

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No. 354

Press
~~Mis.~~

Dated 4. 9. 1857

Not to be folded or roughly handled

Fort Saint George, Marine Consultation, 8th September 1857.

No. 18. From the Honorable Company's Solicitor; to the Acting Chief Secretary to Government; dated 21st August 1857, No. 462.

SIR,

I have the honor to solicit the consideration of Government to the following circumstances.

Section 18. The Merchant Shipping Act of 1854 provides that

"No Ship shall be deemed to be a British Ship unless she belongs wholly to Owners of the following descriptions, that is to say :

1. "Natural born British Subjects.
2. "Persons made denizens by letters of denization or naturalized by or pursuant to any Act of the Imperial Legislature or by or pursuant to any Act or Ordinance of the proper Legislative Authority in any British possession.
3. "Bodies Corporate established under—subject to the Laws of and having their principal place of business in the United Kingdom or some British possession."

Part 2 of the Merchant Shipping Act of 1854 applies to the whole of Her Majesty's Dominions; and Section 2 of that Act provides that "Her Majesty's Dominions" shall include "all Territories under the Government of the East India Company."

I consider it clear that Hindoos and Mahomedans born within the Territories of the East India Company are Subjects of the Crown of Great Britain and therefore come within the designation of "British Subjects" and that all the Territories of the East India Company are within the allegiance of the Crown of Great Britain, upon the general principle therefore that a person born within the allegiance of the Crown of Great Britain is, strictly speaking, a natural born British Subject, it may be urged (and indeed would almost follow) that a Hindoo or Mahomedan born within the Territories of the East India Company (which are a part of Her Majesty's Dominions and within the allegiance of the Crown of Great Britain,) is a "natural born British Subject," giving to those words their most comprehensive meaning. I cannot find any decided authority in support of this position or that any such construction has ever yet been put upon these words by any competent Court, but it would appear from the copy of correspondence herewith sent (between the Registrar of Shipping at Madras and the Registrar of Shipping at Calcutta) that the Authorities at Calcutta have adopted and acted upon this view, by Registering Natives of Calcutta as Owners of British Ships under the provisions of the Merchant Shipping Act of 1854.

One of the most respectable and intelligent Native Gentlemen of this place named Cooppalah Parthasarthy Naidoo, a Hindoo born in Madras of parents who were also born in Madras, is desirous of being registered as a part Owner of a British Ship now in these Roads called the Blue Rock, the other Owners being British Subjects and Merchants usually residing at Madras; but the Registrar of Shipping feels some difficulty in dealing with his application as if he accedes to it he will thereby admit that C. Parthasarthy Naidoo, a Hindoo, is a natural born British Subject within the meaning of that term as used in the Merchant Shipping Act of 1854, and this construction would be inconsistent with that usually given to these words.

The question is one of very considerable importance and it is essential that one uniform practice should be followed at the several Presidencies, I would therefore beg to suggest that the attention of the Government of India be called to the point with a request that the opinion of the Advocate General of Bengal may be taken upon it.

(Signed) J. R. BOYSON,
Honorable Company's Solicitor.

Fort Saint George, Marine Consultation, 8th September 1857.

From CHRISTOPHER BIDEN, Registrar of Shipping, Madras; to Captain A. ROBERTSON, Registrar of Shipping, Calcutta dated 21st November 1856.

SIR,

I have the honor to request you will have the goodness to inform me at your earliest convenience of the practise now obtaining at Calcutta with regard to the Registry of Bengalees or Hindoos as Owners of British Ships since the Merchant Shipping Act of 1854 came into operation, and in case they should not have been considered as British Subjects to entitle them to the privileges of the above Act, what course has been adopted in respect to transfer of Shares, renewal of Registers, &c., of Ships owned by these people previous to the Act coming in force.

A respectable Hindoo Inhabitant and a Boat Owner of this place who has up to this time strictly observed the several Rules and Regulations enacted by the British Laws, having purchased a Quarter share in a Vessel owned by Europeans and Registered under Act 8 and 9 of Victoria, wishes to have the necessary Endorsement made on the Register, but as this is the first instance of an Hindoo applying to me for the privileges under the New Act (*i. e.*) the 17th and 18th of Victoria, Chapter 104, I should like to be guided by what prevails in similar cases at Calcutta where I doubt not you have many Natives owning British Ships and Vessels.

(Signed) CHRISTOPHER BIDEN,
Registrar.

(A true Copy.)

(Signed) CHRISTOPHER BIDEN,
Registrar of Shipping, Madras.

(A true Copy.)

(Signed) J. R. BOYSON,
Honorable Company's Solicitor.

From Officiating Registrar of Shipping, Calcutta; to the Registrar of Shipping, Madras, dated Fort William, the 4th December 1856, No. 120.

SIR,

I have the honor to acknowledge the receipt of your letter, dated 20th Ultimo, and to inform you that our Native Ship Owners sailing under the British Flag are recognized as British Subjects. There is no occasion to endorse on the Register any change of Ownership as that document is no longer one of title; in fact such endorsements are not permitted and have no validity. If there has been a transfer of any share on the Ship, the transfer should be effected by a Bill of Sale which should be recorded in the Registrar's Office.

(Signed) JAMES SUTHERLAND,
Officiating Registrar of Shipping.

(A true Copy.)

(Signed) CHRISTOPHER BIDEN,
Registrar of Shipping, Madras.

(A true Copy.)

(Signed) J. R. BOYSON,
Honorable Company's Solicitor.

Fort Saint George, Marine Consultation, 8th September 1857.

No. 19. FROM E. MALTBY, Esq., Acting Chief Secretary to Government, Fort Saint George, to THE SECRETARY TO THE GOVERNMENT OF INDIA, dated the 4th September 1857, No. 354.

SIR,

I am directed by the Right Honorable the Governor in Council to forward the accompanying copy of a letter, with its enclosure, from the Honorable Company's Solicitor, dated 21st August 1857, No. 462; and to request that, with the permission of the Government of India, you will obtain the opinion of the Advocate General of Bengal on the question therein submitted, *viz.*, whether, for the purposes of the Merchant Shipping Act of 1854, Hindoos and Mahomedans born within the Territories of the East India Company are to be regarded as "natural born British Subjects," and entitled as such to the privileges conferred by that Act.

(Signed) E. MALTBY,
Acting Chief Secretary.

Exd. J. A. Wilson.

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Dispt. 12th

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Marine Department

in 354

To
The Secretary to the
Government of India

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I am directed by the Right
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to forward the accompanying copy
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from the Honble Company's Agents,
dated 21 Sept/57 No 462; and to
request that, with the permission
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cate General of Bengal on the
question therein submitted, viz:
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the Merchants Shipping Act of
1854, Hindoos and Mahomedans
born within the territories of
the East India Company, ~~and~~
are to be regarded as "natural
born

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as such to the privileges conferred
by that Act.

Wm

To Mr George,
4 September 1857

Mr Boyson's letter of 1st Sept
follows

Copy to H.C. Solicitor. Despatch 12th

15 copies

See Vol 6 con. 8th Sept 1857
Marine 1857 Sept 12 1857

No 354

To the Secy. to the Govt of
India

24 September 1857.

Relaid to 29th September
1857 at 11 440
in con 29 October 1857 at 12 1857

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27 Sept
1857