

MADRAS RECORD OFFICE.

Government of Madras.

Marine

DEPARTMENT.

G.O. No.

77

Press

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Dated

15-2

1858.

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27/1/58

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Fort Saint George, Marine Consultation, 16th February 1858.

No. 18. From J. R. BOYSON, Esq., Honorable Company's Solicitor; to the Chief Secretary to Government, dated 5th February 1858, No. 74.

SIR,

Extract Minutes Consultation, dated 27th November 1857, No. 503, Marine Department.

I have the honor to acknowledge the Extract from Minutes of Consultation, noted in the margin, and the Draft Bill for the amendment of the Law relating to Merchant Seaman therein referred to.

I submitted same for the perusal and consideration of the Advocate General and have since communicated with him thereon.

I now forward a Copy of his opinion.

I assume that Copies on the substance of the letters to which the Advocate General alludes have been already forwarded or made known to the Government of India or the Legislative Member for Madras.

The Draft Bill appears to me very complete.

COPY OPINION.

I have no remark or suggestion about the enclosed Bill, which seems very carefully prepared. I embodied every thing that occurred to me about the Merchant Shipping Act 1854, in my several letters to Government on the subject.

(Signed) THOMAS SYDNEY SMYTH,

Advocate General.

(True Copy.)

(„) J. R. BOYSON,

Honorable Company's Solicitor.

No. 19. From J. J. FRANKLIN, Esq., Secretary Marine Board; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 8th February 1858, No. 580.

SIR,

I have the honor by desire of the Marine Board to acknowledge receipt of Extract Minutes of Consultation, No. 503, dated 27th November 1857, forwarding for any observations they might have to offer copy of the Draft Act for the amendment of the Law relative to Merchant Seamen.

2. This Act seems to provide for all that is necessary for regulating the discipline and management of Merchant Ships registered at, trading with, or being at any place within the Honorable Company's Territories, with the following exceptions.

Section 20, requires that in all Ships engaged in the Home Trade, which by the interpretation, Section 106, includes those Trading from Port to Port in the Honorable Company's Territories or to the Island of Ceylon, an agreement should be entered into with the Crew, provided that the Vessel is above 300 Tons burden.

3. With reference to this, the Board think, 1st., that the seizure of the Vessel should be expressed in terms of "registered burthen," and not simply as "burthen," which is indefinite, and is liable to dispute: and 2ndly, that Crews should be protected in such Ships under 300 Tons, as well as in those above that size. The Company's Territories are of wide extent, and according to the proposed Act a Vessel might trade from Kurrachee, round Ceylon, to Singapore, including the whole of the Bay of Bengal, without any agreement with the Crew, provided her burthen does not exceed 300 Tons. Seamen serving on Board such Vessels, of which there are many, would therefore not participate in the benefits of the proposed Act. The Board would consequently recommend that the limits should be reduced to Home Trade Ships of upwards of 100 Tons registered burthen, and to those exclusively engaged in the Coasting Trade or in voyages to the Island of Ceylon.

Fort Saint George, Marine Consultation, 16th February 1858.

4. Section 95, requires that official logs shall be kept in all Ships not exclusively engaged in Coasting voyages or between the Coast of India and Ceylon; but it would appear that this provision must be of little utility if Ships of 300 Tons and under are not bound to carry a Crew entered under an agreement.

5. The Board, moreover, consider that the punishments to be awarded for offences under Section 88, are in some instances inadequate: for example; assaulting a Master or Officer, and combining to disobey lawful commands impeding the Navigation of the Ship, for which 12 weeks' imprisonment with or without hard labor is assigned as the maximum punishment. Yet as these penalties are taken from the Imperial Act, 17 and 18 of Victoria, Chap. 104, it cannot be expected that they will be altered.

6. With the above exceptions the Board consider the Act well adapted for the purpose in view.

No. 20. From T. PYCROFT, Esq., Chief Secretary to Government; to D. ELIOTT, Esq., Member for Madras of the Legislative Council, Calcutta, dated Fort Saint George, 15th February 1858, No. 77.

SIR,

Dated 5th and 8th February 1858, Nos. 74 and 580.

I am directed by the Right Honorable Governor in Council to transmit to you Copies of communications from the Honorable Company's Solicitor and the Marine Board, containing their remarks on the Bill for the amendment of the Law relating to Merchant Seamen, now before the Legislative Council of India.

(Signed) T. PYCROFT,

Chief Secretary.

Marine Department

No. 77.

To

D. Elliott Esq

Member of the Legislative Council
for the Madras Presidency

Sir,

I am directed by the
R. H. the Governor in
Council to transmit to
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Council of India.

Dated 5th & 8th February 1858
Nos 74 & 580.

Fort St George
15th Feby/58

HC Ltr to D. Elliott
Marine Bd's - do - to follow

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Entered in the office of the
Recorder of Deeds

in the office of the
Recorder of Deeds
in the office of the
Recorder of Deeds

1858

To
J. Elliott Esq. of New York
The Legislative Journal
for the year 1858
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