M.R.O. 1—23,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1211 Press ~~Mis.~~

262-263.

Dated 31-8-1865 ~~19~~

6/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
30th August 1865.

No. 262. Read the following letter from J. J. FRANKLIN, Esq., Superintendent of Marine, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Madras, 28th August 1865, No. 3041.

I have the honor to forward the Charter Party (in triplicate), relating to the Military convicts proceeding to England in the *Theresa*, 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. 263. ORDER THEREON, 30th August 1865, No. 1211.

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

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

3. Ordered that the papers enumerated in the margin, relating to these convicts, be forwarded to the Military Department, with reference to paragraphs 3 and 4 of the Order of the 24th December 1861, No. 1592.

3 Orders of Penal Servitude.
3 Dates of trial.
3 Descriptive Registers.
2 Orders of Removal.
11 Papers.

(True Extract).

Chief Secretary.

To the Superintendent of Marine, with Triplicate Charter Party.
,, Military Department, with a Packet.

Exd. J. H. Burns.

Duplicate.

2

Madras 24th August 1865

In consideration of the payment to us as Agents for the Commander of the "Theresa" by the Government of Fort Saint George of the sum of Rupees (800) Eight hundred being two thirds of the passage money agreed to be paid by the said Government to the said Commander for the conveyance in the said vessel from Madras to England of Three European Convicts we do hereby guarantee the performance by the said Commander of all 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

James Martin
Thomas Ryan
John Rundall

&c

so contained in the said Charter Party

dated this Twenty fourth day of August 1865.

Witness

Edwd. D'Rozario

Wm Inman

A. P. Yates

agents Ship Theresa

Articles of Agreement made and entered into this Twenty fourth day of August in the year of our Lord One thousand Eight hundred and sixty five

Between Paul Batty Master and Commander of the Ship or Vessel called the "Theresa" of the Burthen of (704) Seven hundred and four 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 Paul Batty has offered and proposed to the Government of Fort Saint George to convey three European Convicts now in the custody of the Commissioner 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 James Martin, Thomas Ryan and John Rundall 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 "Theresa" 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 Paul Batty 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 Paul Batty shall and will within three 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 three Convicts and on the same being completed he will report the same to the Superintendent of Marine at Fort Saint 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 [illegible] Executors or Administrators the sum of [illegible] Rupees [illegible] shall also [illegible] 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 Paul Batty shall and will within five days after such prison shall be constructed and completed as aforesaid receive on board the said Ship the said three Convicts respectively named or known by the names of James Martin, Thomas

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 Paul Batty 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 Paul Batty 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 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 Paul Batty 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 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 Paul Batty

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 Paul Batty his Executors and Administrators that the said Convicts shall be embarked on board the said Ship within three 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 three 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 Paul Batty

(being two-thirds of the amount so agreed to be paid to the said Paul Batty by the said Governor in Council of Fort Saint George acting as aforesaid at and after the rate of (400) Four hundred Rupees for the passage of each Convict to London and shall and will on the said Secretary of State being satisfied that the said Convicts have been duly transferred by the said Paul Batty to the custody of such Officer or Officers duly authorized to receive them as aforesaid, that they have been properly treated by the said Paul Batty during the voyage and that the covenants and stipulations in these Articles of Agreement or Charter Party contained have been duly and satisfactorily fulfilled

pay or cause to be paid unto the said Paul Batty his Executors or Administrators in London the further sum of (400) Four hundred 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 Paul Batty and the Honorable the Chief Secretary on behalf of the Government of Fort Saint George acting for and on 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 Paul Batty 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 Paul Batty the said Honorable the ~~said~~ 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 Paul Batty at Madras *(where Stamps are not in use) in the presence of*

Copy of Power

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

Assistant Secretary

Table A to which the foregoing Deed Poll refers.

Descriptive Roll of the undermentioned Convicts.

Name	Rank	Regiment	Age	Height Feet	Height Inches	Color of Complexion	Color of Eyes	Particular Marks
James Martin	Private	H.M. 1st Battalion 18th Royal Irish Regt of Foot	25	7	5	7¾	Swarthy	Grey	Sea.
Thomas Ryan	Do.	Do. Do.	26	1	5	4	Fresh	Hazel	Do.
John Rundale	Driver	2 Battery 2 Brigade Royal Horse Artilly	22	6	5	4	Do.	Blue.	Horn

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.	½ pints a week.	½ ozs. a week.	lbs.	lbs.	lbs.	gals.
Sunday	[illegible]	½	½	1	0	2	¼			[illegible]	0	4	1
Monday	[illegible]	½	½	1	0	2	¼			½	0	4	1
Tuesday	[illegible]	½	0	0	[illegible]	2	¼			0	[illegible]	4	1
Wednesday	[illegible]	½	½	1	0	2	¼			[illegible]	0	4	1
Thursday	[illegible]	½	0	0	[illegible]	2	¼			0	[illegible]	4	1
Friday	[illegible]	½	½	1	0	2	¼			½	0	4	1
Saturday	[illegible]	½	0	0	[illegible]	2	¼			0	[illegible]	1	1
	1½	3½	1½	4	[illegible]	14	1¾			2½	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.

3 Orders of Prisoners recorded
3 Copies by Post
3 Descriptive Registers
2 Orders of Removal.
11 Papers

30th August 1865 No. 1211.

The triplicate of the Charter Party will be signed by the Chief Secretary to Govt., and returned for delivery to the Commander of the "Theresa"

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

3 Ordered that the papers enumerated in the margin, relating to these convicts be forwarded to the Military Department with reference to paragraphs 3 and 4 of the Order of the 24th December 1861, No. 1592.

To the Superintendent of Marine
with the Triplicate Charter Party dated 30th.
— Military Department
with a Packet 3 dated 30/8