

MADRAS RECORD OFFICE.

Government of Madras.

Marine

DEPARTMENT.

G.O. No.

282

Press
~~Mis.~~

Dated

6 - 9 -

1861.

Not to be folded or roughly handled

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22/2/82

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*Proceedings of the Madras Government, Marine Department,
6th September 1861.*

Read again Proceedings, 27th August 1861, No. 274.

Read also the following papers:—

No. 9. From JOHN MILLER, Esq., Acting Government Solicitor; to J. D. SIM, Esq., Acting Chief Secretary to Government, Madras, dated 30th August 1861, No. 661.

Dated 27th August 1861, No. 274, Marine Department.

1. I have the honor to acknowledge the receipt on the 29th instant, of the proceedings of Government, noted in the margin.
2. I submitted same immediately for the consideration of the Advocate General and I now forward for the information of Government a copy of his opinion.
3. I have also forwarded a copy of this opinion to Mr. Collett.

— — —
COPY—OPINION.

The conduct of Mr. McQueen, according to the statement made to the Governor of Pondicherry M. D'Ubraye seems certainly to have been very irregular and to be regretted, but M. D'Ubraye's own letter shews that he is well aware that the claim of the Karikal Merchants against Mr. McQueen is one that can only be disposed of by the ordinary Municipal Tribunals, and with which the Government of Madras cannot interfere in any way whatever.

Nor am I aware of any special enactment that empowers the Government of Madras to recover from Mr. McQueen either summarily, or by a suit, the Rupees 45 and 16 Pice claimed by M. D'Ubraye as due to his Government for Tonnage dues at Karikal.

There is no general law that one State is bound to enforce upon its own subjects the Revenue laws of another; therefore, in the absence of any special law, I am not aware of any thing that Government can do in the matter, except perhaps to request Mr. Collett to make a strong remonstrance to Mr. McQueen and to the Ship's Agents, Messrs. Parry and Co., when application is made for a Port Clearance.

(Signed) T. SYDNEY SMYTH,

Advocate General.

August 30th, 1861.

(A true Copy.)

(Signed) JOHN MILLER,

Acting Government Solicitor.

— — —

No. 10. From JOHN MILLER, Esq., Acting Government Solicitor; to J. D. SIM, Esq., Acting Chief Secretary to Government, dated Madras, 31st August 1861, No. 664.

1. With reference to my letter of yesterday's date No. 661, I have the honor to inform you that immediately after its dispatch, I called upon Messrs. Parry and Co., the Agents for the Ship "Hastings," on the subject of the claim preferred and the complaint made by the Governor of Pondicherry against the Commander of the Ship "Hastings," with a view to obtaining, if possible, a quiet and amicable adjustment.

2. The Commander of the "Hastings" was not at his Agent's Office, but I saw one of the partners of the firm of Messrs. Parry and Co., who promised to speak to the Commander and to get the matter settled.

3. I have now the honor of forwarding for the information of Government copy of a letter which I have this afternoon received from the Commander of the "Hastings," which will, doubtless, be considered satisfactory. The Sub-Treasurer should be authorized to receive from me the sum of Rupees 45-1-4 received by me from the Commander of the "Hastings."

*Proceedings of the Madras Government, Marine Department,
6th September 1861.*

From Captain JAMES McQUEEN, Commander of the Ship "Hastings;" to the Government Solicitor, Madras, dated 31st August 1861.

A copy of the Order of Government, dated 27th August, has been put into my hands with copy of the letter from the Government of Pondicherry to the Collector of Cuddalore, referring to a claim against the "Hastings" for Rupees 45-1-4, for tonnage dues at Karikal. Until this moment I was not aware of this claim, for the amount of which I enclose a Cheque on the Bank of Madras.

I regret to observe the light in which the Government and the authorities of Karikal represent my conduct at that Port, and have only to remark in explanation that I was unable to communicate with the Government servants and Merchants whom I met there, owing to our ignorance of each other's language.

I had no intention of clandestinely evading the Government claims or in any way whatever acting irregularly either towards the Government or my consignees. I was under the impression that at Karikal no tonnage dues were levied and was not aware they had been demanded, otherwise they would have been attended to at the time. As to the Native merchants, I regret the inconvenience they complain of, which has arisen from the unfortunate circumstance of my vessel having had to jettison a portion of her cargo, on which account a claim rests on the remaining portion for general average. I found it impossible satisfactorily to explain this at Karikal at the time, and as I could not give up the cargo without some settlement, I came on to Madras to complete my voyage and make the further arrangements necessary for delivering the cargo. It was very far from my intention to act unjustly either to Government or the Merchants of Karikal and I trust they will accept this assurance.

The amount Rupees 45-1-4 is sent in cash.

(True Copy)

(Signed) JOHN MILLER,
Acting Government Solicitor.

No. 11.

ORDER THEREON, 6th September 1861, No. 282.

The Sub-Treasurer will be authorized to receive the sum of Rupees 45-1-4 from the Government Solicitor, in view to payment of the same amount being made to the Government of Pondicherry by the Collector of South Arcot.

2. The Special Agent for Foreign Settlements will remit this sum to the Governor of Pondicherry, and furnish His Excellency with a copy of the explanation and apology tendered by Captain McQueen of the Ship "Hastings" for the abrupt manner in which he left Karikal. The Special Agent will also point out that this Government learn from their Advocate General that they have no legal power to interfere in regard to either of the matters brought to their notice by His Excellency. They trust however that the explanatory apology, voluntarily made by Captain McQueen will be satisfactory to His Excellency, and observe that the Madras Courts of Law have been open to the Karikal Merchants had they seen cause to seek for redress in them.

(Signed) J. D. SIM,
Secretary to Government.

Exd. F. Cartledge.

Marine-Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

*Read again Proceedings dated
27th August 1861 N^o. 274.*

*Read also Letters from
the Government Solicitor.*

*Here enter 30th & 31st August
1861 N^{os} 661 and 664.*

Order thereon 6th September 1861 N^o. 282.

*The Sub Treasurer
will be authorized to receive
the sum of Rs 45-1-4 from
the Government Solicitor,
in view to payment of the
same amount being made
to the Government of Pondi-
cherry by the Collector of
South Arcot.*

W M

J M

*2. The Special Agent
for Foreign Settlements will
remit this sum to the Gov^r
of Pondicherry, and furnish
His Excellency a copy of the explanation
and*

and apology tendered by
Captain MacQueen of the
Ship "Hastings" for the abrupt
manner in which he
left Karikal. The Special Agent
will also point out that this
Government learn from their
Advocate General that they
have no legal power to inter-
fere in regard to either of
the matters brought to their
notice by His Excellency. They
trust however that the ex-
planatory apology volunta-
rily made by Capt^m MacQueen
will be satisfactory to His
Excellency and observe that
the Madras Courts of Law
^{have been}
~~are~~ open to the Karikal
Merchants ^{that} ~~should~~ they
see cause to seek for
redress in them.

JDS

To the Coll^r in charge of the Special
Agents Depart^t - Calcutta
Sub Treasurer
for Solicitor
Acct General
Coll^r of Sea Customs - Madras

Printed by Capt^m MacQueen
for current - 21-10

Dated

PROCEEDINGS OF GOVERNMENT.

No.

186 . Department.

Copies of the corres-
pondence with
the Law Officers are
not to go out of the
Office - Send copy
only of Capt M^r Queen
letter

J. A. S.

Judicial. Marine

Proceedings of the Madras Govt.

Read again Pros: 27th Aug. '61 N^o 274.

Read also letters from
the Govt. Solicitor — Inter 30th & 31st idem
N^{os} 661 & 664.

Order — 6th September 1861 N^o 282.

The Sub Treasurer
will be authorised
to receive the sum
of Rs. 45.1.4 from
the Govt. Solicitor,
in view to pay-
ment of the same
amount being
made to the Govt.
of Pondicherry by
the

the Collector of South
Arcot.

2. In making the
remittance on be-
half of Captain
McQueen of the
Ship "Hastings",
the Special Agents
for Foreign Settle-
ments will explain
to the Governor of
Pondicherry that,
in the opinion of
the Advocate Gene-
ral, this Govt. ^{have} could
^{legally power to}
not interfere in
regard

2

The Special Agent for Foreign Settlements
will remit this sum to the Gov. of Pondicherry
& furnish a copy of the explanation & log-
book tendered by Capt. McQueen of the
Ship Hastings for the abrupt manner in
which he left Keralal. The Special
Agent will also point out that the Govt.
learn from their Advocate General that
they have no legal power to interfere
in regard to either of the matters brought
to their notice by His Excellency.
They must however that the explanatory
apology ^{voluntarily made} tendered by Capt. McQueen
will be satisfactory to His Excellency
^{observe that} and the Madras Courts of Law are open
to the Merchant Merchants should they
see cause to seek for any redress in the

with express
and their report
that under the
circumstances
they have been unable
to meet His Excellency's
wishes, except in regard to

6x.
regard to either
of the matters is
brought to notice
by His Excellency,
~~that~~ the pay-
ment of the Port-
dues claimed at
Karikal ^{which has been} ~~was~~
~~tained by the~~
~~friendly media-~~
~~tion of the Acting~~
~~Sect. Solicitor.~~ Mr.
Wood will also
communicate to
H. R. the letter to
Mr. Miller, in
which Captain
McQueen

McQueen explains
that his reach is
~~the circumstances~~
the regulations at Marik
~~which led to his~~
not being interrupted
~~having acted in~~
and caused by
~~the manner of~~ come
his ignorance of the
~~planned off~~
French language

S. D. S.

10-10-10

- The Collector of South Arcot,
in charge of the Special
Agents Dept., Cuddalore.
- " Sub-Treasurer.
 - " Govt. Solicitor.
 - " Asst. Secy.
 - " Collr. of Sea Customs.

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Shih Hastings
at Karikal.

March 1861 Sept.

No 282.

Proceeding of Court.

of 6th to 10th 1861.

Come to me for
instructions as
to printing - The
Captains letter
must be before
sent for review
etc.

Soon

Chesham as
in front - and
from 2 as by the
Maltby &
said a few
signatures