M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1306-1307 Press Mis
39-41

Dated 27—9—~~19~~ 1859

Not to be folded or roughly handled

21-3-30

Proceedings of the Madras Government, Judicial Department, from 24th September to 4th October 1859.

Read the following papers.

No. 39. From J. B. CROWTHER, Esq., Assistant Superintendent of Marine; to the Chief Secretary to Government, Fort Saint George, dated 26th September 1859, No. 3881.

I have the honor to forward herewith Charter Party in triplicate on account of a European Convict proceeding to Freemantle on the Barque "Frances" in order that the Government Seal may be affixed to two* parts of it and the triplicate returned for delivery to the Commander, the original with the Power of Attorney also now forwarded being transmitted to the Government of Western Australia.

* Original and triplicate.

2. The vessel sails on the evening of the 28th Instant.

No. 40. ORDER THEREON, 27th September 1859, No. 1306.

The Honorable the Governor in Council directs the Chief Secretary to affix the common Seal of this Government to the documents received from the Superintendent of Marine, and to attest the same, transmitting the triplicate of the Charter Party to the Superintendent for delivery to the Commander of the "Frances."

2. Resolved that a Deed of Assignment, under the hand and Seal of the Honorable the Governor be prepared, making over the services of the Convict Patrick McDonald to the Governor of Her Majesty's Colony of Swan River in Western Australia for the term for which he has been sentenced to be transported.

(Signed) T. PYCROFT,
Chief Secretary.

BY THE HONORABLE THE GOVERNOR OF FORT SAINT GEORGE.

Whereas Patrick McDonald, a Gunner in the B. Company First Battalion Madras Artillery, has been convicted of an offence against the Law and has been ordered to be transported beyond seas for the term of (14) fourteen years, and whereas the said Patrick McDonald has been directed to be removed to Her Majesty's Colony of Swan River in Western Australia. I do hereby, in pursuance of the authority vested in me, transfer the services of the said Patrick McDonald so convicted to the Governor of Her Majesty's Colony of Swan River in Western Australia and his assigns, for the term for which he has been ordered to be transported.

Given under my hand and Seal at Fort Saint George the twenty-fourth day of September one thousand eight hundred and fifty-nine.

(Signed) C. E. TREVELYAN,
Governor of Fort St. George, Madras.

By order of the Honorable the Governor of Fort Saint George.

(Signed) T. PYCROFT,
Chief Secretary to Government.

No. 41. To the Colonial Secretary, Western Australia, Perth, dated Fort Saint George, 27th September 1859, No. 1307.

I am directed by the Honorable the Governor in Council to intimate for the information of His Excellency the Governor of Western Australia that a Military Convict, named Patrick McDonald, has been embarked on board the "Frances" bound for Freemantle, and to request, in reference to the accompanying letter from the Government of India, that His Excellency will cause this man to be detained and put to hard labor in the Swan River Colony.

Dated 9th July 1859, No. 1355.

1. Descriptive Register.
2. Statement of Crime and Sentence.
3. Transportation order.
4. Date of Trial.
5. Power of Attorney.
6. Charter Party.
7. Assignment of the Convict's services.
8. Return of Bedding, &c.

2. The documents named in the margin are enclosed. I am directed to request that His Excellency will be pleased to ascertain that the conditions of the Charter Party have been duly fulfilled.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Dept. & No.	From whom	Date of Paper	Date of Receipt	Date of Receipt by Asstt.	Subject.	Remarks.
Judl. No. X	Mily. Secretary - Estate Dept.	1860 Augt. 30	1860 Sept. 1	1860 Sept. 1.	Administration of Military Estates -	Received late in the day.
Judl. No. 1439	Inspector Genl. of Jails -	" 27 "	" 1 "	" 1 "	State Prisoners	
Mar.	Superintendent of Marine	—	—	Sept 16.	Pilots fees at Cochin.	Sent to Record office for any information as to original arrangement. Will be disposed of early next week.
Judl.	Inspector Genl. of Jails.	—	—	11.	Official Report for 1858-59 -	Will be put up on Monday or Tuesday.
Judl No. 1522	Acct. Genl.	Sept. 14	Sept. 15	Sept. 15	Reporting on the System of Bookkeeping required for the Civil Courts.	Received late in the day.

Debit & No.	From whom	Date of Paper.	Date of Receipt.	Date of Receipt by Asst.		Subject.	Remarks.
	Canara Papers-			1860 July	12	~~House of Indesbury & Sungarkhanah.~~	Will be sent abt. in 2 or 3 days-
	None.			1860 July	21	The Indesc for 1859 has been written up — & will be sent to Press on Monday. As it will be a smaller volume than the previous Indexes, it may probably be completed before the year is out.	
	do.			60 Augt	4		
	do			"	11		
Indl. 327	Chief Engineer	Augt 14		15	18	No current papers on hand, excepting the Reports of Reductions of Establishments, which were ordered to lie over. Precis- Amendment of Act 13-'56 is now in hand.	

* Prisoners Rotas examined for Natives & Europeans.

Dep.	No.	From whom.	Date of Papers	Date of Receipt.	Date of Receipt by Asst.	Subject.	Remarks.
Judl.	45	Magistrate Pallakad	1860 Jany. 4	1860 Jan. 11	1860 Jan. 19	Amendment of Act 13 of 1856. Compensation to Prosecutors & Witnesses summoned in Criminal Cases —	This will be completed on the two orders now in Circulation being printed.
Judl.	274	The Bd. of Revenue	Feb. 16	Feb. 20	Feb. 28	Memo. Current work will be attended to on such days as Sam not detained on the Surfs & thus kept from falling into arrears.	
Mar.	228	Govt. of India	1860 June 7	1860 June 20	1860 June 22	Military Convicts. Memo calls for, showing the course followed in sending home Military Convicts sentenced to Penal Servitude or Transportation — & the documents sent with them.	Papers received late last Wednesday evening from the Record Precis in course of preparation. 11-5-61.
Judl.	109	Inspector General of Ordnance & Magazines.	1860 July 5	July 6	July 7		

Depl. No.	From whom.	Date of Paper	Date of Receipt	Date of Receipt by Dept.	Subject.	Remarks.
Mar. 518	Superintendent of Marine	1859 Oct. 29	1859 Nov. 1	1859 Nov. 2	Amendment of the Boat Act, IV-1842.	Papers from 1841 inclusive from the Records office. The principal papers are being selected in view to preparation of a Precis.
do. 539	do	Nov. 16	" 17	" 18		
Mar. 573	Supt. Dtt. of Marine	Decr. 6	Decr. 9	Decr. 10		
Judl. 1977	Pub. Wks.: Depl.	Decr. 1.	" 3	" 4		

Dept.	No.	From whom	Date of Paper	Date of Receipt	Date received by Assistant
		No current papers on hand.			1859 September 17
1859 Sndl.	1630	Mrs. A. I. Alexander	1859 July 31	1859 Septr. 29	1859 Oct. 1
"	1625	Magistrate of Malabar	Septr. 23	" 30	" 1
Sndl	1646	Inspector Genl. of Jails	" 26	"	" 3
					" 15.

Saturday, 15th Mar. '62. 6

Inspector Genl. of Jails — 8th Instt. } Revised scale of Jail Establishments. 4 statements submitted = a single one is being prepared from them.

Budget '62-'63 Police & Courts. } The statements were obtained from the Asst. Genl's. Office & abstracts made for the current Branch Last Wednesday. This morning the Statements were recalled to make 15 copies of them in the Asst. Genl's Office.

J P

Desch.	No.	From whom	Date of Paper	Date of Receipt	Date of Receipt by Assistants	
	"	None	" "	" "	1859 July	16
	"	None	" "	" "	"	23.
Ind[l]	1217	Sheriff of Madras	July 25	July 26	"	29
	1213	Govt. of India	" 9	" 26	"	30.
		No current letters on hand			Augt	6.

Memo.

I beg to report that I have been summoned to attend the Petty Jury from to-morrow.

14th April '62. G. W. Lyons.

Subject.	Remarks
Submitting cursory remarks on the Bill for repealing the Regulations & Acts affected by the new Code of Civil Procedure.	Rec'd too late for disposal.
Order of Chief Secretary to report departure of the Andaman Corps to the East. of India" when all the reports have been received Reporting on the transfer of the Mercantile Agency	Reports have come in. The Superintendent of Marine may be called upon to report how many women & children embarked, distinguished from the family Corps Will be read upon allotment day.
Relative to the Estate of a Prussian who died at Madras & whose heirs are at Altona— Communicating certain paras. appearing in Public Works, in a Despatch from Ld. Stanley Requests to know whether an Order in Council has been passed extending the Foreign Deserters act of 1852 to French Subjects.	Every effort will be made to complete the examination of the 33 Vols. or 33000 pages of the London Gazette in a few days

Monday 14th April '62

Arrears from last Week.

Letter from Inspector Genl. of Jails regarding Family Allowances of the Head Warder, Dotacamund Jail

Subject.	Remark.
Requires a Pump for supplying water for the new Jail at Dotacamund.	Returned to the Reference Branch for papers
Requires a further advance of Rs. 3,000 on the Estimate for do.	
Recommending augmentation of the Burla-Kemedi Corps.	JP
Referring the question whether Luggabutt is to be permanently held by Troops.	Precis being prepared.
Enquiring whether the practice of granting passports is still continued.	This will receive attention next.
Makes observations on the question of Head Money raised by the Surgeon of the Dalhousie	The numerous enclosures in the papers will be abstracted & sent up. JP
Quarterly Statement of Gang & Highway Robberies.	Will be next attended to JP

Saturday, 22nd January '62.			
Mily. Pros.	18th Feb. '62	A Mily. Pensioner fraudulently drawn at Berhampore.	Appeals to Govt. in the matter of her husband's Estate -
Saturday, 8 Mar. '62.			
Letters from the Magistrates of Districts re-a poptine on the allowances & duties of Cantonment Joint Magistrates.		Received late on Thursday evening. A Precis or General Statement is being drawn up.	Submits suggestions of the Commandant of the Malabar Police Corps relative to price of Articles in Indents - Regarding funds for building the Jail at Cotacamund ——— Papers received this day. The Memo. will be prepared in time for to-morrow.
			Nil.

Debt. & No.	From whom	Date of Paper	Date of Receipt	Date of Reply &c.	Subject.	Remarks
		1861	1861	1861		
Marine 198	Govt. Solicitor	May 28	June 21	July 9	Amendment of the Boat Act.	Awaiting Mr. Franklin's to Mem. about the Disabled Boatmen's Fund.
					Widening of Paumbeen Channel — & republication of Lt. Powell's Chart of 1845	Some old correspondence being looked into.
					Forwarding Papers relative to the Wages & Effects of a deceased Seaman	Papers of this kind are usually submitted by the Acct. Genl. in a form quite different from the present. Papers & the Acts & Instructions are being looked into. They were received too late for the last mail.
					Re Site of the European Penitentiary on the Hills	Precis being completed.

Depth. & No.	From whom.	Date of Papers.	Date of Receipt	Date of Dispt by Asstt.	Subject.	Remarks.
Judl.	Precis			1861 Jany 16.		
do.	do			"	Submits the Statement of the various articles of Clothing sanctioned for the Malabar Police Corps. —	Precis being prepared.
					Expenses in quelling the disturbances in Travancore	Papers being looked into as directed — Will be sent up early next week.
Judl.	Prov. Milty. Dept.	1861 April	23		Calling for explanation of the order exempting the Oriental & vessels chartered by Govt. from payment of Port & Pilotdues	A Precis will be prepared & submitted next week on the subject.
					Ordnance supplies to the Civil Dept.	

Debt. & No.	From whom	Date of Paper	Date of Receipt	Date of Receipt by Asst.	Subject.
Sndt. 106	Col. Boulderson	'60.	'60	'60	Brief Precis required.
	Letter	Septr 21	Sept. 22		
	Memo	Oct 16	Oct 18	Oct 19	

Memo.
The Financial Index for 1859 has been completed this day, & submitted to Mr. A. French &c.
14-7/60.

JP

When will the Financial Index for 1859 be printed

JP

1860
Dec. 22

JP

Explaining cause of delay in submitting Plan & Estimate of the European Penitentiary on the Fells.
The correspondence being broken & irregular & mixed up with that about the local

JP

Letter with Precis will be sent up in a few days. Delay in getting up the Precis was partly owing to

Dept.	No	From whom.	Date of paper	Date of Receipt	Date of reply &c.
Judl.	52	Sudder Court	1859 June 18	June 18	June 18
Judl.	994	Agent, Ganjam	June 4	June 15	June 24
"	1016	D.	" 9	" 20	
"	1052	D. Vizagapatam	" 17	" 24	
Judl.	1090	W. Doria, Tehran	May 6	July 1	July 2
	1091	Pro: Pub. Wks. Dept.	June 29	July 1	" 2
	1046	Advocate General	July 1	" 2	" "

Subject.	Remks.	Dept.	No.	From whom	Date of Paper	Date of receipt by Assistant	Date of receipt
Transfer of the Jail from Saharpore to Chatterpore.	Papers not collected fully.	Judl.	919	Collector of Saharpore	1859 May 25	June 3	June 4
Transportation Order for a European Military Offender.	This is the first case, since the assumption of the Indian Govt. by the Crown, of a European Military Convict from the ranks of the Indian Army — & there is consequently some doubt whether he should be sent as heretofore to Sierra Leone, or to a Penal Settlement from the Royal Army & sent to England. Some research in papers, with view of which will be made on Monday next to ascertain this. I do not think that we should make any change until we receive direct orders upon the subject.	"	933	Clerk of the Crown	June 3	" 4	" 4

JP

Nil

1859 June 11.

Subject.	Remarks
Forwarding 12 Statements illustrating operations of the Madras Police in 1858, & also Returns of Mortality.	
Transmitting Descriptive Roll, & Copy of Crime & Sentence of Gunner Patrick McDonald, late 1st Battalion Madras Artillery Memo. I beg to report that from Monday next, 7th inst. I shall avail myself of the office leave, which I have been given to understand has been kindly granted to me for one week. J. W. Lyons. 28th May 1859.	He has been warned that the Adjutant Genl. of Militia may call for the Medical Certificate in order for this prisoner. He will therefore be detained in Hospital until the Vail, Madras

Dept.	No.	From whom	Date of Papers	Date of Receipt.	Date of receipt by Assistant.	
Judicial	848	Commissioner of Police	1859 May 17	1859 May 20	1859 May 21	10
"						
Judl.	888	Mily. Dept.	May 23	" 27	" 28	

Subject	Remarks.
Sanctioning Limits & Port Rules of 14 Ports in the Madras Presidency.	
Reporting on liability of Mr Serle to pay interest on certain Estates.	
Referring Estimate for additions & repairs to the new Jail at Vizagapatam—	What is done with this? I don't think any reply is required
Reporting on the Marine Police six months after its establishment—	
vantage of by Mutineers & Rebels—	
Marine Agency.	

Dept.	No.	From whom	Date of Paper.	Date of Receipt	Date of Receipt by Assistant.
			1859	1859	1859
Marine	791	Govt. of India	April 19	May 2	May 6.
Judl.	480	Administrator Genl.	May 4	" 9	" 7.
		Draft Despatches.			
		Re. the Moplah Act.			
		" Claims on Mr Serle.			
Judl.	778	Pub. Wks. Dept.	May 3	May 6	May 12
Marine	67	Commissioner of Police	" 10	" 12	" 14.
Judl.	—	Reports from Magistrates & Commissioners as to the extent to which the Amnesty was taken adv.			14
		Draft Despatches.			
		Re. the Moplah Act.			
		" Claims on Mr Serle.			
		Precis. present correspondence on the abolition of the			" 14.

Subject

Report of Under Secretary of Prisons, regarding Travelling allowances to officers under the

on Mr Ricketts' Inspection

L.O.P.C.
28/10/58.

on hand

Dept	No	From whom	Date of Docum	Date of receipt	Date of receipt by Dept.
					23 Oct 58
T.D	1913	Sec. Mins Comm. Jail. Dept	Oct 18	Oct 19	Oct 23
					30 Oct 58
			No current taken		

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Subject	Remarks
1858.	
Amalgamation of the Kedakany & Pamban Pilots	
Medical Establishment for Extracommand Sail.	
Dishonorable discharge of the Instructor of an intestate —	
Robbery of Lascars &c from Sailors office at Nagapatam	
Cost of supplies to Regiments remaining unpaid	
15 Pkts.	
Amalgamation of the Kedakany & Pamban Pilots	Awaiting the Orders of Govt. & Revenue Board.
Orders for Convicts at the Magistrates' Sail —	
Sail accommodation required at Extracommand.	
— do — do — do —	
5 Pkts.	
1858.	
Amalgamation of the Kedakany & Pamban Pilots —	remained with Govt. & Revenue Board & Salary of Sea Customs Overseers.
This will be sent to Govt.	
Plan & Estimate for Light Houses at Cape Comorin & Adam's Bridge subjects —	
10 Pkts.	

Dept.	No.	From whom	Date of Document	Date of receipt	Date returned to Dept.
					20 October
M.D.	373	Supt. of Marine —	Sept 24	Sept 25	Sept 30
J.D.	1750	Inspector of Prisons	" 24	" 28	Oct 2
J.D.	1749	Sub Judge of Calicut —	" 23	" 23	" 2
"	1778	Inspector of Prisons —	" 27	Oct 2	Oct 2
"	1758	Collr. of Bellary —	" 24	Sept 30	Oct 1
					9th Oct/58.
MD	373	Supt. of Marine —	Sept 24	Sept 25	Oct 5
J.D.	1813	Collr. of Salem —	Oct 4	Oct 7	" 9
J.D.	1796	Inspector of Prisons —	Augt 6	" 6	" 7
"	1880	Commdt. of Sailyards —	Sept 29	" 9	" 9
					16th Oct.
M.D.	373	Supt of Marine —	Sept 24	Sept 25	Oct 6
"	400	— do —	Oct 9	Oct 12	" 15
	10,1805	From Board's Court —	Augt 30	" 13	" 16

Dept.	No.	From whom	Date of Letter	Date of receipt	Date of receipt by dept.
				4th	Dept's Letter
J.D	1567	Inspector of Prisons —	Augt 26	Sept 3	Sept. 4
"	1561	Genl. General ——	" 30	Augt 31	" 4.
		..			
				11th	Sept/58
M&S	346	Supt. of Marine ——	Sept. 9	Sept 11	Sept 11
"	343	Civil Auditor ——	" 8	" 9	" 10
					25th Sept
		From Court of Directors —	Augt 11	— —	Sept. 18
L.D.	1718	Sudder Dewanee ——	Sept 24	Sept 25	Sept 25
"	1705	Inspector of Prisons ——	" 17	" 24	" 25.

Subject	Remarks.
1858.	
proposes the creation of a new Sailed Regiment. List of armed Police ——	Correspondence about the limits from time to time sent for from the Revenue Board office for Chief Secty.
B.P.W.	
Strike among the Boatmen the necessity of increasing the Establishment of Dungeon Peons.	
L.D.W.H.	
158	
about Mr Sarkar ——	The papers have been collected. A list will be prepared & the whole submitted to Sept Secy, as desired by him, on Monday.
Establishment for the Police Sudder Ameen & Munsiffs Increase of European Sailors at Rajahmundry —	
L.D.W.	

List of
Current Papers, Rec. with
the Assistant in the
Judicial & Marine
Departments.

Duplicate

Articles of Agreement made and entered into this Twenty third day of September in the year of our Lord One thousand Eight hundred and ~~Forty~~ Fifty nine Between George Danford Master and Commander of the barque or Vessel called the Frances of the Burthen of 271 two Hundred and Seventy one Tons register measurement or thereabouts belonging to the Port of Freemantle and now riding at anchor in the Madras Roads of the one part and The ~~East India Company~~ Government of Madras of the other part Whereas the said George Danford has offered and proposed to the Government of Fort Saint George to convey one European Convicts now in the custody of the Sheriff of Madras and who ~~have~~ has been legally sentenced to be transported to Freemantle and who ~~are severally~~ is named or known by the names of Patrick Mc Donald

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 Freemantle on board the said barque or Vessel called the Frances at the rate of 300 Three 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 ~~East India Company~~ Government of Madras Now these presents witness that in consideration of the covenants and agreements hereinafter entered into, by and on the part of the said ~~East India Company~~ Government of Madras he the said George Danford for himself his Heirs Executors and Administrators does hereby covenant promise and agree to and with the said ~~East India Company~~ Government of Madras their Successors and Assigns in manner following that is to say that he the said George Danford shall and will within days from the date of these presents erect and make on board the said barque or Vessel ~~in the~~ 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 ~~Secretary to the Marine Board~~ Superintendent of Marine at Fort St. George and permit any person or persons authorized for that purpose by the ~~Members of the said Board or any two of them or their Secretary~~ Superintendent to go on board the said barque and inspect and survey the prison so constructed and shall and will make any such reasonable alterations or additions to the said prison as such person or persons so authorized shall on any such inspections and survey think necessary and also shall and will at his own expence provide and store on board the said barque all such food water and other necessaries for the said Convict during the said voyage as shall be approved of by the person or persons to be authorized as aforesaid And that he the said George Danford shall and will ~~within days after such prison shall be constructed and completed as aforesaid~~ receive on board the said barque the said Convict ~~respectively~~ named or known by the name of Patrick Mc Donald

and that he will convey and transport ~~them~~ him from Madras direct to Freemantle with safety and care on board the said barque unless prevented by the act of God and on arriving there report to the Governor of Freemantle the arrival of the said Convict and keep and detain the said Convict in safety until an Officer or Officers duly authorized by the said Governor of Freemantle shall demand and take charge of the said Convict from the said George Danford and that he will deliver the said Convict 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 Convict in the Madras Roads until the arrival of the said barque at Freemantle and the said Convict being taken charge of there as aforesaid he the said George Danford shall and will at his own expence maintain and support or otherwise supply the said Convict daily with good and wholesome food water and other necessaries according to the rate and scale hereunto annexed marked with the 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 George Danford will report to the Governor of Freemantle on his arrival there 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 Convict until ~~he~~ she 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 Convict (subject to all lawful exceptions rendered necessary for the preservation of requisite discipline on board the said barque 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 Convict ~~are~~ is in the said prison place and keep a proper guard of not less than two men over the said Convict and not less than two men when ~~they are~~ she is on deck to prevent ~~their~~ his escape

1300/three hundred Rupees for the passage of ~~each~~ the Convict to Freemantle and shall and will on the production of a Certificate ~~from the Government of~~ that the said Convict ~~have~~ has been duly transferred by the said George Danford to the custody of such Government, that ~~they have~~ he has been properly treated by the said George Danford 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 Danford his Heirs Executors or Administrators the further sum of (100——"——") One Hundred Rupees being the remaining third of the amount so agreed to be paid by the said ~~East India Company~~ Government of Madras by way of passage money for the conveyance of the said Convict as aforesaid. In witness whereof the said George Danford, ~~Government of Madras~~ has set his hand and Seal and the Governor in Council of Fort Saint George on behalf of the said ~~East India Company~~ Government has caused the Common Seal of the said ~~East India Company~~ Government to be affixed to one part of these presents to remain with the said ~~East India Company~~ Government of Madras and the said George Danford, ~~Government of Madras~~ has also to another part of these presents also to remain with the said ~~East India Company~~ Government of Madras set his hand and Seal and to another part of these presents to remain with the said George Danford ~~Government of Madras~~ the said Governor in Council on behalf of the said ~~East India Company~~ Government has caused the Common Seal of the said ~~East India Company~~ Government to be affixed the day and year first above written.

SIGNED Sealed and Delivered by the above named George Danford *at Madras where Stamps are not in use in the presence of*

Geo Danford

N. Dnell

SEALED by the authority of the Governor in Council of Fort Saint George with the Common Seal of the said ~~East India Company~~ Government of Madras in the presence of

Fort Seal

Edward Pascoe
Chief Secretary

Table A to which the foregoing Deed Poll refers.

Descriptive Roll of the undermentioned Convict

Names	Ship	Regiment	Where Born	When Born	Height	Complexion	Hair	Eyes	Face	Marks	Remarks
Patrick McDonald	Company Madras Artillery		County of Carlow	1819	5 feet 9 inches	Fair	Dark	Grey	Long	5 scars in his face	

B.

TABLE of RATIONS to be issued to EUROPEAN CONVICTS proceeding to Freemantle on the "Frances"

	Bread.	Rice.	Flour.	Ghee or Suet.	Peas 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	¾	½	½	1	0	2	⅛	¼ pints a week.	¼ ozs. a week.	¾	0	4	1
Monday	¾	½	½	1	0	2	⅛			½	0	4	1
Tuesday	¾	½	0	0	¾	2	⅛			0	¾	4	1
Wednesday	¾	½	½	1	0	2	⅛			¾	0	4	1
Thursday	¾	½	0	0	¾	2	⅛			0	¾	4	1
Friday	¾	½	½	1	0	2	⅛			½	0	4	1
Saturday	¾	½	0	0	¾	2	⅛			0	¾	4	1
	4⅜	3½	1½	4	4	14	1⅛			2½	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.

Madras 23d September 1809

In consideration of the payment to us as Agents for the Commander of the Frances by the Government of Fort Saint George of the Sum of Company's Rupees 200 Two 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 Freemantle of one European Convict 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 fulfill or perform all or any one or more of the said covenants stipulations and agreements so contained in the said Charter Party dated this Twenty Third day of September 1809

Witness
Wm Bell

Bambridge Bryan & Co.

Dated 23d September 1809

Articles of Agreement or Charter Party for the conveyance of One European Convict to Freemantle by the Barque "Frances"

By the Honorable the Governor of Fort Saint George.—

Whereas Patrick McDonald, a Gunner in the B Company First Battalion Madras Artillery, has been convicted of an offence against the Law and has been ordered to be transported beyond Seas for the term of (14) Fourteen years— and Whereas the said Patrick McDonald has been directed to be removed to Her Majesty's Colony of Swan River in Western Australia— I do hereby in pursuance of the authority vested in me transfer the services of the said Patrick McDonald so convicted to the Governor of Her Majesty's Colony of Swan River in Western Australia and his assigns, for the term for which he has been ordered to be transported.—

Given under my hand and Seal at Fort Saint George the Twenty-fourth day of September one thousand eight hundred and fifty nine—

[Sig'd] Ed Maudy
Governor of Fort St. George
Madras

By order of the Honorable the Governor of Fort St. George
[Sig'd] T. Pycroft
Chief Secy to Government of Fort St. George—

J. McMarrick

Translated by the hand & Seal

Proceedings of the Madras Govt.

Read the following letters—

From the Superintendent of Marine, Enter 26 September 1859 No.

~~the Commissary General~~

Order—27th September 1859. No. 130

The Honble the Gover
in Council directs th
Chief Secretary to aff
the Common Seal of
this Govt. to the docu
ments received fro
the Superintendent
Marine, & to attest
same, transmittin
the triplicate of th
Charter Party to
Superintendent fo
delivery to the Com
mander of the "Fra

2. Resolved that a D
of Assignment, und
the hand & seal
th

the Honble the Governor ~~in Council~~, be prepared making over the services of the Convict Patrick McDonald to the Governor of H. M's Colony of Swan River in Western Australia for the term for which he had been sentenced to be transported.

J P

Recd

a/l. to-

Superintendent of Marine - with triplicate Charter Party & a Packet for delivery to the Commander of the "Frances." } Disp.

40

Copy of Letter H. Colonial Office
dated 9th July 1859 & Enclosure

Proceedings of Council

9/59 Colonial Office 1859

Judicial Dept. 22

No. 1307

The Colonial Secretary
Western Australia.
Perth.

Sir,

I am directed by the Hon'ble the Governor in Council to intimate for the information of H.E. the Governor of Western Australia that a Military Convict, named Patrick McDonald, has been embarked on board the "Frances" bound for Freemantle, & to request, in reference to the accompanying letter from the Government of India, that H.E. will cause this man to be detained & put to hard labor in the Swan River Colony.

Dated 9th July 1859 No. 1355.

2.

1. Descriptive Register.
2. Statement of Crime & Sentence.
3. Transportation Order.
4. Date of Trial.
5. Power of Attorney.
6. Charter Party.
7. Assignment of the Convicts' Services.
8. Return of Bedding &c.

For the Secretary of State
27th September 1849

2. The documents named in the margin are enclosed. I am directed to request that Mr. Secretary will be pleased to ascertain that the conditions of the Charter Party have been duly fulfilled.

J. P.

Pros: of Cust & Dispts.
Judicial 1859 Distts

List of 21 Encls

No. 1307

The
Colonial Secretary
Western Australia

Dated 27 Septr 59

Rcpd 6 Nov 47 of 60
Secy of State

39 @ 41