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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

Cons. 21-7-57

G.O. No. 1868	Press Mis.
5-6	
Dated 15-7-1857	

Not to be folded or roughly handled

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 &c.

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 furthermore 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

three be recovered for Government.

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

Not Confirmed
/Signed/ P.E. Craigie Major Genl
Comg. Centre Division

Madras
10th June 1857

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 Genl
Comg. Centre Div.
/True Extracts/
Lt. Col.
Dept. Genl of the Army

40 81

No 3143

To

H. Forbes Esqre

Acting Secretary to Government

Sir

I have the honor, by order of the Provincial Commander in Chief, to annex Extract giving the result of the trial of Assistant Overseer Byrne referred to in Minutes of Consultation No 180 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.

I have the honor to be
Sir
Your Most Obedt. Servt

Littell
Assistant General
of the Army

Assistant Generals Office
Fort Saint George
18th June 1857

KOA

Public Works Department

No 1363

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

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

(Dated under 18th June 57 & 31/57)

Enclosing Memorial
of Private 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 resolve to direct that
he be dismissed from the
Department and remanded
to

£1
1/9
6

Encl: Memorial &c &c &c.
Dated 15th July 1857.

From the Officiating Deputy Adjutant General of the Army
To the Chief Secretary to Govt.

Dated 18th June 1857.
Rec'd 21st & Answered 31/7/57.

No 1363. 15th July

With reference to the
Ap. 180 dated 5th April 1859 forwarding
Extracts from Proceedings of a District
Court Martial held at the Trial of
Thomas Byrne Private 1st Madras Veteran
Public Works Department.

No 5116

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 requested to intimate to that Department when the whole amount embezzled by Pensioner Byrne has been made good.

Resolved that the foregoing Extract be communicated to the Chief Engr and he be requested to submit his recommendation for filling up the Vacancy.

BR

6 Copies to the Chief Engr
1 — Adjt Genl of the Army
1 — Military Depr
1 — Accts Genl's

Cons: 21st Apl 57 No: 52 & 53

Public for Fs 1857 Desptc.
Dto to Cons 21st July.

No: 1363.

Extract Mins: of Cons.
D/ 15th July 57.

Extract from the Pro: of the Chief Engineer d/ 24 July 57 C No: 1504.

Pro: of Govt Milty Depart
D/ 10th June 57 C No: 1608 & Encl.

Directing that Pensioner Thomas Byrne, of the Madras European Veteran Battalion, and Assist Overseer in the P. W. be dismissed from the Dept & remanded to his Corps the same being notified in the Gazette, for having been found by Court Martial guilty of embezzlement.

No: 5 & 6