the 1st Cavalry Army
to the 1st Cavalry Army

Dated 18th Dec 21st 3/43
 Wm. H. 3/43

Sept. 1363. 15th July

with reference to the
No. 680 packet of 5th April 1837
extracts from Act of a District
Court. Important in the trial of
Thomas Byrne & John Swenden
Julius Morley, Deputy.

1057

The same being notified in the Gazette
to his Corps. The monthly
stoppages ordered by the
Court will be credited to
the Department of Public
Works, and the Military
Department will be re-
quested to intimate to
the Department when
the whole amount has
been paid by Pensioner Byrne
his bills made good.

Resolved that the
forfeiture of tract be com-
municated to the Chief Engr
and he be requested to submit
his recommendation for
filling up the vacancy.

B. L.

4 Copies to the Chief Engr.
1 - " Adjt. Genl. of the Army
1 - " Mil. Dept.
1 - " Asst. Genl.

June 21st 1857

Public for 1857
June 24th July 2nd

1857

Contract drawing

July 15th

Received from the Sec. of the War
Department 24 July 1857
\$1000.00
for the purchase of 1000
pounds of 1000 lbs.

Directing that the
Thomas Byrne, of the
European Oceanic
and Atlantic
R. Co. be
discharged from
the debt &
reimbursement to
his cargo the same being
notified in the cargo
for having been found by
the Atlantic
embargo.

1857