M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1761 Press ~~Mis.~~

86-88

Dated 13—11—~~19~~ 863

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 13th November 1863.

Read the following papers:—

No. 86. From JOHN D. MAYNE, Esq., Acting Clerk of the Crown; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 6th November 1863.

I have the honor to forward, by the direction of the Honorable Sir Colley Harman Scotland, Knight, Chief Justice, a duplicate of an order, and a copy thereof made by His Lordship upon the requisition of His Excellency Lieutenant General Sir James Hope Grant, G.C.B., Commander-in-Chief, for the intermediate custody of Private John Dacey of Her Majesty's 105th Regiment of Foot, Madras Light Infantry, to the Penitentiary at Madras, there to remain until his sentence of Penal Servitude shall be carried into effect in due course of Law, and a statement (in duplicate) containing the date of the trial of the above named individual.

No. 87. From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 10th November 1863, No. 133.

With reference to the Extract from Minutes of Consultation, noted in the margin, I have the honor to report, for the information of His Excellency the Governor in Council, the arrival of a Military Convict* yesterday under sentence of Penal Servitude for seven years.

Judicial Department, 15th June 1858, No. 785.

* Private John Dacey, Her Majesty's 105th Regiment of Foot, Madras Light Infantry.

2. The original Commitment of the prisoner is herewith forwarded.

No. 88. ORDER THEREON, 13th November 1863, No. 1761.

The Master Attendant in charge of the Office of Superintendent of Marine will provide passage to England for the Military offender John Dacey, under sentence of Penal Servitude.

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

Exd. T. O'Connor.

E. H. Scotland

(L.S.)

Whereas in and by an Act of Parliament passed in the Twenty-fifth year of the Reign of Her Majesty Queen Victoria entitled an act for punishing Mutiny and desertion 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 the East Indies, or in any other part of Her Majesty's foreign Dominions, or elsewhere beyond the Seas, is 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 be notified by the Officer commanding Her Majesty's Forces at the Presidency or station where the Offender may come 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 the East Indies, 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 order 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 the East Indies, and 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 or Colony, who on receipt of such notification shall cause such Offender to be removed on

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 Her Majesty through One of Her 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 Competent Jurisdiction in such Presidency or Colony or in the Colony or place to which he has been so removed or sent respectively. And Whereas Private John Dacey Regimental Number Six hundred and Thirty-four Number Four or Captain George Canning Sherry's Company of Her Majesty's One Hundred and fifth Regiment of Foot Madras Light Infantry was tried by a General Court Martial holden at Wellington on the Twenty Sixth of September One Thousand Eight hundred and Sixty three and continued by adjournment and found Guilty upon the following Charge. For having at Wellington whilst a Prisoner undergoing the sentence of a District Court Martial on or about the Ninth day of September one Thousand Eight hundred and Sixty Three used violence against his Superior Officer Provost Corporal Robert Dunlop of the same Regiment, being in the

for having also struck him on the head with his clenched fist
And Whereas the said Private John Dacey was sentenced

appears and which said sentence was approved and confirmed by His Excellency Lieutenant General Sir James Hope Grant G.C.B. Commander in Chief of the Madras Army. And Whereas a notification in writing of the aforesaid conviction and sentence of the said Private John Dacey hath by His Excellency the said Lieutenant General Sir James Hope Grant been made to me The Honorable Sir Colley Kearman Scotland Knight Chief Justice of the High Court of Judicature at Madras aforesaid pursuant to the directions in the said Act contained. It is therefore ordered by me, that the said Private John Dacey be removed and sent as soon as conveniently may be to the Penitentiary at Madras as the place of intermediate custody of and for the said Private John Dacey 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 Private John Dacey for the residue of the Term of his aforesaid sentence. Given under my hand at Madras in the East Indies this Sixth Day of November in the year of our Lord One Thousand Eight hundred and Sixty Three.

John D. Mayne
Acting Clerk of the Crown

A True Copy

John D. Mayne
Acting Clerk of the Crown

Public Letter to Govt. Fort St. Geo. 2nd Jany 1864

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Proceedings of the Madras Govt.
Read the following letter

From the Acting Clerk of the Crown, Mdras Enter 6th Novr 1863.

Commr of Police — 10th — No 136

Order thereon 13 November 1863 No 1761.

The Master Attendant in charge of the Office of Superintendent of Marine will provide passage to England for the Military Offender John Dacey, under sentence of Penal Servitude.

[signature]

of the Master Attendant in charge of the Office of Supt of Marine
Commissioner of Police

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