M.R.O. 1—30,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 43-44	275	Press Mis.
Dated	6-3-	19 1860.

Not to be folded or roughly handled

Jud
275

Proceedings of the Madras Government, Judicial Department, for the month of March 1860.

No. 43. Read the following letter from J. J. FRANKLIN, Esq., Superintendent of Marine; to the Chief Secretary to Government, Judicial Department, Fort Saint George, dated 3rd March 1860, No. 1138.

I have the honor to forward herewith Charter Party in original on account of a European Convict proceeding to England on the "Barham" to which the signature of Government has been affixed and to suggest that it be transmitted to the Honorable the Secretary of State for India.

No. 44. ORDER THEREON, 6th March 1860, No. 275.

Ordered that the Charter Party received with this letter be forwarded to the Secretary of State, together with the papers received from the Clerk of the Crown with his letter of the 11th November last.

2. Messrs. Arbuthnot and Co.'s Security Bond will be held in proper custody, till notice of the due fulfilment of the Charter Party is received from the Home Authorities.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Madras 2nd March 1860

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's Rupees (260) two hundred and sixty 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 Patrick Mahony 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 expenses which the said Government may sustain or be put to by reason or in consequence of the said 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 Second day of March 1860

Witness
A.W. Rambaud

Arbuthnot & Co

Articles of Agreement made and entered into this Second day of March in the year of our Lord One thousand Eight hundred and Sixty Between Augustus Consitt Master and Commander of the ship or Vessel called the "Barham" of th eBurthen of 1149 one thousand One Hundred and forty nine 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 Augustus Consitt has offered and proposed to the Government of Fort Saint George to convey One European Convicts now in the custody of the ~~Sheriff of~~ Commissioner of Police at Madras and who has been legally sentenced to be transported to England and who ~~are severally~~ is named or known by the name of Patrick Mahoney

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 "Barham" at the rate of 390 three hundred and ~~Ninety 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 Augustus Consitt 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 Augustus Consitt shall and will within one days from the date of these presents erect and make on board the said ship or Vessel ~~in the~~ in the Fore 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 sad 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 Augustus Consitt shall and will ~~within~~ on the 3rd 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 name of Patrick Mahoney

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

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 Augustus Consitt 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 Blackwall and the said Convicts being taken charge of there as aforesaid he the said Augustus Consitt 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 Augustus Consitt will report to the said Secretary of State ———— on his arrival 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 Convicts 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~~ him properly and securely guarded and that he as well when the said Convicts 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 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 Augustus Consitt

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 Augustus Consitt his Executors and Administrators that the said Convicts shall be embarked on board the said Ship ~~within~~ on ~~the 3rd instant 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 Executors or Administrators the sum of 260 Two hundred and Sixty Rupees (being two thirds of the amount so agreed to be paid to the said Augustus Consitt by the said Governor in Council of Fort Saint George acting as aforesaid at and after the rate of 390 Three hundred and Ninety Rupees for the passage of ~~each~~ the Convict to Blackwall and shall and will on the said Secretary of State being satisfied ———— that the said Convicts ~~have~~ has been duly transferred by the said Augustus Consitt to the custody of such Officer or Officers duly authorized to receive ~~them~~ him as aforesaid, that ~~they have~~ he has 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 Executors or Administrators in London the further sum of (130) One hundred and thirty Rupees 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 Augustus Consitt and the Chief Secretary on behalf of the Government 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 Augustus Consitt 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 Augustus Consitt the said Chief Secretary 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 Augustus Consitt *at Madras (where Stamps are not in use) in the presence of*

W. Rembardt

Augustus Consitt

SIGNED Sealed and delivered by the above named Chief Secretary *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

Name	Age		Height		Color of			Particular Marks
	Years	Months	Feet	Inches	Hair	Eyes	Complexion	
Patrick Mahoney	21	"	5	7	Light Brown	Blue	Fresh	Slightly made

B.

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

	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	2/3	1/2	1/3	1	0	2	1/6			1/2	0	4	1
Monday	2/3	1/2	1/3	1	0	2	1/6			1/2	0	4	1
Tuesday	1/2	1/2	0	0	2/7	2	1/6			0	1/2	4	1
Wednesday	1/2	1/2	1/3	1	0	2	1/6			1/2	0	4	1
Thursday	1/2	1/2	0	0	2/7	2	1/6			0	1/2	4	1
Friday	1/2	1/2	1/3	1	0	2	1/6			1/2	0	4	1
Saturday	2/3	1/2	0	0	2/7	2	1/6			0	1/2	4	1
	4 2/3	3 1/2	1 1/3	4	6/7	14	1 1/6	3/7 pints a week.	1/7 ozs. a week.	2 1/3	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. 275 — 6th March 1860.

Ordered that the Charter Party received with this letter be forwarded to the Secretary of State together with the papers received from the Clerk of the Crown with his letter of the 11th Novemr. Last.

2. Messrs. Arbuthnot & Co's. Security Bond will be held in proper custody till notice of the due fulfilment of the Charter Party is received from the Home Authorities.

JP

on the "Barham" to which the signature of Government has been affixed and to suggest that it be transmitted to the Honorable the Secretary of State for India.

I have the honor to be
Sir
Your Most Obedient Servant

Edwd Harding
Superintendent of Marine

Madras
Marine Superintendent's Office
3rd March 1860