M.R.,O. 1—32,400—22-11-80.

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No. 222 Press ~~Mis.~~

Dated 9. 6. 1858

Not to be folded or roughly handled

No. 3. From R. B. CHAPMAN, Esq., Under Secretary to the Government of India; to the Secretary to the Government of Fort Saint George, dated the 8th May 1858, No. 751.

Home Department.
Marine.

SIR,

I am directed to forward, for the information of the Right Honorable the Governor in Council, the accompanying copy of a Despatch, No. 88, dated the 9th December last, from the Honorable Court of Directors, to the Government of Bombay, and of its enclosures, relative to the proper course to be pursued with reference to the collection of the effects of deceased Seamen, and to request that, under the orders of his Lordship in Council, you will be good enough to issue the necessary instructions to the Administrator General at Madras on the subject.

No. 88 OF 1857.

OUR GOVERNOR IN COUNCIL AT BOMBAY.

Para: 1.—We send herewith a No. in the Packet, a copy of a case laid before the Standing Counsel, with reference to the legality of the practice of the Administrator General at your Presidency, in the collection and disposal of the effects of deceased Seamen coming under the provisions of the 197th Section of the Merchant Shipping Act, 17th and 18th Vic., Chapter 104, with his opinion thereon.

2. The Board of Trade have been informed that instructions have been sent to your Government, desiring that the Administrator General will not interfere for the future with the effects alluded to. And we accordingly direct that you will immediately transmit to him a copy of the case and of Mr. Wigram's opinion, desiring him at the same time to regulate his practice for the future in this respect in accordance with the views of the Law therein expressed.

We are, &c.,

LONDON,
The 9th December 1857.

(Signed) ROSS D. MANGLES,
" F. CURRIE,
" C. MILLS,
and other Directors.

CASE FOR THE EAST INDIA COMPANY.

You are requested to refer to the accompanying copy of an Act of the Government of India, being Act No. VII of 1849, entitled "an Act for the appointment of an Administrator General in Bengal."

The provisions of the foregoing Act, are by the following enactments contained in Act No. II of 1850 of the Government of India, entitled "an Act to amend and extend to Madras and Bombay, Act No. VII, 1849," extended and made applicable to the Presidencies of Madras and Bombay respectively, *viz.*:

Section 1, Act No. VII, 1849, shall be extended and apply to the several Presidencies of Fort Saint George and Bombay, subject to the alterations hereafter contained, as if with reference to each of the said Presidencies, such Presidency were named therein, instead of Bengal and Fort William in Bengal, and the Governor of such Presidency in Council instead of the Governor General of India in Council, and the Chief Town of such Presidency instead of Calcutta.

2. The Administrator General at Fort Saint George and Bombay, respectively, shall not cease to be Ecclesiastical Registrar of the Supreme Court there, by virtue of this Act, and the two Offices of Ecclesiastical Registrar and Administrator General may be held at Fort Saint George or Bombay, respectively, by the same person.

3. The altered rate of Commission receivable by the Administrator General at Fort Saint George and Bombay, respectively, under Act VII, 1849, and this Act, shall not take effect until such alteration shall be directed by the Governor of Fort Saint George and Bombay in Council, respectively, until which several times the same rate of Commission may be lawfully taken there by the Administrator General as might have been taken by the Ecclesiastical Registrar before the passing of this Act.

4. It is and is declared to be a misdemeanour punishable by fine and imprisonment for any Administrator General in any of the Presidencies of Fort William in Bengal, Fort Saint George, and Bombay, to trade or traffic for his own benefit, or for the benefit of any other person or persons whomsoever, unless so far as appears to him expedient for the due management of the Estates administered by him, and for the sole benefit of the several persons entitled to the proceeds of such Estates respectively; but this exception is not to be construed to alter the Civil liabilities of the Administrator General as Trustee for the Estate administered by him.

By the 17th and 18th Vic., C. 104, the Merchant Shipping Act, 1854, within the provisions of which the Territories under the Government of the East India Company are expressly included. It is, by Sections 196 and 197, enacted as follows, *viz*:

196. If any Master fails to take such charge of the money or other effects of a Seaman or Apprentice dying during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any Seaman or Apprentice dying during a voyage, or to give such account in respect thereof as hereinbefore respectively directed, he shall be accountable for the money, wages, and effects of the Seaman or Apprentice to the Board of Trade, and shall pay and deliver the same accordingly, and such Master shall, in addition for every such offence, incur a penalty not exceeding treble the value of the money or effects not accounted for, or if such value is not ascertained, not exceeding £ 50, and if such money, wages, or effects are not duly paid, delivered, or accounted for by the Master, the owner of the Ship shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly, and if he fails to account for and pay the same, he shall, in addition to his liability for the said money and value, incur the same penalty which is hereinbefore mentioned as incurred by the Master for the like offence; and all money, wages, and effects of any Seaman or Apprentice dying during the voyage, shall be recoverable in the same Courts and by the same modes of proceedings by which Seamen are hereby enabled to recover wages due to them.

197. If any such Seaman or Apprentice, as last aforesaid, dies abroad at any place either in or out of Her Majesty's Dominions leaving any money or effects not on Board his Ship, the Chief Officer of Customs or the British Consular Officer at or nearest to the place, as the case may be, shall claim and take charge of such money and effects; and such Officer shall, if he thinks fit, sell all, or any of such effects, of any deceased Seaman or Apprentice delivered to him under the provisions hereinbefore contained; and every such Officer shall quarterly, or at such other times as the Board of Trade directs, remit to Her Majesty's Pay-master General, all monies belonging to or *arising from*, the sale of the effects of, or paid as the wages of any deceased Seamen or Apprentices which have come to his hands under the provisions hereinbefore contained and shall render such Accounts in respect thereof, as the Board of Trade requires.

The following communications from the Board of Trade have been received at the India House; *viz*:

From T. W. FARRER, Esq.; to the Secretary to the Honorable East India Company, dated Office of Committee of Privy Council for Trade, Marine Department, Whitehall, the 14th July 1857.

SIR,

WITH reference to a letter from this Department of the 15th December 1856, requesting that you will move the Honorable Court of Directors to obtain from the Administrator General of

No 222.

Resolved that a copy of the report of the Civil auditor on the above application be furnished to Mr A. Thomson Muster attendant at Cocanada thro the Marine Board.

Copy to Marine Board. Dispd 9th
Fort St. George 9/6/58

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cons. 15th June 1858. Marine.

Read the following letter from the Secretary to the Board of Trade, dated 14th July 1857, with the accompaniments, relative to the appointment of Agents for the Administrator General of Madras in the Ports of the United Kingdom.

Ordered that the Secretary do write to the Court of Directors, and request that they will move the Honorable Court to obtain from the Administrator General of Madras an Application for the appointment of Agents in the Ports of the United Kingdom, and that the Court of Directors will forward the same to the Board of Trade, with a special Case for the consideration of the Lords Commissioners of Her Majesty's Treasury.

Extract Consultation, 15th June 1858.

Examined

Secretary.

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