

MADRAS RECORD OFFICE.

Government of Madras.

Admission DEPARTMENT.

G.O. No.	1673	Press
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Dated	11-9-1887	

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Not to be folded or roughly handled

No. 1473.

To

THE HONORABLE W. HOLLOWAY,
Judge of the High Court of Judicature, Madras.

HONORABLE SIR,

I am directed to forward the accompanying petition from Nicholas John Fennelly Adams, sentenced to five years' rigorous imprisonment for forgery at the 1st Sessions of 1867, at which you presided, and to request that you will be good enough to favor the Governor in Council with your opinion as to whether the petitioner's prayer for a mitigation of sentence is deserving of the favorable consideration of Government.

FORT SAINT GEORGE,
11th September 1867.

I have the honor to be,
Honorable Sir,
Your most obedient Servant,

Chief Secretary.

From the Acting Commissioner of Police, to the Acting Chief Secretary to Government, Fort Saint George; dated Madras, 3rd September 1867, No. 104.

I have the honor to forward a petition from one Nicholas John Fennelly Adam, now a prisoner in the Madras Penitentiary, sentenced to five years' rigorous imprisonment by the High Court, 1st Sessions of 1867, for forgery.

2. The prisoner prays for a mitigation of sentence.

To
HIS EXCELLENCY THE RIGHT HONORABLE LORD FRANCIS NAPIER, BARON NAPIER, K. T.
Governor of the Presidency of Fort Saint George and its Dependencies.

The humble Petition of NICHOLAS JOHN FENNELLY ADAM, now a Prisoner in Her Majesty's Criminal Jail, and late an employé in the Oriental Bank Corporation at Madras.

RESPECTFULLY SHEWETH,

That your petitioner is now a prisoner in Her Majesty's Criminal Jail, having been sentenced by the High Court at Madras for a rigorous incarceration for a period of five years.

2. That your petitioner feels deeply aggrieved to bring to your Lordship's notice that, under the peculiar circumstances of his case, the decision of Her Majesty's Judges was far from being compatible with the unfortunate charge under which he is now sentenced to serve out the lengthened period of five years.

3. From the time your petitioner was employed in the Oriental Bank Corporation every official there could bear ample testimony to his unimpeachable character and rectitude of conduct during the whole of his tenure in office, but your petitioner humbly submits that he having been a mere subordinate and completely under the influence and control of the prisoner J. M. Yelsmore, petitioner was virtually bound to obey the injunctions of the prisoner Yelsmore, who was his immediate superior, and thereby perpetrated a deed not only derogatory to petitioner's character, but also entailing a lasting ruin on petitioner's unfortunate mother and a large circle of relatives.

4. That your petitioner's case calls for some mitigation, if not actual releasement, will be clearly apparent from the following considerations:—

1. That your petitioner was completely duped, and laboring as he did under a very great anxiety of mind, he was necessarily obliged to succumb to the imperative demands of the prisoner

Yelsmore in aiding and abetting a transaction which has now placed your petitioner in Her Majesty's Criminal Jail.

ii. That your petitioner is further blameless in his unfortunate case may be still further inferred when he brings to your Lordship's notice that Yelsmore induced your petitioner, through sinister motives, to be a virtual conniver in cashing a document on the Oriental Bank Corporation, forged by the prisoner Yelsmore.

iii. That your petitioner connived at this document cannot be a matter of bewonderment, inasmuch as his non-compliance with the request of the prisoner Yelsmore would have eventually resulted in his summary dismissal, or in some way or another; your petitioner being a mere tool in the hands of the prisoner Yelsmore, he would have concocted, fabricated, and otherwise made up something to implicate your unfortunate prisoner.

iv. That your petitioner respectfully submits that, in urging these arguments for a mitigation, if not release of his sentence, he does not assume that he is perfectly, totally blameless, although your petitioner urged it in his first point; but his main object in throwing himself upon your Lordship's benevolent sympathy is that, in cases of a similar nature, where crimes of greater magnitude and enormity have been committed, where social intercourse of every order was disturbed, where, in fine, the very foundation of human society was sapped by the outrageous conduct of individuals, your Lordship, in the high prerogative of your vested authority, has been pleased in the plenitude of your wisdom and justice, not only to extend pardon, but in a great degree to mitigate the sentence of the law.

5. Since your advent to this Presidency, your Lordship's name has been characterized as one of humanity and even-handed mercy; your Lordship's name was intertwined with those feelings of national kindness and charity which run a thread over all your Lordship's administration.

6. That your petitioner is a young and growing lad of 21 years of age; that he has yet to see the vicissitudes of time; that he has been unwittingly betrayed in the committal of a serious crime, are considerations which he most heartily deplores.

7. That your petitioner having brought certain facts to light, whereupon the prisoner Yelsmore was tried and convicted at the High Court for the same forgery (three months after your petitioner was convicted) to five years' rigorous imprisonment, he feels convinced that your Lordship will extend your mercy towards him, not only for the youthful piece of indiscretion into which he has involved himself, but for the consolation and comfort of an aged mother and a large circle of relatives.

8. From the foregoing facts and circumstances, your petitioner most humbly and fervently prays that your Lordship will pity and compassionate his distressed and deplorable condition, and be graciously pleased to issue an order for a mitigation of the sentence passed upon petitioner; or grant a final release.

And your petitioner, as in duty bound, shall ever pray.

(Signed) N. J. F. ADAM.

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[Handwritten signature]

W.D.

Wm. L. Sarge.
11 Sept. 1857 }



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Major William C. Durant
of Lawrence, Kansas

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officers
November 1867

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To

His Excellency the Right Honorable
Lord Francis Napier, K.T.
Baronet Napier
Governor of the Presidency of Fort St. George
and its Dependencies.

The humble Petition of Nicholas
John Fennelly Adam, now a Prisoner in Her
Majesty's Criminal Jail, and late an employe in
the Oriental Bank Corporation at
Madras.
Respectfully Sheweth.

That your Petitioner is now a Prisoner in
Her Majesty's Criminal Jail, having been sentenced
by the High Court at Madras for a rigorous incarce-
ration for a period of five years.

That your Petitioner feels deeply aggrieved
to bring to your Lordships notice that under the pecu-
liar circumstances of his case, the decision of Her
Majesty's Judges was far from being compatible with
the unfortunate charge under which he is now sentenced
to serve out the lengthened period of five years.

From the time your Petitioner was employed in
the Oriental Bank Corporation every official there
could bear ample testimony to his unimpeachable
character and rectitude of conduct during the whole of
his tenure in office, but your Petitioner humbly submits
that he having been a mere subordinate and completely
under the influence and control of the Prisoner J. M.
O'Sullivan, Petitioner was virtually bound to obey the
injunctions of the Prisoner O'Sullivan, who was his im-
mediate superior and thereby perpetrated a deed not only
derogatory to Petitioner's character, but also entailing a
lasting ruin on Petitioner's unfortunate mother and a
large circle of relatives.

That your Petitioner now calls for some mitigation, if not actual release, will be clearly apparent from the following considerations.

I. That your Petitioner was completely duped and laboring as he did under a very great anxiety of mind, he was necessarily obliged to succumb to the imperative demand of the Prisoner Glemore in giving and abetting a transaction which has not placed your Petitioner in Her Majesty's criminal debt.

II. That your Petitioner is further blameless in his unfortunate case, may be still further inferred when he brings to your Lordship's notice that Glemore induced your Petitioner thro' sinister motives, to be a virtual co-conspirator in cashing a document on the Oriental Bank Corporation forged by the Prisoner Glemore.

III. That your Petitioner connived at this document cannot be a matter of wonderment inasmuch as his own compliance with the request of the Prisoner Glemore would have eventually resulted in his summary dismissal, or in some way or another, your Petitioner being a mere tool in the hands of the Prisoner Glemore, he would have concocted, fabricated and otherwise made up something to implicate your unfortunate Prisoner.

IV. That your Petitioner respectfully submits that in urging these arguments for a mitigation, if not release, of his sentence, that he does not assume that he is perfectly, totally blameless, altho' your Petitioner urges it in his first point, but his main object in throwing himself upon your Lordship's benevolent sympathy is that, in cases of a similar nature, where crimes of greater magnitude and enormity have been committed, where social intercourse of every order was disturbed, where, in fine, the very foundation of human society was sapped by the outrageous conduct of individuals, your Lordship in the high prerogative of your vested authority has been pleased in the plenitude of your wisdom and justice, not only to extend pardon, but in a great degree to

* Whereupon the Prisoner Glemore was tried and convicted at the High Court for the same forgery (three months) after your Petitioner was committed to 5 years rigorous imprisonment.

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mitigate the sentence of the Law.

Since your advent to this Presidency, your Lordship's name has been characterized as one of humanity and even handed mercy; Your Lordship's name was intertwined with those feelings of national kindness and charity which run a thread over all your Lordship's administration.

That your Petitioner is a young and growing lad of 21 years of age; that he has yet to see the vicissitudes of time; that he has been unwittingly betrayed in the commission of a serious crime, are considerations which he most heartily deplores.

That your Petitioner having brought certain facts to light, he feels convinced that your Lordship will extend your mercy towards him, not only for the youthful piece of indiscretion into which he has involved himself, but for the consolation and comfort of an aged mother and a large circle of relatives.

From the foregoing facts and circumstances your Petitioner most humbly and fervently prays that your Lordship will pity and compassionate his distressed and deplorable condition, and be graciously pleased to issue an order for a mitigation of the sentence passed upon Petitioner or grant a final release.

And your Petitioner as in duty bound
Shall ever pray.

J. Adam

N 104

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Madras Police Commissioner's
Office 3rd September 1867.

From

Major W. G. Graves
Acting Commissioner of Police.

To

The Honble R. E. Ellis. C. S.
Ag. Chief Secretary to Government
Fort Saint George.

Sir,

I have the honor to forward a Petition
from one Nicholas John Finnelly. Adam
now a Prisoner in the Madras Penitentiary
sentenced to 5 years Rigorous Imprisonment
by the High Court 1st Sessions of 1867 for
Forgery.

2 The Prisoner prays for a miti-
gation of Sentence.

I have the honor to be,
Sir,

Your Most Obedient Servant,

W. G. Graves
Acting Commissioner of Police.

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