

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No.	567	Press Mis.
Dated	8. 11.	1859.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Marine Department,
for the month of November 1859.*

No. 20. Read the following letter from J. R. BOYSON, Esq., Government Solicitor; to the Chief Secretary to Government, Fort Saint George, dated Madras, 29th October 1859, No. 1728.

I have the honor to acknowledge the Proceedings of Government noted in the margin.
Marine Department, 21st October 1859, No. 532.

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

I now forward a copy of his opinion.

I have communicated with the Superintendent of Marine as to the form of Bond to be used under Section 115 of Act I of 1859.

COPY OPINION.

In my opinion a Shipping Master is not only justified but called upon to withhold his permission for the engagement of a Native crew to a Commander of a Foreign vessel who fails to furnish a Bond such as is required by Section CXV of Act I of 1859.

That Bond is to be in the terms prescribed by the Act, and to have "the security of some approved person resident in India" for a sum equal to Rupees 100 for every man of the Native crew, and to be conditioned for the due performance of the said agreement and stipulations.

If such security be given, I am of opinion that the deposit of Rupees 100 mentioned by the Superintendent of Marine is not required by the Act; but, unless such security be given and the Shipping Master need only approve persons of whom he feels sure—then I consider that the Shipping Master may lawfully say "you have not complied with the Act and I must withhold my permission unless besides giving your Bond you deposit Rupees 100 per man."

I am of opinion that Foreign Ships are not subject to Section XXVIII; Section CXIV, two last lines, is express on this point.

They are however subject to Section CXVII, which is to the same effect, only that the penalty is Rupees 100 per man instead of Rupees 50.

(Signed) THOMAS SYDNEY SMYTH,

Advocate General.

October 28th 1859.

(True Copy.)

(Signed) J. R. BOYSON,

Government Solicitor.

No. 21. ORDER THEREON, 8th November 1859, No. 567.

Copy of the opinion of the Advocate General received with the above letter, will be furnished to the Superintendent of Marine in reference to his letter of the 17th ultimo, No. 4200.

(Signed) T. PYCROFT,

Chief Secretary.

✓
No. 567- 8 November 1859

Copy of the Opinion of the Advocate General received with the above letter, will be furnished to the Superintendent of Marine in reference to his letter of the 17th Ult. No. 4,200.

W M

J P

The Superintendent of Marine. { Dept. of Marine