

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	232	<u>Press</u> <u>Mis.</u>
	38-39	
Dated	19-2-	191859

Not to be folded or roughly handled11/20/1918
11/20/1918

Fort St. George, Judicial Consultation, 25th February 1859.

No. 38. Read the following letter from J. J. FRANKLIN, Esq., Superintendent of Marine ;
to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort
St. George, dated 18th February 1859, No. 745.

SIR,

I have the honor to forward herewith Charter Party in triplicate on account of a European
Convict proceeding to England on the Ship *Barham* in order that the Government Seal may be
* Original and triplicate. affixed to two* parts of it, and the triplicate returned for delivery to the
Commander, the original with the Power of Attorney also now forwarded being transmitted to
the Honorable Secretary of State for India.

2. The *Barham* is reported as about to sail on the 22nd Instant, at day-light.

No. 39. ORDER THEREON, No. 232 ; dated 19th February 1859.

The Right Honorable the Governor in Council, directs the Chief Secretary to affix the
Common Seal of this Government to the documents received with the foregoing letter and to
attest the same, transmitting the triplicate of the Charter Party to the Superintendent of Marine
for delivery to the Commander of the "*Barham*," and the original with the Power of Attorney to
the Home authorities.

(Signed) T. PYCROFT,
Chief Secretary.

2
x

Madras 17th February 1859

In consideration of the payment to us as Agents for the Commander of the "Barham" by the Government of Fort Saint George of the sum of Company Rupees (333.5.4) Three hundred and thirty three Annas five and pice four being two thirds of the passage money agreed to be paid by the said Government to the said Commander for the conveyance on the said vessel from Madras to England of one European Convict we do hereby guarantee the performance by the said Commander of all the covenants stipulations and agreements contained in the annexed agreement or Charter Party and do hereby hold and make ourselves responsible to repay or refund and make good to the said Government all loss damages and expences which the said Government may sustain or be put to by reason or in consequence of the said Commander

Commander

Commander neglecting or omitting to fulfil,
or perform all or any one or more of the said
covenants stipulations and agreements so
contained in the said Charter Party dated this
seventeenth day of February 1839.

Witness
Attest

Abraham

Duplicate

Articles of Agreement made and entered into this *Seventeenth* day of
February in the year of our Lord One thousand Eight hundred and Fifty *Nine*
Between *Augustus Consitt* Master and Commander of the *Ship* or Vessel
called the *"Barham"* of the Burthen of *1149 One thousand*
One Hundred and Forty Five 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 *Government of Madras* of the other part Whereas the said *Augustus Con-*
sitt has offered and proposed to the Government of Fort Saint George to convey *the* European
Convicts now in the custody of the Sheriff of Madras and who *has* been legally sentenced to be transported
to *England* and who *is* ~~are~~ severally named or known by the names of *John*
Coleman

and the descriptions of whose respective persons *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 *"Barham"* at the rate of *500 Five*
Hundred Rupees for each Convict and has offered to enter into the covenants and agree-
ments 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 *Government of Madras* ~~East India Company~~ Now these presents
witness that in consideration of the covenants and agreements hereinafter entered into, by and on the part of
the said *Government of Madras* ~~East India Company~~ he the said *Augustus Consitt* for himself his Heirs
Executors and Administrators does hereby covenant promise and agree to and with the said *Government* ~~East India Com-~~
pany their Successors and Assigns in manner following that is to say that he the said *Augustus Con-*
sitt shall and will within *21* days from the date of these presents erect
and make on board the said *Ship* or Vessel in the *port*
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 *Secretary to the Marine Board* at Fort St. George and permit any person or persons authorized for the
purpose by the Members of the said *Board* or *any two of them or their Secretary* to go on board the said
Ship and inspect and survey the prison so constructed and shall and will make any such reasonable
alterations or additions to the said prison as such person or persons so authorized shall on any such inspections
and survey think necessary and also shall and will at his own expence provide and store on board the said
Ship all such food water and other necessities for the said Convicts during the said voyage as shall
be approved of by the person or persons to be authorized as aforesaid And that he the said *Augustus*
Consitt shall and will within *on the 21st instant* days after
such prison shall be constructed and completed as aforesaid receive on board the said *Ship* the said
Convicts respectively named or known by the names of *John Coleman*

and that he will convey and transport *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 report to the *Honorable Council of India* the arrival of the said Convicts and keep
and detain the said Convicts in safety until an Officer or Officer ~~shall~~ *shall* demand and take charge of the said Convicts from the said *Augustus*
Consitt and that he will deliver the said Convicts in custody to such Officer or Officers
who shall so demand them on having a receipt for them 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 *Augustus*
Consitt shall and will at his own expence maintain and support or
otherwise supply the said Convicts daily with good and wholesome food water and other necessities accord-
ing to the rate and scale hereunto annexed marked with the letter B (except in case of unavoidable neces-
sity happening during the said voyage not permitting) and will also afford and allow them 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 *Augustus Consitt* will report to the Governor of the said Council on his arrival there the cause of the death of such Convict or Convicts and the nature of the illness of which such Convict or Convicts may have died with a detail of the medical aid and treatment which such Convict or Convicts experienced during any such illness and also shall and will keep and detain the said Convict until they 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 properly and securely guarded and that he as well when the said Convicts are in the said prison place and keep a proper guard of not less than *five* men over the said Convicts and not less than *two* men when they are on deck to prevent their escape and in consideration of the covenants and agreements so hereinbefore entered into as aforesaid by and on the part of the said *Augustus Consitt* The East India Company do hereby covenant promise and agree to and with the said *Augustus Consitt* his Executors and Administrators that the said Convicts shall be embarked on board the said *Ship* within on the *21st* *inst.* days after the prison for their reception shall have been completed as aforesaid if 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 *Augustus Consitt* his Heirs Executors or Administrators the sum of *333-5-4* *Three Hundred & Thirty three Rupees Five Annas Four Pies* (being two thirds of the amount so agreed to be paid to the said *Augustus Consitt* by the said East India Company as aforesaid at and after the rate of *(500) Five Hundred Company's Rupees* for the passage of each Convict to London and shall and will on the production of a Certificate from the Government of that the said Convicts have been duly transferred by the said *Augustus Consitt* to the custody of such Government, that they have been properly treated by the said *Augustus Consitt* 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 *Augustus Consitt* his Heirs Executors or Administrators the further sum of *(100 10 8)* *One Hundred & Ten Rupees Ten Annas Eight Pies* being the remaining third of the amount so agreed to be paid by the said East India Company by way of passage money for the conveyance of the said Convicts as aforesaid. In witness whereof the said *Augustus Consitt* has set his hand and Seal and the Governor in Council of Fort Saint George on behalf of the said East India Company has caused the Common Seal of the said East India Company to be affixed to one part of these presents to remain with the said East India Company and the said *Augustus Consitt* has also to another part of these presents also to remain with the said East India Company set his hand and Seal and to another part of these presents to remain with the said *Augustus Consitt* the said Governor in Council on behalf of the said East India Company has caused the Common Seal of the said East India Company to be affixed the day and year first above written.

at Madras
where Stamps are not in use in the presence of
M. Cuttley
SEALED by the authority of the Governor in Council of Fort Saint George with the Common Seal of the said East India Company in the presence of
R. P. 16

Table A to which the foregoing Deed Poll refers.
Descriptive Roll of the under mentioned Convict

Names	Place of Birth	Age	Height	Complexion	Hair	Eyes	Teeth	Mark	Remarks
<i>John Coleman</i>	<i>33 Bachelors Co. Royal Rifles</i>	<i>County of Dublin</i>	<i>1830</i>	<i>5 ft 5 in</i>	<i>Fair</i>	<i>Blue</i>	<i>Grey</i>	<i>Round</i>	<i>None</i>

B.
TABLE of RATIONS to be issued to EUROPEAN CONVICTS proceeding to London in the "Sarkham"

	Bread.	Rice.	Flour.	Ghee or Suet.	Pease or Dhol.	Sugar.	Tea.	Vinegar.	Mustard seeds.	Salt Beef.	Salt Pork.	Firewood.	Water.
	lbs.	lbs.	lbs.	ozs.	pts.	ozs.	ozs.			lbs.	lbs.	lbs.	gals.
Sunday	3	1	1	1	0	2	1			3	0	4	1
Monday	3	1	1	1	0	2	1			3	0	4	1
Tuesday	3	1	0	0	1	2	1			3	0	4	1
Wednesday	3	1	1	1	0	2	1			3	0	4	1
Thursday	3	1	0	0	1	2	1			3	0	4	1
Friday	3	1	1	1	0	2	1			3	0	4	1
Saturday	3	1	0	0	1	2	1			3	0	4	1
	4 3/4	3 1/2	1 1/2	4	1	14	1 1/2			2 1/2	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.

Judicial Department.

N^o. 232

Extract from the Minutes of Consultation.
Dated. 17 February 1859

Read letter from the Super-
intendent of Marine — Enter N^o. 745 d/18 Feby. 1859.

The Right Honble the Govern-
or in Council directs the
Chief Secretary to affix the
common Seal of this Go.
vernment to the documents
received with the foregoing
letter & to attest the same
transmitting the triplicate
of the Charter Party to the
Superintendent of Marine
for delivery to the Comman-
der of the *Barham*, & the
Original with the Power
of Attorney to the Home
Authorities.

The Superintendent of } Dep^y 19th
Marine. with the triplicate
Charter Party

Dated 17th February 1859.

ARTICLES OF AGREEMENT or Charter Party

for the conveyance of European Convicts to
England on the ship *Barham*.

Set of 8 Brackets
Jude B. King. 21st 1854
Jan 8 of 1854

to Mr. G. Cow: 22nd Feb.
Judicial 1854 22nd Feb.
No 232

Extracts of the
minutes of the

dated 19 February 1854.