

MADRAS RECORD OFFICE.

Government of Madras.

Justice DEPARTMENT.

G.O. No.	583	Press
		~~Mis.~~
Dated	12.4.19	186

Not to be folded or roughly handled

P
10-30

Proceedings of the Madras Government, Judicial Department,
12th April 1867.

No. 82. Read the following letter from the Superintendent of Marine, to the Chief Secretary to Government, Fort Saint George; dated Madras, 10th April 1867, No. 1419.

I have the honor to forward the Charter Party (in triplicate) relating to the three Military Convicts proceeding to England by the "*Gosforth*", 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. 83. ORDER THEREON, 12th April 1867, No. 583.

The triplicate of the Charter Party, received with the foregoing letter, will be signed by the Chief Secretary to Government, and returned for delivery to the Commander of the *Gosforth*.

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

3 Orders of Penal Servitude.
3 Date of Trial.
3 Descriptive Registers.
2 Order of Removal.
11 Documents.

3. Ordered that the papers specified 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.

(True Extract).

Chief Secretary.

To the Superintendent of Marine, with triplicate Charter Party.
,, Military Department, with packet.

Exd. J. H. Burns.

2d
Madras 9th April 1867

In consideration of the payment
to us as Agents for the Commander of the
ship "Georgette" by the Government of Fort
Saint George of the sum of Rupees (900) nine
hundred 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 the three European convicts marginally
named, 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 or make good to the said Government
all losses 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 the fifth day of April 1867.

Witness

J. H. Kempford

Attest

Articles of Agreement made and entered into this *Ninth* day of *April* in the year of our Lord One thousand Eight hundred and sixty *Seven*

Between *Henry Potts Wright* — Master and Commander of the *Ship* — or Vessel called the "*Gosforth*" — of the Burthen of *(810)* *Eight hundred and ten* Tons register measurement or

thereabouts belonging to the Port of *New Castle* 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 *Henry Potts Wright* has offered and proposed to the Government of Fort Saint George to convey *three* 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 *Henry Kennedy, George Claydon, and Jeremiah McCarthy*

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 "*Gosforth*" at the rate of *(450)* *Four hundred and fifty 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 *Henry Potts Wright* 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 *Henry Potts Wright* shall and will within *two* 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 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

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 *Henry Potts Wright*

shall and will within *three* 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 *Henry Kennedy, George Claydon, and Jeremiah McCarthy*

and that he will convey and transport them 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 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 *Henry Potts Wright* 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 *Henry Potts Wright* 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 *Henry Potts Wright* 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 *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 *Henry Potts Wright*.

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 *Henry Potts Wright* 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 *Henry Potts Wright* his Executors or Administrators the sum of *(900) Nine hundred Rupees* (being two thirds of the amount so agreed to be paid to the said *Henry Potts Wright* by the said Governor in Council of Fort Saint George acting as aforesaid at and after the rate of *Rupees (450) Four hundred and fifty* 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 *Henry Potts Wright* to the custody of such Officer or Officers duly authorized to receive them as aforesaid, that they have been properly treated by the said *Henry Potts Wright* 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 *Henry Potts Wright*
his Executors or Administrators in London the further sum of) *Ruppes (450) Four*
hundred and fifty 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 *Henry Potts Wright* 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 hand and seals, to one part of these pre-
sents to remain with the said Secretary of State and the said *Henry Potts Wright*
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 *Henry Potts Wright*
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
Henry Potts Wright at Madras }
(where Stamps are not in use) in the presence of

J. H. Reinhardt

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

Henry Potts Wright

Table A to which the foregoing Deed Poll refers.

Descriptive Roll of the undermentioned Convicts.

Name	Rank	Regiment	Age		Height		Color of		Particular Marks.
			years	months	feet	inches	Complexion	Eyes	
Harvey Kennedy	Private	H.M. 7 th Regiment	21	2	5	5	Fresh	Hazel	None.
George Clayton	D ^r	H.M. 2 ^d Battalion 10 th Regiment of Foot	26	4	5	10½	D ^r	Grey	None.
Jeremiah McCarthy	D ^r	D ^r D ^r	29	8	5	10½	D ^r	D ^r	None.

B.

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

	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.....	10½	12½	1	1	0	2	1			10	0	4	1
Monday.....	10½	12½	1	1	0	2	1			10	0	4	1
Tuesday.....	10½	12½	0	0	1	2	1	1 pint a week.	1 oz. a week.	0	10	4	1
Wednesday.....	10½	12½	1	1	0	2	1			10	0	4	1
Thursday.....	10½	12½	0	0	1	2	1			0	10	4	1
Friday.....	10½	12½	1	1	0	2	1			10	0	4	1
Saturday.....	10½	12½	0	0	1	2	1			0	10	4	1
	4½	3½	1½	4	1	14	1½			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.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the
Supt of Marine

/Dated 10th April '67 No. 119/

Order - 12th April 1867 No. 583 -

1 The triplicate of the charter party, received with the foregoing letter, will be signed by the Police Secretary to Govt & returned for delivery to the Commander of the "Gosforth"

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

3 Ordered that the papers specified in the margin, relating to these prisoners, be forwarded to the Military Secy with reference to para 3 & 4 of the Order of the 24th

Secy: 1867 No. 1592.

- 1 Order of Penal Servitude
- 1 Date of trial
- 1 Descriptive Register
- 2 Order of Removal
- 11 Documents

To Supt of Marine - 12/4
with triplicate C.P.
in file Dept: (with packet) 16/4

Initials

Quoted to H.C. 230th April 1867.

Dated 9th April 1867.

Duplicate

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

File

72
Recd of 10th May
And 10th to 10th of 1867
30th of 1867

Judicial 1867. Department.

No. 583.

PROCEEDINGS OF GOVERNMENT.

Dated. 12th April 1867.

82. 83.