

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No.	223	Press ~~Mis.~~
Dated	10-6-	18 58

Not to be folded or roughly handled

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Fort Saint George, Marine Consultation, 15th June 1858.

No. 1. From J. T. MACLAGAN, Esq., Acting Secretary Marine Board; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 4th June 1858, No. 2268, with the Acting Civil Auditor's Report.

SIR,

I have the honor by desire of the Marine Board to forward, for submission to the Right Honorable the Governor in Council, an application by Mr. H. Thomson, Master Attendant at Cocanada, for eleven days' Special leave of Absence under Section VII of the Uncovenanted Service Rules, to enable him to rejoin his appointment, and I am directed to recommend that the same should be granted.

From H. THOMSON, Esq., Master Attendant at Cocanada; to J. T. MACLAGAN, Esq., Acting Secretary Marine Board, dated 27th May 1858, No. 75.

SIR,

I have the honor to solicit the favor of the Board in forwarding this my application for 11 days' Special leave under Section VII of the Uncovenanted Service Rules, to enable me to join my Station as per Para: 2 of Extract from the Minutes of Consultation, No. 191, dated 18th May 1858.

Report of the Acting Civil Auditor.

The Acting Civil Auditor has the honor to report that as Mr. H. Thomson, Master Attendant at Cocanada, has obtained leave for three months in full, he is not eligible to any further leave under Section VII of the Uncovenanted Service Absentee Rules. The leave for 11 days in addition, which he solicits, can only be granted to him under Section VIII of the Rules. In this case, as leave under Section VIII cannot be connected with, or taken in continuation of leave under Section VII, Mr. Thomson will come under the provisions of Section VIII for the whole period of the leave he has taken on this occasion.

CIVIL AUDIT OFFICE, }
5th June 1858. }

(Signed) J. L. LUSHINGTON,

Acting Civil Auditor.

No. 2. ORDER THEREON, No. 222; dated 9th June 1858.

Resolved that a copy of the report of the Civil Auditor on the above application be furnished to Mr. H. Thomson, Master Attendant at Cocanada, through the Marine Board.

(Signed) T. PYCROFT,
Chief Secretary.

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Fort Saint George, Marine Consultation, 15th June 1858.

Bombay, the balance of wages and effects of a Seaman named John Wemyss who died at Mazagon Dock Yard on the 26th June 1856, I am directed by the Lords of the Committee of Privy Council for Trade to inform you that Mr. Francis Clark has informed my Lords that he has received from the Administrator General the sum of nineteen Pounds, fourteen Shillings and nine Pence (£ 19-14-9) and he has been requested to pay the same into the Bank of England to the account of Her Majesty's Pay-master General for the Board of Trade. My Lords direct me to call the attention of the Honorable Court of Directors to the long delay which has taken place in remitting this money which was paid to the Administrator General so long ago as June 1856, and to request that they will have the goodness to cause such instructions to be given to the Authorities in India as will prevent a recurrence of the present irregularity, and ensure the balance due to the Estates of deceased Merchant Seamen being paid to the Registrar of Seamen, or Officer of Customs at Bombay, as required by the Act, to be at once remitted to Her Majesty's Paymaster General. With reference to the amount remitted to Mr. Clark on account of the deceased John Wemyss, I am to observe that no Account has been forwarded, and I am to request that the Administrator General may be directed to transmit

1st.—The Account of Wages rendered by the Master of the Vessel.

2nd.—The Account Sales of Effects.

3rd.—The Account of any expenses which may have been incurred, together with the vouchers for the same.

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 20th July 1857.

SIR,

WITH reference to the letter to you from this Department of the 14th Instant, relative to the irregularity on the part of the Administrator General at Bombay, in demanding and receiving the wages and effects of deceased Seamen, contrary to the Statute, I am directed by the Lords of the Committee of Privy Council for Trade to transmit to you to be laid before the Court of Directors of the East India Company, the accompanying copy of a letter, and its enclosures, from the Directors of the Peninsular and Oriental Steam Navigation Company, relative to the retention by the Administrator General, of two-thirds of the money belonging to the Estate of William Sanders, a Steward in that Company's Service, who died at Bombay on the 9th April 1856.

My Lords desire me to observe that the deceased being a Seaman within the meaning of the Merchant Shipping Act 1854, the course pursued by the Administrator General is altogether contrary to the provisions of that Act, and this case affords another instance of the necessity of definite instructions being given by the Court of Directors to that Officer, as pointed out in the letter from this Department above referred to.

From T. D. D. VIDING, Esq., for the Managing Directors; to T. W. FARRER, Esq., Assistant Secretary, Marine Department, Board of Trade, S. W. Peninsular and Oriental Steam Navigation Company, Offices 122, Leadenhall Street, dated London, the 15th July 1857.

SIR,

I BEG to hand you annexed copy of a letter received by the widow of a Steward in the service of this Company from the Administrator General at Bombay, being desirous of knowing, whether that Officer has authority for acting as he proposes in retaining possession of the remaining two-thirds of the Estate until the Majority of the child.

The facts of the case are these: William Sanders, a Steward in the service of the Company, died at Bombay on the 9th of April 1856, and his effects and the balance of wages were on the 24th of the same month paid by the Company's Agent into the hands of the Administrator General of that Port.

Fort Saint George, Marine Consultation, 15th June 1858.

A sum of £ 10 advanced on account of the balance to repay a loan made to the poor woman by this Company was paid in the month of January, but the balance as appears by the letter annexed, did not become payable until June, a period of about 14 months after the decease of Sanders.

As the arrangement proposed by Mr. Standen is very unsatisfactory to Mrs. Sanders, especially as her boy is not three years of age, and as it is a course, the Directors believe, different to that pursued by the Board of Trade, they would be obliged by your bringing the question before the Board in case they may have the power to interfere in the matter, should they think it desirable.

From J. H. STANDEN, Esq., Administrator General; to Mrs. SANDERS, 32, Grosvenor Street, Commercial Road East, No. 181, dated Bombay, Administrator General's Office, the 11th May 1857.

MADAM,

I BEG to inform you that by this Mail, I have remitted to Francis Clark, Esquire, East India House, the sum of Company's Rupees 19-13-10, the equivalent of £ 2-1-3 being the balance of your one-third share of the Estate of your deceased husband. I have instructed Mr. Clark to pay the same over to you upon your signing receipts in Duplicate for the said amount.

The share of your child will be retained in my Office until he attains Majority.

It may be observed that similar representations to the foregoing from the Board of Trade, were in the year 1855, addressed to the Court of Directors in reference to the Estate of a Surgeon in the Merchant Service dying at Singapore in 1853, and to that of a Seaman who died at Moulmein in 1852, and whose Estate was forwarded by the Police Magistrate there to the Administrator General of Bengal. The Act however of the 14th and 15th Vic., C. 102 (under the 33rd Section) of which it was supposed by the Board of Trade that the remission of such Estates was regulated, did not appear to be applicable to the Territories within the Company's Charter, and it was not considered necessary to do more than call the attention of the Authorities in India, to the provisions of the Merchant Shipping Act of 1854, with reference to their future proceedings.

You are requested to advise upon the reply to be given to the Board of Trade, and generally upon the proper course to be pursued in reference to the future remittance of the effects of Seamen dying in the Territories under the Government of the East India Company.

OPINION.

IN each of the cases mentioned in the letters from the Board of Trade, the deceased Seamen appear to have been within the provisions of the Merchant Shipping Act 1854, and to have died after that Act was in force; and I think that in such cases the proper course for the Administrator General is not to interfere with the effects of the deceased, but to leave the same to be collected and disposed of by the Chief Officer of Customs, as provided by the 197th Section of the Act of 1854.

In such cases, there is a degree of conflict between the provisions of the Indian Acts of 1849 and 1850, and the provisions of the Imperial Act of 1854. But as the former depend for their efficacy on the Act III and IV, Wm. IV., C. 85, Section 43, and are liable to be controlled by all subsequent Acts of the Imperial Legislature.

The provisions of the Act of 1854 (which is expressly made applicable to the Territories under the Government of the East India Company) must prevail, and it was plainly the intent of that Act to enable the effects of the deceased to be collected without the intervention of the Administrator.

Fort Saint George, Marine Consultation, 15th June 1858.

I am therefore of opinion that the proper course will be to call the attention of the Administrator General to the above view of the Acts, and to inform the Board of Trade in reply to their letters that this has been done.

(Signed) LOFTUS WIGRAM,
Lincolns Inn.

2nd November 1857.

(True Copies.)

(Signed) R. B. CHAPMAN,
Under Secy. to the Govt. of India.

No. 4. ORDER THEREON, No. 223; dated 10th June 1858.
Resolved that a copy of the foregoing papers be furnished to the Judicial Department for communication to the Administrator General.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

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Resolved that a copy of the foregoing
papers be furnished to the Judicial
Department for communication to
the Administrator General.

JP

W. H. L. 1858-3
10 June 1858

Copy to Judge ext. - Sept 10th

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