

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

962

Press
Mis.

206-208

Dated

30.7.1861

19

9/9

Not to be folded or roughly handled

170

*Proceedings of the Madras Government, Judicial Department,
30th July 1861.*

Read the following papers :—

No. 206. From J. B. NORTON, Esq., Clerk of the Crown ; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 1st July 1861.

With reference to my letter of the 21st May, I have the honor to forward a copy (in duplicate) of the Descriptive Register of Private James Byrne of Her Majesty's 68th Regiment L. I., who has been sentenced by a General Court Martial to Penal Servitude.

No. 207. From J. J. FRANKLIN, Esq., Superintendent of Marine ; to J. D. SIM, Esq., Secretary to Government, Judicial Department, Fort Saint George, dated 29th July 1861, No. 2,134.

I have the honor to forward Charter Party in triplicate on account of convict James Byrne proceeding to England in the Ship 'Earl of Hardwicke,' in order
Original and Triplicate. that your signature may be affixed to two parts and the triplicate returned for delivery to the Commander, the original being transmitted to the Honorable Secretary of State for India.

No. 208. ORDER THEREON, 30th July 1861, No. 962.

Ordered that the triplicate of the Charter Party duly executed on behalf of the Government, be returned to the Superintendent of Marine—and that the duplicate, also executed, be forwarded to the Secretary of State, with the other documents relative to the Military offender, James Byrne.

2. The original Charter Party with the guarantee of the Agents of the vessel attached to it, will be retained in the Government Office.

(Signed) J. D. SIM,
Secretary to Government.

Well of a Soldier of the Sixty Eighth Regiment of Light Infantry, who has been sentenced to transportation
 Penal Servitude or Imprisonment

Mayoon, May 1861.

Name
 Name
 and
 Number.

Crim.

Penal

Provide

James Byrne,

4181.

That the James Byrne, on or about the 11th of December 1860 at Mayoon, he took then and there a Soldier's Oath in the presence of several witnesses at a distance of upwards of 120 miles from the Presidency of Port Phillip where said James Byrne is now and then is personally with and then on William Delaney a Sergeant in the 68th Regiment Light Infantry.

No subject
 Penal servitude
 for the term of his
 life.

When and
 where tried

including his own
 read and write

which married
 or widowed

Former occupation
 or

Head

Whether born
 connected or
 transported and
 how often

Character
 and
 Behaviour

Years
 Height
 Weight

Complexion
 Color of Eyes
 Color of Hair

Whether married
 Whether in the army
 Whether in the navy

14th June 1860

Can read and write

Chief Justice

Where tried or
 transported

Very bad

25 9 5 9

Black
 Very fair

Examined,
 Charles Cowey,

Deputy Assistant

W. 68th Regt Light Infantry

John Macdonald

A True Copy

A Clerk of the Crown

Commanding W. 68th Regt Light Infantry

Colonel

R. C. Lloyd

original

Madras 10th July 1861

In Consideration of the payment
to us as Agents for the Commander of the
'Earl of Harwich' by the Government of
Fort Saint George of the sum of Compens-
ation (306-10-8.) three hundred and six annas
ten and five eight being two thirds of the
passage money agreed to be paid by the said
Government to the said Commander for the
consequence on the said vessel from Madras to
England of one European Convict James Byrne
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
as contained in the said Charter Party dated
the 10th day of July 1861

Witness
Attest

Attest

Articles of Agreement made and entered into this Tenth day of
July in the year of our Lord One thousand Eight hundred and Sixty one
Between George Hay — Master and Commander of the Ship or Vessel
called the Earl of Cardwike of the Burthen of 898

Tons register measurement or
thereabouts belonging to the Port of London and now riding at anchor in the Madrag Roads
of the one part and The Right Honorable the Secretary of State for India in Council of the other part
Whereas the said George Hay — has offered and proposed to the Government of Fort
Saint George to convey one European Convict now in the custody of the Commissioner of Police of Madras and
who ^{has} been legally sentenced to be transported to England — and who ^{is} ~~are~~ severally
named or known by the name of James Byrne

and the description 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 Earl of Cardwike at the rate of 400 Four
hundred and sixty 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 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 George
Hay — 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 George Hay —
shall and will within ten days from the date of these presents erect and
make on board the said Ship or Vessel 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 Convict 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 pro-
vide and store on board the said Ship all such food water and other necessities for the said Con-
vict 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 George Hay —
shall and will within two days after such prison shall be con-
structed and completed as aforesaid receive on board the said Ship the said one Convict
respectively named or known by the name of James Byrne

and that he will convey and transport ^{him} ~~them~~ 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 *George Way* _____ 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 *Blackwall* and the said Convicts being taken charge of there as aforesaid he the said *George Way* _____ 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 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 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 *George Way* _____ 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 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 *one* man over the said convicts and not less than *one* man when they ~~are~~ 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 *George Way* _____

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 *George Way* _____ his Executors and Administrators that the said Convicts shall be embarked on board the said *ship* within *two* 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 *two* 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 *George Way* _____

his Executors or Administrators the sum of *Rupees (306-10-8) Three hundred and six rupees ten and six eighth* (being two thirds of the amount so agreed to be paid to the said *George*

Way _____ by the said Governor in Council of Fort Saint George acting as _____ for aforesaid at and after the rate of *400/ four hundred and sixty Rupees* for the passage of ~~each~~ Convict to *Blackwall* and shall and will on the said Secretary of State being satisfied _____ that the said Convicts have been duly transferred by the said *George Way* _____ to the custody of such Officer or Officers duly authorized to receive them as aforesaid, that they ~~have~~ ^{has} been properly treated by the said *George Way* _____ 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 *George Way* _____ his Executors or Administrators in London the further sum of *(153-5-4) One hundred and fifty three Rupees, Annas five and pice four* being the re-

maining 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 *George Way* _____ 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 *George Way* _____ 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 *George Way* _____ 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
George Way at Madras
(where Stamps are not in use) in the presence of

SIGNED Sealed and delivered by the above named
Chief Secretary at Madras
(where Stamps are not in use) in the presence of

George Way

A. M. M. M.

A. M. M. M.

A. M. M. M.

*Secretary to Government,
for Chief Secretary*

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	
James Byrne	25	9	5	9	.	Grey	Fresh	None

B.

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

	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.	galf.
Sunday.....	4	1	1	1	0	2	1			1	0	4	1
Monday	4	1	1	1	0	2	1			1	0	4	1
Tuesday.....	4	1	0	0	1	2	1			0	1	4	1
Wednesday.....	4	1	1	1	0	2	1			1	0	4	1
Thursday	4	1	0	0	1	2	1			0	1	4	1
Friday	4	1	1	1	0	2	1			1	0	4	1
Saturday....	4	1	0	0	1	2	1			0	1	4	1
	4 $\frac{1}{2}$	3 $\frac{1}{2}$	1 $\frac{1}{2}$	4	1	14	1 $\frac{1}{2}$			2 $\frac{1}{2}$	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.

Proceedings of the Madras Govt.
 Read the following letters —
 From the Clerk of the
 Crown — Letter 1st July 61 N^o x.
 " the Subt^{le} of
 Marine — 29th do — " 2134.

With an Order.

Order — 30th July 1861 N^o 962. Mily.
 Ordered that the tripli-
 cate of the Charter Party, duly
 executed on behalf of the Govt., be returned to the Sec-
 retary of Marine — & that
 the duplicate, also executed,
 be forwarded to the Sec-
 retary of State, with the other
 documents

qua-
 sel
 ned

Original

Despatch 10th July 1861

Articles of Agreement
 or Charter Party for the con-
 veyance of a European Com-
 munity to England on the ship
 " Earl of Sandwich "

Articles of Agreement
 on Charter Party for the con-
 veyance of a European Com-
 munity to England on the ship
 "Earl of Sandwich"

Recd of 20 Aug 88
 From 26 June 1862 Oct 20 88
 to 27 July - Oct 20 88
 20th 11/88

Recd of 20 Aug 88
 From 26 June 1862 Oct 20 88
 to 27 July - Oct 20 88
 20th 11/88

The Tuptoth
 of Marine. with 200 Tupt 50-

J. 1861 C.

From 26 June 1862 Oct 20 88

The Superintendent of Marine

To the Secretary to Government

of India (C. P. & I.)
 Fort. George

Recd of 20 Aug 88
 From 26 June 1862 Oct 20 88

July 1861

272134.

272134.

Forwards to the
 "Influence of account of
 the Committee on the
 Proceeding to England by the
 Earl of Sandwich"

documents relative to the Mily.
 offender, James Byrne.
 2. The original Charter with the qua-
 rantee of the Agents of the Vessel
 attached to it, will be retained
 in the Govt. Office.

With an Order.

272134.