

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	323.	Press
109-116		~~Mis.~~
Dated	7-3	~~19~~ 1864

7/7

Not to be folded or roughly handled

12

Proceedings of the Madras Government, Judicial Department,
7th March 1864.

No. 109. Read the following letter from H. D. E. DALRYMPLE, Esq., Master Attendant in charge of the Marine Superintendent's Office; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Judicial Department, Fort Saint George, dated Madras, 5th March 1864, No. 710.

I have the honor to forward Charter Party in triplicate having reference to the convicts Martin Shea and Thomas Kenneally proceeding to England in the ship *Atalanta*, in order 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 the Secretary of State for India.

Original and Triplicate.

No. 110. ORDER THEREON, 7th March 1864, No. 323.

The triplicate of the Charter Party will be signed by the Chief Secretary and returned for delivery to the Commander of the *Atalanta*.

2. The original also, duly executed, will be forwarded to the Secretary of State, with the other documents relating to the convicts.

(True Extract.)

A. J. ARBUTHNOT,
Chief Secretary.

To the Master Attendant in charge of the Office of Superintendent of Marine,
with triplicate of Charter Party.

Exd. J. Tulloch.

20
Machras 4th March 1864

In consideration of the payment
to us as Agents for the Commander of
the "Malantai" by the Government of
Fort Saint George of the sum of Rupees
(533-5-4) five hundred and thirty three
annas five and pice four being two thirds
of the passage money required to be paid
by the said Government to the said
Commander for the conveyance on the
said vessel from Machras to England
of two European vessels we do hereby
guarantee the performance by the said
Commander of all covenants stipulations
and agreements contained in the said
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

+
Martin Shree

Thomas Hemmings

and

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 ^{11th} third day of March
1864.

Witness
Recd. *Ant. Hieftin*
P. Hieftin

Articles of Agreement

made and entered into this *Third* day of
March in the year of our Lord One thousand Eight hundred and sixty *four*
Between *John Gibb Ballingall* Master and Commander of the *Ship* or Vessel
called the *Stalantia* of the Burthen of *(730) nine hundred*
and thirty 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 *John Gibb Ballingall* has offered and proposed to the Government of Fort
Saint George to convey *two* European Convicts now in the custody of the Commission of
Police at Madras and who have been legally sentenced to be transported to *England*
and who are severally named or known by the names of *Morton Shaw and Thomas*
Hennessy

and the descriptions of whose respective persons are 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 *Stalantia* at the rate of *(400)* *four*
hundred *Paces* 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
John Gibb Ballingall for himself his Heirs Executors and Administ
hereby covenant promise and agree to and with the said Secretary of State in Council his Suc
Assigns in manner following (that is to say) that he the said *John Gibb Ballingall*
shall and will within *three* days from the date of these presents
make on board the said *Ship* or Vessel in the *Fore Part Port side*
thereof a prison of such size dimensions strength and construction as will be proper and fit to ac
and secure the said *two* Convicts and on the same being completed he will report
the Superintendent of Marine at Fort Saint George and permit any person or persons author
purpose by the said Superintendent of Marine to go on board the said *Ship* and inspect
the prison as constructed and shall and will make any such reasonable alterations or additions to the
as the said Superintendent of Marine or such person or persons so authorized shall on any such
and survey think necessary and also shall and will at his own expense provide and store on

Ship all such *other* and other necessities for the said Convicts du
voyage as shall be approved of by the said Superintendent of Marine or the person or p
authorized as aforesaid. And that he the said *John Gibb Ballingall*
shall and will within *seven* days after such prison
constructed and completed as aforesaid receive on board the said *Ship* the said *two*
respectively named or known by the names of *Morton Shaw and Thomas*
Hennessy

and that he will convey and transport 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 *John Gibb Ballingall* and that he will deliver the said Convicts in custody to such Officer or Officers who shall so demand them on having a receipt or 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 *John Gibb Ballingall* 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 board 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 *John Gibb Ballingall*

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 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 *two* men over the said Convicts and not less than *two* men when they are on deck to prevent their escape and these presents further witness that in consideration of the covenants and the agreements herein before entered into as aforesaid by and on the part of the said *John Gibb Ballingall*

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 *John Gibb Ballingall* his Executors and Administrators that the said Convicts shall be embarked on board the said *Ship* within *four* 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 *four* 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 *John Gibb Ballingall* or his Executors or Administrators the sum of *Five hundred* *Pounds* (533-5-4) *Five hundred* *Pounds* (being two hundred *Pounds* for the passage of each Convict to *Blackwall* and will on the said Secretary of State being satisfied that the said Convicts have been duly transferred by the said *John Gibb Ballingall* to the custody of such Officer or Officers duly authorized *Ballingall* during the voyage and that the covenants and stipulations in these Agreement or Charter Party contained have been duly and satisfactorily fulfilled well and truly

pay or cause to be paid unto the said *John Gibb Ballingall* his Executors or Administrators in London the further sum of) *Pounds* (266-10-8) *Two hundred and sixty six pounds ten shillings eight pence* 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 *John Gibb Ballingall* and the *Honorable 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 hand and seals, to one part of these presents to remain with the said Secretary of State and the said *John Gibb Ballingall* 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 *John Gibb Ballingall* the said *Honorable the Chief Secretary* on behalf of the said Secretary of State has set his hand and Seal the day and the year first above written.

SIGNED Sealed and Delivered by the above named
John Gibb Ballingall at Madras
(where Stamps are not in use) in the presence of

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

J. Maudslayi Esq. M.P.
Attorney General

Wm. L. Cunningham
Chief Secretary

Table A to which the foregoing Dead Roll refers.

Descriptive Roll of the undermentioned Convicts

Name	Rank	Regiments	Age years	Height feet	Weight lbs	Color of Complexion	Particulars Marks
Morton Shaw	Gunner	A. Battery 14 th Brigade Royal Artillery	28	11	5	10	Fresh grey None
Thomas Hennessey	Private	6 th Bn. 1 st Battalion The Royal Regt	23	5	5	5	Fair grey Corporal punishment on back cupping on back of neck Scars on lower part of right thigh

B.

TABLE of RATIONS to be issued to EUROPEAN CONVICTS proceeding to England.

	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.	gals.
Sunday.....	4	1	1	1	0	2	4			3	0	4	1
Monday.....	4	1	1	1	0	2	4			3	0	4	1
Tuesday.....	4	1	0	0	1	2	4			0	3	4	1
Wednesday.....	4	1	1	1	0	2	4			3	0	4	1
Thursday.....	4	1	0	0	1	2	4	1 pint a week.	1 ozs a week.	0	3	4	1
Friday.....	4	1	1	1	0	2	4			3	0	4	1
Saturday.....	4	1	0	0	1	2	4			0	3	4	1
	4	3	1	4	1	14	1			2	2	28	7

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

7 March 1864 N^o 323. 4c

The triplicate of the Charter Party will be signed by the Chief Secretary and returned for delivery to the Command of the "Atalanta".

2. The Original also duly executed will be forwarded to the Secretary of State, with the other documents relating to the Convicts.

W. R.

To the Master Attendant in charge
of the Office of Capt of Marine - } despatch 7/3
with triplicate Charter Party

Triplicate.

Dated 3rd March 1864

Articles of Agreement or
Charter Party for the conveyance
of two European Convicts to
England on the ship "Atalanta"

W. R. 7th March 1864
169 & 170