

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No.	500.	Press ~~Mis.~~
Dated	7-10	1859

Not to be folded or roughly handled

*Proceedings of the Madras Government, Marine Department,
from 5th to 21st October 1859.*

No. 7. Read the following letter from Senior Lieutenant H. A. FRASER, I. N., late Commanding Her Majesty's Indian Navy Steam Vessel "Coromandel"; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Madras, 19th September 1859.

Being directed by order of Government, dated July 23rd, No. 333 of 1859, to state what I consider to be the amount of my loss, from decay and deterioration of supplies provided by me for the passengers of the contract Steamer "Bengal," when ordered to convey them from Madras to Calcutta.

I respectfully beg to represent that I claim compensation both on account of such loss, and of that similarly incurred by providing supplies for the 7 Officers whom I was directed to receive at Cocanada for passage to Madras, whereas only two embarked.

This latter claim although negatived in the above Order, on the recommendation of the Superintendent of Marine, is, with the first, in strict accordance with the Regulations of the "Indian Naval Pay and Audit Code," (a copy of which the Superintendent of Marine possesses,) and which rules as follows.

Section XIII of Indian Naval Pay and Audit Code, paragraph 60.

"When an Officer is directed to make preparations for any passengers, the Superintendent of the Indian Navy, will recommend that half the estimated amount of the whole expence be immediately paid by the Military Paymaster, to him or his Agent as the Officer may direct.

"Paragraph 61. If it should happen that a passenger does not embark after the order for receiving him has been given, and provision thereupon made for his reception, or having embarked, shall be relanded, or transferred to another Ship, the Naval Officer will still retain the half allowance recommended, to cover the expenses he may have been at, in making the necessary preparations for him."

Paragraphs 83 and 115 are to similar effect.

The operation of these Rules, drawn up by the Military Auditor General Bombay, concurred in by the Commander-in-Chief of the Indian Navy, and sanctioned by the Government of that Presidency, cannot, I respectfully submit, be set aside because the "Coromandel" is placed under the Orders of the Government of Madras, any more than the established pay and allowances, granted to Officers and Crew on the authority of the same Code, can be reduced on the same plea.

Nor can these Rules be in any way affected by the opinions of the Superintendent of Marine at Madras, who I respectfully beg to observe, possesses no jurisdiction in matters relating to the internal economy of the Indian Navy, and who therefore, is not competent, to pronounce claims preferred by Officers of the service, in conformity with existing regulations to be "inadmissible."

Under this conviction, I have the honor to submit my claims in accordance with the rules above quoted, for the re-consideration of the Honorable the Governor in Council, *viz.*

Half table money due for 5 Officers from Cocanada to Madras at 8 Rupees each per day for 2 days, Rupees 40.

Half table money for 12 passengers from Madras to Calcutta at 8 Rupees each for 6 days Rupees 288.

In conclusion, I beg to be permitted to correct a mistake in paragraph 4 of Order of Government under reply, *viz.* "At Cocanada the Commander stated only one Officer embarked." My letter, No. 43 of July 13th states that I had been officially informed by the Superintendent of Marine at Madras 7 Officers were to embark, "whereas passage for only one was demanded." *i. e.* The Superintendent of Marine intimated that passage was required for 7, instead of 1 Officer; the authorities at Cocanada having only demanded passage for the latter; that another Officer did embark is true, but he was not included in the Original Return.

Ordered to be referred to the Superintendent of Marine for his remarks.

FORT SAINT GEORGE, }
26th September 1859. }

(Signed) T. PYCROFT,
Chief Secretary.

*Proceedings of the Madras Government, Marine Department,
from 5th to 21st October 1859.*

No. 8. From J. B. CROWTHER, Esq., Assistant Superintendent of Marine; to the Chief Secretary to Government, Fort Saint George, dated 1st October 1859, No. 3956.

Dated 19th September 1859, No. I have the honor to acknowledge receipt of a letter to Government from Lieutenant Fraser on which the Superintendent of Marine was directed to remark, and with reference thereto, beg to forward the accompanying copy of observations from that official.

Observations regarding Senior Lieutenant Fraser's claim for compensation.

Senior Lieutenant Fraser in his letter to Government of the 19th instant, claims half table money for 5 Officers embarked at Cocanada for Madras short of the number he was informed would proceed in the Vessel: as well as for 12 Passengers from Madras to Calcutta, who it was expected, would have been brought from Galle by the "Sydney" when the P. & O. Steamer "Bengal" was disabled at the last named port. He bases his claim on paragraphs 60 and 61 of Section XIII of the Indian Naval Pay and Audit Code.

I agree with Lieutenant Fraser that no authority at Madras has the power to alter the rules laid down for the guidance of the service to which he belongs, and had this Officer when he first addressed Government on the subject in his letter of the 13th July last, No. 43, pointed out the particular rules under which he considered himself entitled to compensation, the case might have been settled long since: he however merely submitted for the favorable consideration of Government that the losses sustained should not be allowed to fall upon him. He then solicited a boon; he now makes a claim, supported by the rules of his service.

The paragraphs he quotes taken by themselves certainly do bear him out in this claim, but on further examination it will be found that paragraphs 45 to 62 of that Section apply to the accommodation of public passages in vessels of war when not employed as transports, or carrying the European mail. It was no doubt considered unnecessary to apply them to transports or packets where supplies must constantly be kept up, and where if not consumed by the passengers for whom they were laid in, will soon after be so by others. The "Coromandel" is essentially a transport, and not, except as being in commission, a vessel of war, I therefore do not consider Lieutenant Fraser's demand tenable under the rules of his service, and see no reason for recommending a departure from the course adopted by Government in their Order of the 23rd July last, No. 333.

Lieutenant Fraser adds that paragraphs 83 and 115 are to similar effect.

Paragraph 83 applies to private passengers only, who forfeit to the Commander half the table money in case they fail to proceed: and paragraph 115 to private passengers on the vessels of the Indus Flotilla, in which regular packet rules have been established, one of which is that the passengers shall only pay for the liquors they order, a rule which the Officers of the Indian Navy on this side have successfully repudiated as not applying to them.

No. 9. ORDER THEREON, 7th October 1859, No. 500.

It is observed that Lieutenant Fraser in his previous communication of the 13th July last, did not refer to the Sections of the Code of Naval Pay and Audit Regulations which he now quotes, but simply submitted his claim for favorable consideration.

2. It appears to Government that his claim in both instances comes fairly under those Sections, and they therefore sanction the disbursement to him of (Rupees 328,) three hundred and twenty eight Rupees, viz.

Half table money due for 5 Officers from Cocanada to Madras at 8 Rs. each per day for 2 days.....	Rs. 40
Half table money for 12 Passengers from Madras to Calcutta at 8 Rupees each for 6 days.....	288

Exd. W. J. Boyton.

(Signed) T. PYCROFT,
Chief Secretary.

Marine Department.

Memorandum.

*From Senior Lieut. V. A. Fraser, R.N.,
late Commanding S. M. S. N. S. Vessel "Coromandel" (Here enter 19 September 1859.)*

From the Superintendent of Marine. (Here enter 1st October 1859, No. 3956.)

In his letter of 13th July Lieutenant Fraser Commanding the "Coromandel" submitted for the favorable consideration of Government his claim to compensation on two accounts:—

1st— Because he had been ordered to get the "Coromandel" ready to take from Madras to Calcutta, the Calcutta passengers of the P. & O. Steamer "Bengal" (which had struck on a rock at the entrance of Galle Harbour) where as they proceeded to Calcutta by the "Simlahi"

and

and his preparations were not required.

Q^udy - Because he had subsequently been ordered to take on board at Cocanada for Madras ^{seven} ~~five~~ officers (with a party of sappers) whereas only two embarked.

2. - The application was referred to the Superintendent of Marine who gave it as his opinion that the first might be regarded as an exceptional case - out of the common way - and it might therefore be fair to reimburse Lieutenant Fraser any loss which he might have sustained on his declaring the amount on honor.

Example?

3. - For the second Mr. Fraser thought that this had happened in the ordinary routine of the service and was one of those chances which Captains of Transport must run the risk of - that claim to compensation on this account

account, could not be admitted.

4. - The Government concurring in this view passed orders accordingly.

5. - In his letter of the 19th Ultima Lieutenant Fraser remonstrates against this order and urges his right to compensation on both occasions at the rate of half table money for the passengers who did not embark according to notice. basing his claim now for the first time on the Indian Navy Pay and Audit Code, Section ~~xiii~~, paros. 60 & 61 -

As respects the first item of demand or that on account of the passengers ex Bengal, Government have already agreed - as a matter however of indulgence not of right - to give compensation - Lieut. Fraser was directed to state his actual losses but perhaps half the table money may be accepted as a sufficiently near

near approximation and
the amount applied for -
Rupees 285 he paid - The
other is a different case
and involves a general
question of some conse-
quence. I therefore send
Lieutenant Fraser's letter
and the Navy Code to Mr.
Franklin whose remarks
I enclose. -

6. - It appears to me
that Mr. Franklin's view is
correct and that as the
"Comandor" is at present
a Transport and nothing
else, the rules quoted by
Lieutenant Fraser do not
apply and the orders al-
ready passed should be
stood. -

7. - Nevertheless as Lieut.
Fraser is not easy to
satisfy and we have
had more than one
disagreement with him
it may be well to look
carefully into the matter
before sending him

his

His final answer.

JF

I think St. James's claim
in both instances, comes
plainly under the Indian
Navy Pay Code and that
the new instruction
drawn by the Supt. of
Mansions should not be
admitted - I would
pass the true claims
in full
4th Dec 1857

Pages under the List -
The pay code in question
is the guide we are
I understand based
on adopt -

W. C.

Edo. C. C.

Marine Sept 24

Proceedings of the Mad. Govt.

From ^{Senr.} Lieut Fraser &
14 - 14 Sep. 1859

From Asst. Sup. of

Marine 1 Oct 1859
No. 3956

order therein of 27 October 1859, No. 500.

It is observed that
Lieut Fraser in his
previous communication
- citation of 13 July
last did not refer
to the sections of the
Code of Naval Pay
and Audit Regulations
which he now presents -
but simply submitted
his claim for favour.
- in consideration -
2 - It appears to me

that his claim in
both instances come
fairly under the
section & they then pro-
ceed to sanction it - his sum-
bition of Rs 320 - the
hundred and twenty
eight Rupees - viz

Half table money due
for 5 Officers from Cocanada
to Madras @ 8 Rs. each
per day for 2 days = Rs 40

Half table money
for 12 Passengers
from Madras to
Calcutta @ 8 Rs. each

for 6 days = Rs 280

JP

5 Copies L 40

See: Sent from
Lr of Cocanada
and sent to
the Treasurer

Drift 8th May

Per Agent 21 Dec
Marine 1859 Sept etc

No 570

Proceeding to the

of the October 1859.