

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No.	76	Press Mis.
Dated	7-3	1859

Not to be folded or roughly handled

Fort Saint George, Marine Consultation, 8th March 1859.

No. 15. MINUTE OF CONSULTATION; dated 7th March 1859, No. 76.

Read the following Despatch from the Right Honorable the Secretary of State for India, with Annexures.

It having been represented that great delay has taken place in remitting to England the amounts due to the Estates of the two deceased Seamen named, desires instructions to be issued to the proper Officers to meet the present case and provide against future delays. } (Dated 19th January last, No. 3 of 1859.)

It is observed that the Accounts of the Estates of the two deceased Seamen referred to, are included in the General Roll for the Quarter ending 30th September last, of the Estates of deceased Seamen, which was received from the Accountant General in his letter, dated 30th November, and transmitted to the Home Government in a Despatch, dated 11th December following, and forwarded by the Mail of the 12th Idem.

2. The Wages and Effects of one of these men, A. Baxter, appear to have been handed over to the Collector of Sea Customs on some time previous to the 28th April—and those of the other, J. Irving, on the 31st May 1858. Nevertheless the proceeds of neither of those Estates were paid into the General Treasury until in the course of the quarter ending 30th September that is, until after the 30th June. Again, the General Roll of these, and similar sums, paid into the Treasury prior to the 30th September, was not sent to Government by the Accountant General until the 30th November, or two months after the expiration of the quarter. The Government can see no reason for such delays, and direct that they may not recur.

3. It is observed, that the Money, Clothes and Effects of any Seamen or Apprentice who may die during a voyage which is to terminate at any Port in India, are by Act I of 1859, Section LX, to be made over to the Shipping Master of the Vessel's Port of destination, to be by him dealt with according to Sections LXII & LXIII of the same Act. In other cases the Collector of Sea Customs will as hitherto proceed under Sections 195—197, Act 17 and 18 Victoria, Cap. 104, or the Merchant Shipping Act.

(Signed) T. PYCROFT,
Chief Secretary.

No. 76.

Extract from the Minutes of Consultation under date the 7th March 1859.

Read the following Despatch from the Right Honorable LORD STANLEY, Secretary of State for India; to the Right Honorable the Governor in Council, Fort Saint George, dated London, East India House, 19th January 1859, No. 3.

MY LORD,

It has been represented to me by the Board of Trade that great delay has taken place in remitting to England the amount due to the Estates of two deceased Merchant Seamen, realized at Madras, and which appear to have been handed over to the Collector of Customs at your Presidency about the months of April and May 1858, and by him transmitted to the Accountant General for remittance to this Country in the usual manner.

Archibald Baxter
James Irving

2. You will perceive from the papers forwarded from the Board of Trade, Copies of which are sent herewith in the Packet, that much inconvenience has been caused by the delay which has taken place in the remittance of these two Estates, and I therefore desire that you will cause such instructions to be issued to the Officers concerned as will meet the present case, and also provide against future delays in remitting the Effects of deceased Seamen in general.

From Sir JAMES EMERSON TENNENT, BART., Secretary to the Lords Commissioners of the Privy Council for Trade; to the Under Secretary of State for India, East India House, dated Whitehall, 8th January 1859.

SIR,

I am directed by the Lords of the Committee of Privy Council for Trade to transmit to you, to be laid before Her Majesty's Secretary of State for India in Council, the accompanying copies of letters and extracts of enclosures therein, which their Lordships have received from the Collector of Sea Customs at Madras, having reference to the balance due to the Estates of two deceased Seamen, Archibald Baxter, of the S. S. "Carthage," and James Irving of the "Winterthur."

The former of these men died on the 3rd of January 1858, and his wages and Effects were handed over to the Collector of Customs some time previous to the 28th April as that is the date on the Account Sales of the Effects of the deceased; and the latter died on the 30th March, and his wages and Effects were delivered to the Collector of Customs on the 31st May following.

The balance due to the Estate of Irving appears to be... Rupees 292- 9-5
and that to Baxter to be..... " 116- 4-0

Total Rupees 408-13-5.

The Collector states that these Accounts have been transmitted to the Accountant General for submission to the Board of Trade; but neither have the Accounts been received, nor has any remittance been made on account of the Estates.

My Lords have in both instances received claims from the relatives of the deceased, and Lord Stanley will perceive the position in which My Lords are placed in not being able to satisfy these claims, although the money has been in possession of the Authorities for upwards of seven months.

In bringing these facts to the notice of Lord Stanley, my Lords request that you will move his Lordship to issue such instructions as will ensure not only the remittance of the amount due on account of these two Seamen's Estates, but which will provide against any further delays in the remittances on account of the wages and Effects of deceased Seamen in general.

Order.—It is observed that the Accounts of the Estates of the two deceased Seamen referred to, are included in the General Roll for the quarter ending 30th September last, of the Estates of deceased Seamen, which was received from the Accountant General in his letter, dated 30th November, and transmitted to the Home Government in a Despatch, dated 11th December following, and forwarded by the Mail of the 12th Idem.

2. The Wages and Effects of one of these men, A. Baxter, appear to have been handed over to the Collector of Sea Customs on some time previous to the 28th April—and those of the other, J. Irving, on the 31st May 1858. Nevertheless the proceeds of neither of those Estates were paid into the General Treasury until in the course of the quarter ending 30th September, that is, until after the 30th June. Again, the General Roll of these, and similar sums, paid into the Treasury prior to the 30th September, was not sent to Government by the Accountant General until the 30th November, or two months after the expiration of the quarter. The Government can see no reason for such delays, and direct that they may not recur.

3. It is observed, that the Money, Clothes and Effects of any Seamen or Apprentice who may die during a voyage which is to terminate at any Port in India, are by Act I of 1859, Section LX, to be made over to the Shipping Master of the Vessel's-Port of destination, to be by him dealt with according to Section LXII & LXIII of the same Act. In other cases the Collector of Sea Customs will as hitherto proceed under Sections 195—197, Act 17 and 18 Victoria, Cap. 104, or the Merchant Shipping Act.

(True Extract and Copies.)

Chief Secretary.

To the Accountant General.
" Collector of Sea Customs.

Exd. J. A. Wilson.

one of these
appear to have been

Marine Department.

N^o. 76

Extract from the Minutes of Consultation.
Dated 7th March 1859.

Read the following Despatch
from the Rt. Honble the Secre-
tary of State for India, with
Amendments

Enter d^y. 19 January last
N^o. 3 of 1859.

It is observed that the
Accounts of the Estates
of the two deceased Sea-
men referred to, are inclu-
ded in the General Roll
for the quarter ending 30th
Septem^r. last, of the Estates
of deceased Seamen, which
was received from the Ac-
countant General in his
letter dated 30th Novem^r.
& transmitted to the
Home Govt. in a Despatch
dated 11th Dec^r. following,
& forwarded by the Mail
of the 12th idem.

2. The Wages & Effects of
one of these men, A. Baxter,
appear to have been
handed

Con 8th March

Marine 1859 Despatch

N^o. 76

Extract Min. Secre-
tary of State for India
Dated 7th March 1859

Order, forwarded
a Despatch from the
Secretary of State for
India dated 19th
January 1859.

handed over to the Col-
lector of Sea Customs on
some time previous to the
28th April - & those of the
other J. Iwing on the 31st
May 1858. Nevertheless the
proceeds of neither of those
Estates were paid into the
General Treasury ^{in the course of} until the
quarter ending 30th Septem^r;
that is, until after the
30th June. Again, the Ge-
neral Roll of these, & simi-
lar sums, paid into the
Treasury prior to the 30th Sep-
tember, was not sent to Go-
vernment by the Account-
ant General until the 30th
November, or two months
after ^{the} expiration of the
quarter. The Government
can see no reason for such
delays, & direct that they
may not recur -

3. It is observed, that
the money, clothes &
season

James L. Marshall

1859
My dear Mr. Gifford

The Collector of Sea Customs
has been the receiver of the papers
and effects of deceased Leamen
under Section 195, Clause 2 of the
Merchant Seamen's Act, 7 & 8. V.
Vic. Cap. 104. He need not to it
in every case, and probably does
not, but if the vessel is likely
to be some time before re-
turning to England, he has the
power of demanding the papers
and effects in order of course
to place the proceeds at the
disposal of the legal claimants
rather than if they had been

W. of Sea Customs

Letter. part of
400

effects of any

taken home by the Master
as provided for in the next
Clause of same Section.

Section 60 of Act 1 of 1859
requires the Master to deliver
these wages and effects to the
Shipping Master when the voyage
terminates at a port in India.
The act has most reference to
ships registered in India and
trading from India and back
Article 7 and 8 of Victoria's
policy more to ships trading
from England that back.
The Collector of Sea Customs
will still have the power
demanding from Masters of the

last mentioned ships the wages
and effects which should
be remitted home under
the Imperial Act. On the
other hand the Shipping Master
will claim the wages and
effects of seamen dying on
board vessels whose port of
destination is unknown. It would
perhaps have been chosen
had it been "final port
of destination". This is to
enable him to hand the
proceeds over to the legal
representatives of the deceased.

With regard to men dying
in the General Hospital, I think
they are still on the voyage.

All of Sea Customs

Letter - part of
1859

effects of acc

and that their effects should be disposed of on the same principle. That is, if they be conveyed to ships from England the proceeds should be taken charge of the [Ct] of the Customs, and if to vessels belonging to India, that the Shipping Master should take charge.

Sometimes a man belonging to an English ship may be a native of India, and vice versa. In such cases, the [Ct] and Shipping Master must be guided by the rule of common sense, and not send money to England where the representatives are in this country.
Yours very truly
J. D. Wilson

effects of any

a apprentice who may die during a voyage which is to terminate at any Port in India, and by Act 1. 1859 ~~St~~ LX to be made over to the Shipping Master of the vessel port of destination, to be by him dealt with according to S LXII. LXIII of the same Act - In other cases the Collector of Sea Customs will act hitherto provided under Sections 195. 197 Act 17. 18 Victoria Cap 104 or the Merchant Shipping Act -

To the Acct General
of the Customs } Disp. 12th

J. D. Wilson
Letter. part of the [unclear]
1860

to the Aug-19 - Official Report
1859-

Estates of deceased
in the 1st Segment

Sept 1858 & Annual 53
a Marine 1859 Report

1859

Deceased Min: of Com

27th March 1859

During observations
on the Report from the
Secretary of State for
India 27th June 1859
1859 regarding delay
in returning to the
England the accounts
due to Estates of cer-
tain deceased dea-
sons

Cover