

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1694	Press
32-33	<u>Mis.</u>
Dated 28-8-1948	

Not to be folded or roughly handled

12

Fort St. George, Judicial Consultation, 31st August 1858.

No. 32. Read the following letter from J. J. FRANKLIN, Esq., Sheriff of Madras; to THOMAS PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 18th August 1858, No. 68.

SIR,

I have the honor to forward the accompanying petition from John Hankin, a prisoner in Her Majesty's Jail, to the Right Honorable the Governor in Council, and to state that Hankin having addressed the Chief Justice, was informed that his application should either be sent to His Lordship or to Her Majesty.

To the Right Honorable GEORGE FRANCIS ROBERT LORD HARRIS, Governor in Council; Fort Saint George.

The humble petition of John Hankin, a prisoner in Her Majesty's Criminal Goal, under sentence of two years' imprisonment,

SHEWETH,

That, he is a prisoner in the Goal aforesaid, committed by Her Majesty's Supreme Court, on the 16th of April 1858, for imprisonment. He pleaded guilty on the Indictment, and was sentenced for "assault" on one Elizabeth Martyn, a native woman.

He submits to your Excellency's consideration, that he being unused to the prescribed formula of Courts, not ever having been placed in such a trying position before, and not having proper legal advice during trial, he was unable to make His Lordship aware, that the imprisonment imposed would cause a much severer punishment, than was intended in the sentence decreed by Her Majesty's Supreme Court.

That your petitioner was unaware of His Lordship's having left the Presidency, until it was too late for applying to him, on the present subject of your humble petitioner's.

He therefore now submits to your Excellency's consideration, that he was a Pensioned Serjeant on the receipt of Company's Rupees (30) thirty per mensem as his pension, out of which he helped to support his widowed daughter with three children, her husband having lost his life in the service of his country during the late revolt in Bengal.

That by his long imprisonment he forfeits all the benefit that accrues from his pension, thereby leaving his family as aforesaid, without sufficient means of subsistence during his imprisonment.

That, the loss of his pension for the two years in reality amounts to a fine of upwards of Company's Rupees (700) seven hundred, in excess to the punishment recorded against him in Her Majesty's Supreme Court, thereby severely distressing his unfortunate family wholly unawares to the then presiding Judge.

That previous to his present trial and imprisonment, your humble petitioner has ever borne an unimpeachable character, during the long period of twenty-five years of uninterrupted service, in the first Madras Fusiliers; he never having been brought before any Court, either Military or Civil, which may be shown by a reference, to the records in the Adjutant General's Office, never being even a defaulter in their books, also while doing duty in the Straits of Malacca, on the Convict establishment, for three years on that station, his character was ever honorable, and has ever continued so until the present instance, wherein, he was greatly provoked, by finding himself robbed, and grossly insulted, after returning from a long tour of duty of two months and eleven days, protecting the Cutcherry at Cuddalore.

Your humble petitioner having been informed of your Excellency's being empowered, by an Act (passed sometime in November 1855) for remitting, mitigating, and pardoning of punishments and other penalties when justly considered in the cause of humanity and mercy, he has been induced therefore to apply to your Excellency's considerate kindness, he having lost all those who would have interested themselves on his behalf. Major General Neill, Majors Renaud and Stevenson and many others who were his immediate Officers whilst serving in the Regiment, are either now deceased or absent from the Presidency.

Fort St. George, Judicial Consultation, 31st August 1858.

Wherefore your humble petitioner under the severe and great distress that his family and himself endures, humbly prays that your Excellency will take into consideration, his very advanced age of upwards of 50 years and the honorable and unimpeachable character he has formerly borne, during his long service in India of thirty years' standing and do something to mitigate and alleviate his lamentable case.

Madras, 12th August 1858.

And your humble petitioner shall ever pray,

(Signed) JOHN HANKIN,
Pensioned Serjeant.

No. 33.

ORDER THEREON, No. 1194; dated 28th August 1858.

Ordered to be forwarded to the Honorable Company's Solicitor for a short report on the petitioner's case.

(Signed) T. PYCROFT,
Chief Secretary.

No 1194 22

Wf Ordered to be forwarded to the HC Solicitor
Wf In a short report on the Petitioner's
case.
Jp
J. St. George }
28 August 1858. }
HC Solicitor }
with Petitioner to be returned } Sept 28th

c. no. 24-25
4/5758

Ind. L. to Enq. No. 2
13/12/58
Para 34-35