INR. G. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 405	Press ~~Mis.~~
35-40	
Dated 25-7-~~19~~1935	

Not to be folded or roughly handled

No. 39. Read the following letter from Colonel J. C. BOULDERSON, Commissioner of Police ; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 15th March 1859, No. 35.

SIR,

1. I have the honor to give cover to a petition from 2 prisoners named George Benson, and Thomas Britton, formerly seamen of the ship " Golconda," now in confinement in the Penitentiary, praying for a mitigation of the unexpired period of their confinement from the Right Honorable the Governor in Council. The prisoners are simple minded lads of 16 and 17 years of age, and it seems very probable that they may have been taken advantage of by the principal prisoner Provenzano who deluded them with false hopes and bright prospects to desert from their Ship in one of the Ship's Boats and for the Larceny of which they were convicted at the Sessions of October 1858.

2. The facts of the case may be briefly summed up as follows.—

3. On Tuesday 5th October 1858, one Michael Provenzano and the two petitioners were brought up at the Sessions upon two Indictments.

1st. Feloniously and piratically stealing from the Ship " Golconda," the property noted below.

1 Writing Desk, 2 Sovereigns, 1 case of Scales and Weights, 3 Photographic pictures valued 101 Rupees, the property of a shipmate named William Goode.

2nd. Feloniously stealing, 1 Boat, 2 Oars, 1 Mizen royal, 2 Studding sail yards, 3 Water Kegs, 3 Barrels Biscuits, valued Rupees 170, the property of the Ship.

4. The petitioners had made statements before the Magistrate, which were read out in Court, and it appeared that some nights before the theft of the Boat, Provenzano asked the boys to leave, but they replied, "why should we," and the former then held out prospects to them of getting 25 £ from a friend in Seringapatam, and for provisions, and in case they did not like the place, of their being easily able to reach Calcutta, where each of the boys could get 5 £ wages, and he 7 £ wages a week. In case they did not like Calcutta, he urged that they could as easily go to the Colonies and obtain a mint of money ; that this prospect induced the boys to join in the undertaking, and that they went off at 12 P. M. on the night of the 20th September 1858, and only next morning discovered all that Provenzano, had put in the boat.

5. First prisoner Provenzano was convicted on both Indictments, the two lads were acquitted of the first, and convicted on the second.

6. The 1st prisoner Provenzano, was sentenced to 2 years' imprisonment with hard labor, while the two petitioners were sentenced to one year of the same, four months of which has now elapsed.

7. The behaviour of the petitioners during the period they have been in jail, has been very good, and if I may be permitted to express an opinion, I would say, that I think a mitigation of the sentence in the case of these two lads, by causing a separation from Provenzano, would prove of much advantage to them. They seem fully to understand the awkward position they have got themselves into by their folly.

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To the Right Honorable GEORGE FRANCIS ROBERT LORD HARRIS, Governor in Council, Madras.

The humble petition of George Benson, and Thomas Britton, prisoners in Her Majesty's Penitentiary, Madras.

MOST RESPECTFULLY SHEWETH :—

That your Lordship's Petitioners were convicted, at the Oyer and Terminer Sessions of October 1858, of Larceny, viz., desertion in a ship's boat, from the ship " Golconda," they accordingly received sentence of 12 months' imprisonment in the House of correction with hard labor. But, confiding in the benevolence of your Lordship's disposition, they feel emboldened to give utterance to a hope that this their petition will not remain utterly disregarded. They seek not to deny the culpability of their offence, but are deeply sensible of its immoral tendency, and are

-ing for mitigation

they humbly trust, sincere penitents for having committed it. But, as there exist one or two circumstances of an extenuating nature, attendant on their conviction, they humbly feel inclined to think, that after mature consideration, your Lordship may not be indisposed to entertain them.

1stly. Your Lordship's Petitioners are mere boys, and were, respectively of the ages of seventeen and sixteen at the period of their commitment.

2ndly. Their extreme youth and inexperience were liable to lead them astray, and it was solely owing to the promptings, and at the instigation, of another, they were induced to perpetrate an act, they have never since ceased to deplore. It is with feelings of deep humiliation, they view their present sad position. They are now entering upon the sixth month of their sentence of incarceration, and have, consequently, as many more to serve. They now beg to plead most earnestly, to make a fervent appeal of mercy, to your Lordship, of mercy towards those who have experienced, yet justly, a great and terrible calamity. The prayer of their Petition they would fain express in terms of intense entreaty. They humbly and earnestly beg that your Lordship be pleased to remit the remainder of their term ; and they will never, never cease to cherish a high and grateful sentiment of your Lordship's clemency.

And your Lordship's Petitioners, as in duty bound

Shall ever pray,

(Signed) GEORGE BENSON.
(,,) THOMAS BRITTON.

No. 40. To the Honorable SIR ADAM BITTLESTON, Knight, Puisne Justice of Her Majesty's Supreme Court of Judicature at Madras, dated Fort Saint George, 25th March 1859, No. 405.

HONORABLE SIR,

We do ourselves the honor to forward to your Lordship, for any observations that you may wish to offer, the accompanying Petition received, through the Commissioner of Police, from two lads George Benson and Thomas Britton, at present confined in the Penitentiary, praying for mitigation of their sentence.

(Signed) HARRIS.
(,,) P. GRANT.
(,,) W. ELLIOT.
(,,) W. A. MOREHEAD.

Exd. F. Cartledge.

Judicial Dept
No. 405.
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To the Honorable
Sir A. Bittleston.

We do ourselves the honor to forward to your Lordship, for any observations that you may wish to offer, the accompanying petition received through the Commissioner of Police, from two lads George Benson and Thomas Britton-al present confined in the Penitentiary praying for mitigation

of their Sentence

JJP

Fort St George
25th Mar 1[illegible]

Dy to Cons: 25th March

Jud.e 1859 Dept.

No. 405.

To the Honorable
Sir A Bittleston Kt.
Puisne Judge of Her
Majesty's Court Judicature
at Madras.

Dated 25th March
1859.

Act 18 of 1855

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