

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	171	Press
	61-63	Mis.
Dated	8. 2.	1859.

Not to be folded or roughly handled

No 4-171/59

From the Chief Secy
Fort George
To H. L. Anderson. Secy
Secy to Govt of Bombay.

Sir, I enclose of the 2^d Decr last No 3607 & its enclosures, detailing the particulars of a complaint preferred by certain American commanders that the Police Magistrates at Bombay do not afford them the requisite assistance in recovering deserters from their ships, & requesting, by desire of the same authorities, that a report may be made on the practice obtaining in similar cases at Madras, has been referred to the Magistrate of the Port & subsequently to the Advocate Genl, copies of whose communications I am now directed to furnish.

2. It will be seen that applications to apprehend deserters from foreign vessels (American or otherwise) have never at any time been made to the Magl, whose experience on the subject has been considerable. But, he quotes an old Regn passed by his Govt in 1827, which authorises a Justice of the Peace to comply with such applications when preferred by Masters of European or American vessels, and the Advocate Genl, will

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while fully aware of the provisions of the Foreign Deserters act,

is noticed, has shown that this
enactment never has been repealed,
At the same time, however, ^{he} ex-
pressing his opinion that, inasmuch
as it is clearly contrary to the Policy
of the Imperial Parliament as ex-
pressed in the Foreign Secretary's
Act of '52 (vide also Sect CXVII
of Indian Act No XIII of '56),
the Magistrate ought never to
act upon it, without special
instructions from Govt, & even then
it will be well to leave the Magistrate
to act or not as he thought best.

For Mr. George,
8 February 1857

J. H. 2/2/57
H. C. P.

In Com: & Obeying
the Order of the
Judicial 1859 Act

1859

22/10/59
The Clerk to the Secy of
the Navy
29 February 1859 -

Submitting the opinion
of the Clerk to the Secy of
the Navy regarding the apprehension
and delivery of persons
from foreign vessels.