

MADRAS RECORD OFFICE.

Government of Madras.

Journal

DEPARTMENT.

G.O. No. 407

Press

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242-244

Dated

21-3-1884

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
21st March 1864.

Read the following papers :—

No. 242. From J. B. NORTON, Esq., Clerk of the Crown; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 11th March 1864.

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 James Sullivan of Her Majesty's 102nd Regiment, Royal Madras Fusiliers, 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. 243. From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 17th March 1864, No. 41.

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* from Cannanore yesterday, under sentence of Penal Servitude for seven years.

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

* James Sullivan, Private, 102nd Regiment of Foot.

2. The original Commitment and Descriptive Roll of the prisoner are herewith forwarded.

No. 244. ORDER THEREON, 21st March 1864, No. 407.

The Master Attendant in charge of the Office of Superintendent of Marine is requested to provide passage to England for the Military offender, James Sullivan, arrived at the Penitentiary, under sentence of Penal Servitude.

(True Extract.)

Chief Secretary.

To the Master Attendant in charge of the Office of Superintendent of Marine.
Commissioner of Police.

Ed. J. Tulloch.

(Sg) L. H. Scotland

L. I.

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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 held 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 of Death passed by any such Court Martial has been or shall as aforesaid be committed 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, 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 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 be as aforesaid in obedience to the directions for the removal and detention 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 accordingly be removed or undergo the sentence of Penal Servitude which shall be passed.

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 James Sullivan Regimental Number Three Thousand Nine hundred and eighteen, in Number Six, or Captain Henry Francis Cornsby's company of Her Majesty's One hundred and second Regiment Royal Madras Fusiliers was tried by a General Court Martial helden at Bannanore on the tenth February one thousand eight hundred and sixty four and found guilty upon the following charges. First charge. For highly insubordinate and outrageous conduct to the prejudice of good order and military discipline in having at Calicut on or about the fifth November one thousand eight hundred and sixty three unauthorizedly entered the Quarters of Captain Henry Francis Cornsby commanding a Detachment of the same Regiment and addressed the following highly insubordinate language to him viz "I will never shoulder a Rifle again in the Regiment. I won't strike you as I have too much respect for you" or words to that effect. Second charge. For having at Calicut on or about the Seventh November one thousand eight hundred and sixty three, struck on the head with a Tent peg, and on the body with his fist, Lance Corporal Thomas Morgan of the same Regiment who was in the office, when a party in attendance at the orderly room against him. And upon an additional charge For highly insubordinate and insolent conduct to the prejudice of good order and military discipline in having at Bannanore, on or about the Twenty second of December one thousand eight hundred and sixty three when being warned for trial before a District Court Martial by Lieutenant and Adjutant John Duncan of the same Regiment made use of the following highly insubordinate and disgusting language to the said Lieutenant and Adjutant

John Duncan namely x x x x or words to that effect. And whereas the said Private James Sullivan was sentenced by the said General Court Martial to Penal Servitude for seven years 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 James Sullivan hath by His Excellency the said Lieutenant General Sir James Hope Grant been made to the Honourable Sir Colley Harman Scotland Knight Bachelor 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 James Sullivan 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 James Sullivan there to remain in custody until duly removed to such place as the Honourable the Governor in Council may be pleased to appoint and signify for the said Private James Sullivan for the term of his aforesaid sentence. Given under my hand at Madras in the East Indies this Eleventh Day of March in the Year of our Lord one thousand eight hundred and sixty four.

(sig) John Bruce Norton
Clerk of the Council

(A True Copy)

John Bruce Norton
Clerk of the Council

And L. to C. J. 10th Aug 64
No. 15 of 1864

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Proceedings of the Madras Court.
Read the following letters— 48
From the Clerk of the
Crown ————— Enter 11th Mar. '64 N^o. 2.
the Commr. of
Police ————— 17th do ————— 41.

Order — 21st March 1864 N^o. 407.
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The Master Attendant
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fice of Shp. & T. of Marine
Commr. of Police. } des^{pt} 22nd 64