

MADRAS RECORD OFFICE.

Government of Madras.

Justice DEPARTMENT.

239-242	G.O. No.	461	Press
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	Dated	6-3-1918	7/7

Not to be folded or roughly handled

Read the following papers :—

No. 239. From the Acting Clerk of the Crown, to the Chief Secretary to Government, Fort Saint George; dated Madras, 8th May 1866.

I have the honor to forward, by the direction of the Honorable Sir Colley Harman Scotland, Knight, Chief Justice, duplicates of orders and copies thereof made by His Lordship upon the requisition of His Excellency Lieutenant General Sir John Gaspard LeMarchant, G. C. M. G., Commander-in-Chief, for the intermediate custody of Private Henry Kennedy of the 76th Foot, and Driver James Duffee, D. (Battery D.) Brigade Royal Horse Artillery, to the Penitentiary at Madras, there to remain until their sentences of penal servitude shall be carried into effect in due course of law, and statements (in duplicates) containing the dates of the trial of the above-named individuals.

No. 240. From the Deputy Clerk of the Crown, to the Chief Secretary to Government, Fort Saint George; dated Madras, 18th January 1867.

With reference to letter from this Department, under date the 8th May 1866, I have the honor to forward a copy (in duplicate) of the Descriptive Return of Private Henry Kennedy of Her Majesty's 76th Regiment of Foot, who has been sentenced by General Court Martial to penal servitude for eight years.

No. 241. From the Commissioner of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 7th March 1867, No. 29.

With reference to the Minutes of Consultation noted in the margin, I have the honor to report, for the information of His Excellency the Governor in Council, that Henry Kennedy, Her Majesty's 76th Regiment of Foot, a Military convict under sentence of penal servitude for eight years, was received into the Penitentiary on the 4th instant.

2. The original commitment and other documents of the prisoner are herewith forwarded.

3. The sum of Rupees 2-9-6, the property of the prisoner, has also been received, regarding the disposal of which instructions are requested.

No. 242. ORDER THEREON, 19th March 1867, No. 461.

It is observed that in Order dated the 16th ultimo, No. 233, the Commissioner of Police was requested to arrange for the embarkation of Henry Kennedy.

2. The sum of Rupees 2-9-6, the property of the prisoner, will be delivered to the Commander of the vessel in which the prisoner may embark, with instructions that it be handed over to the authorities who receive charge of him in England. Kennedy should be apprised of this arrangement.

(True Extract).

Chief Secretary.

To the Commissioner of Police.
„ Superintendent of Marine.
„ Accountant General.
„ Examiner of Claims.

Exd. J. Tulloch.

W. H. Scotland

L.S.

Whereas in and by an Act of Parliament passed in the Twenty Eighth Year of the Reign of Her Majesty Queen Victoria entitled "An Act of 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 India 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 India 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 offenders and upon any such order being made it shall be duly notified to the Governor of the Presidency if in India 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

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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 commit 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 Driver James Duffee Number Seven hundred and Thirty two in the 1st Major Richard George Frederick Bonnegan's Battery D Brigade Royal Horse Artillery was tried by a General Court Martial holden at Bellary on the Twenty third March One Thousand Eight hundred and Sixty six and found guilty upon the following charge that having at Bellary on the Ninth February One Thousand Eight hundred and Sixty six when a Prisoner on his trial before

a Garrison Court Martial struck with his clenched fist on the side of the head Lieutenant George Douglas Cookson of Her Majesty's Seventy Sixth Regiment one of the members of the Court then and there in the execution of his office at the same time saying That will get me a General Court Martial or words to that effect. And Whereas the said Driver James Duffee was sentenced by the said General Court Martial to Penal Servitude for fourteen years to Commence at the expiration of the imprisonment to which he Driver James Duffee was sentenced by a Garrison Court Martial on the Ninth February One Thousand Eight hundred and Sixty six and the said sentence was approved and Confirmed by His Excellency Lieutenant General Sir John Gaspar de Se Marchant G. C. B. M. G. Commander in Chief of the Madras Army. And Whereas a notification in writing of the aforesaid Conviction and Sentence of the said Driver James Duffee hath by His Excellency the said Lieutenant General Sir John Gaspar de Se Marchant been made to me the Honorable Sir Colley Norman 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 Driver James Duffee 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 Driver James Duffee 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 Prisoner James Duffee for the residue of the Term of his
aforesaid Sentence of Penal servitude. Given under my hand at
Madras in the East Indies this Seventh Day of May in the year
of our Lord one thousand eight hundred and sixty six.

J. P. Sullivan

Clerk of the Court.

e & True copy

J. P. Sullivan

Clerk of the Court.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters
from the Ag Clerk of the Court dated 8th May 1866 & 18th Jan'y/67
" - Commissioner of Police - - - 7th March 1867 N^o 29.

Order. 19th March 1867 N^o 461.

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To the Commissioner of Police,
Capt. J. J. Mannick
Clerk of the Court

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March 1868 22nd 9

March 19th March 1867 N^o 233

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And. B. B. B.
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PROCEEDINGS OF GOVERNMENT.

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Date. 19 March 1867.

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