M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1303	Press Mis.
35-36	
Dated 27—9— 1936	

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 24th September to 4th October 1859.

No. 35. Read the following letter from J. B. CROWTHER, Esq., Assistant Superintendent of Marine; to T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated 26th September 1859, No. 3867.

I have the honor to forward herewith Charter party in triplicate on account of a European Convict proceeding to England in the "Southern Cross," in order that the signature of the Right Honorable the Governor may be affixed to two parts, and the triplicate returned for delivery to the Commander, the original being transmitted to the Secretary of State for India.

No. 36. ORDER THEREON, 27th September 1859, No. 1303.

The first and triplicate of the Charter party, received with this letter, having been executed by the Honorable the Governor, ordered that the triplicate be forwarded to the Assistant Superintendent of Marine for delivery to the Commander of the "Southern Cross" and the first part to the Secretary of State for India, together with the other documents relating to the Convict, James Falconer.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Carlodge.

Articles of Agreement made and entered into this Nineteenth day of ~~September~~ in the year of our Lord One thousand Eight hundred and Fifty nine Between Frederick Bristow Master and Commander of the Ship or Vessel called the Southern Cross of the Burthen of 605 Six hundred and Five ~~Tons~~ Tons register measurement or thereabouts belonging to the Port of London and now riding at anchor in the Madras Roads of the one part and The Right Honorable the Secretary of State for India in Council of the other part Whereas the said Frederick Bristow has offered and proposed to the Government of Fort Saint George to convey One European Convict now in the custody of the Sheriff of Madras and who ~~have~~ has been legally sentenced to be transported to England and who is ~~respectively~~ named or known by the names of James Falconer

and the descriptions of whose ~~respective~~ persons ~~are~~ is set forth and specified in the Table marked with the letter A hereunto annexed from Madras to England on board the said Ship or Vessel called the Southern Cross at the rate of 400 four hundred Rupees ~~for each Convict~~ and has offered to enter into the covenants and agreements in these presents on his part contained which offer and proposal has been accepted by the Governor in Council of Fort Saint George acting on the behalf of the said Secretary of State in Council. Now these presents witness that in consideration of the covenants and agreements hereinafter entered into by and on the part of the said Secretary of State in Council his Successors and Assigns he the said Frederick Bristow ~~_____~~ for himself his Heirs Executors and Administrators does hereby covenant promise and agree to and with the said Secretary of State in Council his Successors and Assigns in manner following (that is to say) that he the said Frederick Bristow shall and will within 10 Ten days from the date of these presents erect and make on board the said Ship or Vessel ~~in the part thereof~~ a prison of such size dimensions strength and construction as will be proper and fit to accommodate and secure the said One Convicts and on the same being completed he will report the same to the Superintendent of Marine at Fort St. George and permit any person or persons authorized for the purpose by the said Superintendent of Marine to go on board the said Ship and inspect and survey the prison as constructed and shall and will make any such reasonable alterations or additions to the said prison as the said Superintendent of Marine or such person or persons so authorized shall on any such inspections and survey think necessary and also shall and will at his own expense provide and store on board the said Ship all such food water and other necessaries for the said Convicts during the said voyage as shall be approved of by the said Superintendent of Marine or the person or persons to be authorized as aforesaid And that he the said Frederick Bristow shall and will ~~within~~ on the 25th instant or as soon after as convenient ~~day after such prison shall be constructed and completed as aforesaid~~ receive on board the said Ship the said One Convicts ~~respectively~~ named or known by the name of James Falconer

and that he will convey and transport ~~them~~ him from Madras direct to London

with safety and care on board the said Ship unless prevented by the act of God and on arriving there will report to the said Secretary of State ——— the arrival of the said Convicts and keep and detain the said Convicts in safety until an Officer or Officers duly authorized by the said Secretary of State ——— shall demand and take charge of the said Convicts from the said Frederick Bristow and that he will deliver the said Convicts in custody to such Officer or Officers who shall so demand ~~them~~ him on having a receipt for ~~them~~ him signed by such Officer or Officers and also that from the time of the embarkation of the said Convicts in the Madras Roads until the arrival of the said Ship at London and the said Convicts being taken charge of there as aforesaid he the said Frederick Bristow — shall and will at his own expense maintain and support or otherwise supply the said Convicts daily with good and wholesome food water and other necessaries according to the rate and scale hereunto annexed marked with letter B (except in case of unavoidable necessity happening during the said voyage not permitting) and will also afford and allow ~~them~~ him such medical aid assistance and medicine as may be necessary and that in case ~~any~~ of the said Convicts shall die during the said voyage he the said Frederick Bristow will report to the said Secretary of State on his arrival the cause of the death of such Convict ~~Convicts~~ and the nature of the illness of which such Convict ~~Convicts~~ may have died with a detail of the medical aid and treatment which such Convict ~~Convicts~~ experienced during any such illness and also shall and will keep and detain the said Convicts until ~~they~~ he shall be so demanded and taken charge of as aforesaid in the prison so to be prepared as aforesaid except during illness and during four hours in each day or on such days as the state of the weather will allow during which he will allow the said Convicts (subject to all lawful exceptions rendered necessary for the preservation of requisite discipline on board the said Ship) to walk upon the deck of the said Ship for air and exercise and will during such time keep ~~them~~ him properly and securely guarded and that he as well when the said Convicts ~~are~~ is in the said prison place and keep a proper guard of not less than two men over the said convicts and not less than two men when ~~they are~~ he is on deck to prevent ~~their~~ his escape and these presents further witness that in consideration of the covenants and agreements hereinbefore entered into as aforesaid by and on the part of the said Frederick Bristow

The said Secretary of State in Council for himself and his Successors and Assigns doth hereby covenant promise and agree to and with the said Frederick Bristow his Executors and Administrators that the said Convicts shall be embarked on board the said Ship ~~within~~ on the 25th instant or as soon after as convenient and if the ~~the expiration of such days from the present exception shall have been completed as aforesaid~~ the state of the weather will permit or as soon after ~~the expiration of such days~~ as the weather will allow and shall and will as soon as may be possible after the said convicts shall have been so embarked as aforesaid well and truly pay or cause to be paid to the said Frederick Bristow his Executors or Administrators the sum of 266-10-8 two Hundred and Sixty Six Rupees ten Annas and eight Pice (being two thirds of the amount so agreed to be paid to the said Frederick Bristow by the said Governor in Council of Fort Saint George acting as aforesaid at and after the rate of 400 four Hundred Company's Rupees for the passage of ~~the~~ Convict to London and shall and will on the said Secretary of State being satisfied that the said Convicts ~~have~~ has been duly transferred by the said Frederick Bristow to the custody of such Officer or Officers duly authorized to receive ~~them~~ him as aforesaid, that ~~they~~ he has ~~have~~ been properly treated by the said Frederick Bristow during the Voyage and that the covenants and stipulations in these Articles of Agreement or Charter Party contained have been duly and satisfactorily fulfilled well and truly pay or cause to be paid unto the said Frederick Bristow his Executors or Administrators in London the further sum of (133 — 5 — 4) One Hundred and ~~being the re~~ thirty three Rupees Five Annas and Four Pice being the remaining third of the amount so agreed to be paid by the said Governor in Council of Fort Saint George, acting as aforesaid by way of passage money for the conveyance of the said Convicts as aforesaid. In witness whereof the said Frederick Bristow and the Honorable Sir Charles Edward Trevelyan Knight Commander of the Bath Governor in Council of Fort Saint George acting for and behalf of the said Secretary of State have set their respective hands and seals, to one part of these presents to remain with the said Secretary of State and the said Frederick Bristow has also to another part of these presents also to remain with the said Secretary of State set his hand and Seal and to another part of these presents to remain with the said Frederick Bristow the said Sir Charles Edward Trevelyan on behalf of the said Secretary of State has set his hand and Seal the day and year first above written.

SIGNED Sealed and Delivered by the above named Frederick Bristow *at Madras (where Stamps are not in use) in the presence of*

Fredk Bristow

Army

SIGNED Sealed and delivered by the above named Sir Charles Edward Trevelyan *at Madras (where Stamps are not in use) in the presence of*

Table A to which the foregoing Deed Poll refers.

Descriptive Roll of the undermentioned Convict

Names	Last Regiment	Where Born	When Born	Height	Complexion	Hair	Eyes	Face	Marks	Remarks
James Falconer	Royal Horse Artillery	County of Edinburgh	1837	5 feet 10 inches	Fair	Brown	Grey	Round	None	

B.

TABLE of RATIONS to be issued to EUROPEAN CONVICTS proceeding to London

	Bread.	Rice.	Flour.	Ghee or Suet.	Pease or Dholl.	Sugar.	Tea.	Vinegar.	Mustard seeds.	Salt Beef.	Salt Pork	Firewood	Water.
	lbs.	lbs.	lbs.	ozs.	pts.	ozs.	ozs.			lbs.	lbs.	lbs.	galf.
Sunday	¾	½	½	1	0	2	½	½ pints a week.	½ ozs. a week.	¾	0	4	1
Monday	¾	½	½	1	0	2	½			½	0	4	1
Tuesday	¾	½	0	0	¾	2	½			0	¾	4	1
Wednesday	¾	½	½	1	0	2	½			¾	0	4	1
Thursday	¾	½	0	0	¾	2	½			0	¾	4	1
Friday	¾	½	½	1	0	2	½			½	0	4	1
Saturday	¾	½	0	0	¾	2	½			0	¾	4	1
	4¾	3½	1½	4	¾	14	1½			2½	2	28	7

N. B.—Spirits should be issued only at the discretion of the Medical Officer when they may consider it necessary as an article of medicine.

No. 1303 — 27 Sept. 1859

The First & Triplicate of the Charter Party received with this letter having been executed by the Hon'ble the Governor, ordered that the triplicate be forwarded to the Assistant Superintendent of Marine for delivery to the Commander of the "Southern Cross" & the first part to the Secretary of State for India, together with the other documents relating to the Convict, James Falconer.

The Assistant Superintendent of Marine — with Charter Party & Dispd 27th inst.

for delivery to the Commander, the Original being transmitted to the Secretary of State for India.

I have the honor to be

Sir.

Your Most Obedient Servant.

Madras
Marine Sup.s Office.
26th September 1859.

J. B. Crowther
Asst. Supt. of Marine.

765