

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No. *285-*

Press
Mis.

Dated

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18 *61*

Not to be folded or roughly handled

*Proceedings of the Madras Government, Marine Department,
7th September 1861.*

No. 17. Read the following Telegram from the Chief Secretary, Madras; to the Collector Vizagapatam, dated 1st July 1861, No. 102.

The "Hersilia" was run ashore on the Ganjam Coast on the 15th ultimo, and became a total wreck; the crew with, it is believed, the Captain are on their way to Bimlipatam. Hold an enquiry regarding the loss of the Vessel under Section 100, Act I of 1859.

The Master Attendant at Vizagapatam will be the Naval Assessor.

Read also the following letters:—

No. 18. From E. G. R. FANE, Esq., Collector of Vizagapatam; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 31st July 1861, No. 821.

With reference to your Telegram ordering an enquiry into the causes of the wreck of the "Hersilia," I have the honor to forward the Proceedings* of the Court which assembled at Bimlipatam on the 7th instant, under my Principal Assistant, the Master Attendant and the Commander of the Ship "Maori" acting as Members.

* Depositions taken from the Captain, 2nd and 3rd Mates, the Carpenter, and one Passenger, also Those received from Mr. Hooper, Principal Assistant of Ganjam.

From C. T. LONGLEY, Esq., Principal Assistant Collector; to E. G. R. FANE, Esq., Collector, Vizagapatam, dated 25th July 1861, No. 80.

I have the honor to forward the Report of the Court of enquiry which assembled under instructions from Government to enquire into the causes of the wreck of the Ship "Hersilia." I also enclose copies of the Depositions taken before me by the Captain, 2nd and 3rd Officers, the Carpenter and one passenger, also copies of the Depositions taken by Mr. Hooper in the preliminary enquiry held by him at Poondy.

The non-receipt of the Depositions from Mr. Hooper was the cause of delay in the submission of this Report.

We the undersigned having been summoned by C. T. Longley, Esq., one of Her Majesty's Justice of the Peace in Vizagapatam on the 5th instant, at Bimlipatam, to sit on the trial of the loss of the Ship "Hersilia," Captain Kirby, we give it as our opinion that the loss of the Ship was occasioned through the wilful negligence and disobedience of Mr. Wilson the Chief Officer, now drowned, in not having hove the lead at 10 p. m., and in not calling the Captain at midnight when he was strictly ordered to do so by him (the Captain) before he went to bed at 8 p. m.

There is also great blame to be attached to the 2nd Officer Mr. Hog, who saw a light about half an hour after he took charge of the deck and did not mention the circumstance to the Captain who was sleeping near the binnacle on deck in order to be called at the shortest notice or even took a cast of the lead; but woke the Captain up only after the Vessel got into the breakers.

It is further our opinion that the Captain is to blame for not taking a cast of the lead before turning in at 8 p. m., as from his deposition it would appear that he saw discoloured water at 5 p. m.

BIMLIPATAM,
7th July 1861.

(Signed) R. W. MEPPEN,
Master Attendant.

(Signed) WILLIAM ASHBY,
Master ship Maorie.

(Signed) C. T. LONGLEY,
Justice of the Peace in Vizagapatam.

I, Richard Kirby, Commander of late Ship "Hersilia," do hereby declare upon oath; That at 1 p. m., on the 15th instant, I gave Mr. Wilson, First Officer, orders to bend chain cables, put the anchor over the bows, range chain on the windlass, and see working anchor all clear, as

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we would strike soundings in the first watch, and go along the coast by the lead; I do not recollect the exact position at noon, as all books and every thing are lost. The observation bore good, and remember laying off a course to go in with the land, at a safe distance from Ganjam. This is the course I would adopt in the South West Monsoon, as last year in the same month, when steering for the three pagodas, the wind came from the north, and I could not sight false point, which is always necessary if possible. I had every confidence in the reckoning, as the Chronometers had been checked by Lunars, and the Compasses by Amplitudes and Azimuths at every opportunity during the voyage, which was verified by our seeing the Island of Ceylon. During the course of the day, I had on three or four occasions to speak to the helmsman about coming to the north, or windward of the course, and had the compass removed and another one put in the binnacle, comparisons were taken by the Azimuth and hanging compass in my own cabin. Comparisons with the three compasses were taken at least once a day during the voyage. The positions of the other two compasses were placed by myself about 15 months ago, after testing them in North and Southern Hemispheres. Whilst they were bending chains, &c., I was down below, copying manifest, arranging papers for our arrival. The Steward and Assistants were clearing out store rooms, but there was not any thing removed to cause any deviation in the compasses. We had about 300 tons of Iron on board as cargo, but not any of it stowed abaft the mainmast. A little before 8 p. m., I gave orders for both the side lights to be placed. The deep sea lead line to be passed forward in readiness and a good look-out to be kept on the fore-castle. I also told Mr. Hog, second Officer, to give me the distance of the *log slate* from noon to 8 p. m., I laid the distance down from the position at noon and by a faint loom of the land in the distance before dark corresponds with our position. I ordered my cot to be brought on deck by the Steward so that the Officers of the watch would not have to leave the deck to call me. The ship at the time was under all sail and royals, stay sails, and studding sails fore and aft. I gave orders to Mr. Wilson, First Officer, to shorten sail a little before 10 p. m., and take a cast of the lead, should he have soundings to call me and if not to try again before 12 o'clock, but under no circumstances to allow me to sleep after 12 o'clock.

The first intimation I had of the Ship being in danger, was the second Mate calling me, and told me the Ship was amongst the breakers, my first order was up with the helm, and take a cast of the lead. Some of the crew called out a revolving light, this I knew not to be correct, as there are no lights, only those caused by Natives burning rubbish about the place. On looking at the state of the sails being trimmed, I found the after yards just full and the head yards lifting. I ordered the head yards to be braced up and enquired whether the jibs were up, the man at the helm told me she was coming to against her helm. I told him to put the helm down likely to bring her head to wind, but before the fore-yard was aboard the ship struck. I immediately ordered the top-sails to be lowered fore and aft, and the courses to be hauled up, the long boat to be got out and the well sounded. These orders were obeyed as fast as possible and by this time the ship was beam to sea and sea breaking half mast high. Finding they could not get the long boat out I ordered the foremast to be cut away and the quarter boats to be got ready before cutting away the mainmast. Those that were about the foremast were washed away from it and came aft again. The starboard quarter boat (life boat) was lowered safely and a good rope made fast to her. Mr. Reynolds, 3rd Officer, and two seamen got into her with orders from me to keep her head to leeward of the ship by backing their oars. The other quarter boat we tried to get across the deck, as there was not any chance of launching her to windward; the sea broke over at the time most furiously and smashed our two remaining boats to atoms. I immediately ordered the main and mizen masts to be cut away. However all axes, knives, and every thing else was lost. I made an attempt to get below to get some knives, but I found the cabins and decks all to pieces, and I was with some difficulty got on deck again. By this time the sea had broke in the life boat and washed the oars and one man out of her. I ordered the boat to be hauled near enough to get more oars, but in doing so she was swamped and with great difficulty Mr. Reynolds was got off the boat's bottom by ropes, which I ordered to be thrown to him. The ship was rolling the lower yards in the water each way, the sea being on, the beam and the ship having a great rise of floor, I was confident she would not hold out long, as all the cargo in the lower hold appeared to range from side, to side, we managed to cut

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away the mizen mast and shortly after the ship broke in two amidships, and the main mast went by the board, the ship now broke up very rapidly. In a few more lurches the fore-mast went by the board and there did not appear to be two planks together. I entreated of the men to cling to the few timbers of the wreck that were left as at day-light we would get assistance as we were close to the shore. Six of them that were near me were washed off one after the other, and it only appeared by superhuman strength I held on to the wreck, as the portion of the masts were bruising me very much indeed. On receiving a severe cut on the leg, I took my shirt off to bind it up and in that state I left the wreck in the strand. Immediately on our mustering I despatched Mr. Hog to the south with one or two that were able to go with him to endeavour to rescue any that might be in danger. I also took the direction to the north with one or two more where I found all had been washed on shore but Mr. Wilson first Officer and Fowler seaman that was at the helm.

(Signed) RICHARD KIRBY,
Commander late "Hersilia."

Taken by me,

(Signed) W. S. HOOPER,
Justice of the Peace.

Information and deposition of Roger Alogsims Hog, taken upon oath before me William Stanley Hooper, one of her Majesty's Justices of the Peace in and for the District of Ganjam in the Presidency of Madras, the 22nd day of June 1861, who on oath saith:

At 12 o'clock on the night of the 15th instant, I, Mr. R. Hog, second Officer of the Ship "Hersilia" relieved Mr. Wilson, Chief Officer of the aforesaid Ship. I asked him if he had taken a cast of the lead. He replied that it was not necessary as there was not any thing to be seen (or words to that effect.) I then asked if he had called the Captain. He said no, it was not necessary.

The wind was light and on the beam the night dark and hazy. At about 12-30 A. M. a light was reported broad on the port bow, supposing it to be a Steamer and having heard a roaring noise inside the vessel from the time that I relieved the deck confirmed my opinion and did not think it necessary to call the Captain. I did not attempt to take a cast of the lead, but know I gave orders for the line to be passed forward to be in readiness for doing so; at 8 p. m. during the interval the wind had drawn more to the north, I trimmed sails accordingly; on finding it was not a Steamer by the disappearance of the light and the increased roaring, I thought it might be a squall and did not then think it necessary to call the Captain, or did I take a cast of the lead, after boarding the cross Jack tack, I thought I saw white water and the men at the tack seeing the same, they said why do you not call the Captain. I did so, but said board the main tack in the meantime, immediately the Captain came on deck he cried out hard up with the helm and ordered a cast of the lead. I saw both orders immediately executed and reported three fathoms in the mean time the Ship had struck.

(Signed) ROGER A. HOG.

Taken by me.

(Signed) W. S. HOOPER,

Justice of the Peace, Principal Assistant Magistrate.

I am also aware that the Chronometers were checked by Lunars and the Compasses by Azimuths and Amplitudes at every opportunity, and do not think a day passed without a comparison with the three compasses being taken.

(Signed) R. A. HOG.

Information and deposition of Alfred Dower Reynolds, taken upon oath before me William Stanley Hooper, one of Her Majesty's Justices of the Peace in and for the District of Ganjam in the Presidency of Madras, the 22nd day of June 1861, who on oath saith:

I, Mr. Alfred Dower Reynolds, third Officer on board of the Ship "Hersilia," Captain Kirby, Commander, do declare upon oath that on Saturday at 1 p. m., I distinctly heard Captain Kirby

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tell Mr. Wilson, first Officer, whilst sitting at the dinner table to have the working anchor all clear, a range of chain overhauled as we should strike soundings in the first watch and then steer up the coast by the lead. I also heard the Captain call out on one or two occasions during the day about the Ship coming to the north (or to windward) of her course, the compass in the binnacle was exchanged for a lighter one and comparisons taken by the Azimuth compass and the compass in the Captain's cabin.

I am also aware that the Chronometers were checked by Lunars and the Compasses by Azimuths and Amplitudes at every opportunity and do not think a day passed without a comparison with the three compasses being taken.

I know that the lead line was passed forward by the Captain's orders at 8 p. m. to be in readiness to take a cast of the lead.

(Signed) A. D. REYNOLDS.

Taken by me,
(Signed) W. S. HOOPER,
Justice of the Peace, Principal Assistant Magistrate.

Information and deposition given by William Leszo, on the 20th day of June 1861, before Mr. Charles Vally, Merchant, and Mr. J. Lloyd, Superintendent of Sea Customs, residing at Calingapatam. The said William Leszo saith—I, William Leszo, do hereby declare upon oath that I relieved Edward Hall on the look out on the fore-castle of the Ship "Hersilia," Captain Kirby on the night of the 15th instant at 12 o'clock (midnight,) I am in the second Officer's watch, after being there for an half an hour, I called out light on the port bow, I fancied I heard some one sing out all right; about half an hour afterwards, I called out white water a head. The watch were then boarding the main tack, all of them came up on the fore-castle, and called out aloud hard up the helm, and the Ship struck immediately afterwards. I assisted to pass the lead line forward at 8 p. m. on the previous watch to be in readiness to take a cast of the lead. I also know that the compasses were compared whilst at the helm on the 15th, the Captain ordered a light compass to replace the one in the binnacle.

(Signed) WILLIAM x LESZO,

Witnesses,
(Signed) CHARLES VALLEY,
(") J. LLOYD.

(True Copies.)

(Signed) W. S. HOOPER,
Justice of the Peace.

The cross-examination on oath before C. T. Longley, Esq., one of H. M. Justices of the Peace for and in Vizagapatam, from the deposition of Richard Kirby, Captain of the late Ship "Hersilia," taken before W. S. Hooper, Esq., Justice of the Peace at Calingapatam.

Richard Kirby sworn on oath saith: The latitude of the "Hersilia" was about $18^{\circ}4'$ at 8 p. m., of the 15th ultimo, to the best of my knowledge. The longitude was about 85° , but I am not certain, I estimated the distance from the land at 5 p. m. to be about 11 leagues. The weather was very hazy. I observed a change in the colour of the water about 5 p. m., I knew after the wreck that the Chief Officer had not taken a cast of the lead as I had directed him to do. I was so positive of my reckoning that I saw no necessity for taking soundings at 8 p. m. when I turned in, but I had given strict orders to my Chief Mate to take a cast of the lead at 10 o'clock p. m., and if he got soundings to wake me and on no account to let me sleep after 12 p. m., and to get another cast before 12. The wind was South West at 8 p. m., when I left the deck a steady breeze, all possible sail set. The true course I was steering was N. by E. $\frac{1}{4}$ E. I was called up by the 2nd Mate, who said the Ship was among the breakers. I said, "breakers be hanged," why have you not had a cast of the lead, get one at once and called out to the man at the wheel to put the helm up; my cot was almost alongside the binnacle. I had slept

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there since 8 o'clock, had I been called $\frac{1}{2}$ of an hour earlier, I believe the Ship would not have struck. The wind was off the land, but light. On the voyage out the Chief Officer on one occasion had been drinking, but I took precaution to prevent a recurrence. The Chief Mate was strictly sober at 8 p. m., when I turned in. On the night of the 15th after the Ship struck, my first order was to lower the top-sail fore and aft and clew up the courses and to get out the boats; we succeeded in getting out the life-boat, but she was swamped. The other boats were all smashed before they were lowered. I then ordered the masts to be cut away to prevent the Ship breaking up. The Ship broke amidships at about 4 a. m. I came ashore on a piece of the starboard quarter. All the three masts had gone by the board. The official and Ship's log books were all lost, as well as the chronometers and charts. On reaching the shore I had the cargo rolled up on the beach; about 10 a. m. the pillaging to which I alluded in the deposition given before Mr. Hooper commenced. I sold the cargo for the good of all concerned on the 18th or 19th, I cannot recollect which, for Rupees 1,600. The purchaser Mr. Valley agreeing to take us up to Calingapatam and to provide for us while we remained there. The purchaser was introduced to me as *Captain Valley* by Mr. Lloyd, Harbour Master at Calingapatam. I did not understand by Captain to mean that he was a Sea Captain. The money for the sale was paid before I left Calingapatam. The acknowledgment of the payment of the money was drawn up on stamped paper and deposited with the purchaser. Since the sale I know that property has been discovered in the sand and in the houses for 12 miles up the coast; according to the agreement I believed that all property hereafter discovered would be handed over to the purchaser. The Second Mate, Cook, Carpenter, and Steward have not been paid in full. The rest of crew have.

(Signed) RICHARD KIRBY.

Sworn to before me this 6th day of July 1861, at Bimlipatam.

(Signed) C. T. LONGLEY,
Justice of the Peace.

The cross-examination on oath before C. T. Longley, Esq., one of H. M.'s Justices of the Peace for and in Vizagapatam, from the deposition taken from Roger A. Hog, 2nd Mate of the late Ship "Hersilia" before W. S. Hooper, Esq., Justice of the Peace at Calingapatam.

Roger A. Hog sworn on oath saith:—The course ordered by the Mate when I took charge of the watch was North $\frac{1}{2}$ East and to keep sails trimmed accordingly.

The wind was West $\frac{1}{2}$ South, ship on the port tack. I saw no discoloured water when I took charge of the watch. About a quarter of an hour or twenty minutes after taking charge of the watch I saw a light. I know the Admiralty laws regarding lights. A Steamer should have three lights, one at the mast-head, and the others, one on the starboard, and the other on the port bow or amidships, no matter which. The light I saw I took for a Steamer's mast-head light. The ship struck a few minutes, say 3 or 4 minutes before 1 o'clock, a. m. When the vessel struck I was ordered to take a cast of the lead, and attending to other orders in taking in sail. I do not know how the helm was put, as I was not on the poop. I knew that the helm had previously been put hard up! I called the Captain, who was sleeping on his cot under the mizzen boom, at least 10 minutes before the ship struck. I called him when I noticed "white water"—the Captain replied "breakers be damned," but immediately got up. Not being aft, I do not know what the Captain did or what orders he might have given. I boarded the main and fore-tacks and hauled the sheets aft. I have a 2nd Mate's Certificate from the Board of Trade, I have been at sea 10 years. I was 3rd Mate for three months. This is my first voyage in the "Hersilia." I was in a large Steamer called the "Victoria" as 3rd Officer, I was in her when she was stranded in Plymouth bay. I heard previously to the wreck that Steamers ran along the Coromandel Coast, I have served 3 years as Second Officer in different Vessels. The Ship broke up about 2½ hours as far as I could guess after she struck. To the best of my belief, I have not seen the Captain drunk on the voyage from London up to the day of the wreck. The goods were pillaged almost as soon as they were washed ashore. I think I could identify one of the men who was foremost in pillaging, as he lost an eye. The cargo was sold, I believe, because it was

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the only means of realizing any thing at all on it. I believe the cargo was not sold by auction, but by private contract between Mr. Valley a Merchant at Calingapatam and the Captain. The sale of the cargo realized either Rupees 1,500 or 2,000. I do not know to whom the money was paid, but I know that a Note-of-hand or agreement of the sale of the cargo was given to the Captain by Mr. Valley, I was one of the attesting witnesses to this Note-of-hand or agreement; the third Officer Mr. Reynolds was the other witness for the Captain, and Mr. Lloyd, Superintendent of the Sea Customs at Calingapatam, was the witness for Mr. Valley. The Captain has asked my advice about the sale of the cargo several times. I gave my opinion that it was most advisable to sell immediately. I advised the sale of the cargo because it was being pillaged: Government Poons did not do much to protect the wreck. We had plenty of food from the first day of the wreck, but no water. Agreement now produced is the one I signed as a witness. I can swear to the signatures of the Captain and third Officer. Edmund Valley wrote the agreement in the presence of the Captain and other witnesses. I have received 50 Rupees from the Captain since the wreck, there is still about 50 Rupees due to me. The above 50 Rupees was given as advance. It was given at different times. Mr. Hooper the Assistant Collector at Chicacole gave me 21 Rupees to provide for 14 men for three days. I have the account of the same. I believed the crew to have been paid up all that was due to them since the wreck. The Captain paid them at Mr. Valley's Office at Calingapatam in the presence of the 3rd Officer. I have not spent all the money given me, nor I believe have the crew spent their's. I did not ask Mr. Hooper for any money. He sent for me to his Office and gave it to me. I believe the Captain asked Mr. Hooper for the money.

I hereby declare that the above statement has been read over to me, and I declare it to be correctly taken down as I gave it before the Court.

(Signed) ROGER A. HOG.

Sworn to before me this 5th day of July 1861.

(Signed) C. T. LONGLEY,

Justice of the Peace.

The cross-examination given on oath before C. T. Longley, Esq., one of Her M.'s Justices of the Peace from the deposition of Alfred Daniel Reynolds, aged 21, late 3rd Officer of the Ship "Hersilia" before W. S. Hooper, Esq., Justice of the Peace at Calingapatam.

I turned in at 12 o'clock on Saturday night, and $\frac{3}{4}$ of an hour after that the Ship struck, I was thrown out of my bunk. The water I noticed before noon of the same day we struck was not a deep sea water. I was in the first Mate's watch. The Captain gave the 1st Mate orders at dinner time on Saturday to get the cables on deck, and the working anchor all clear. I also heard him tell the 1st Mate to get the lead-line forward in the evening between 6 and 7. It was not my watch, but I heard the Captain tell the 2nd Mate to carry the lead-line forward, the orders were obeyed immediately, and the lead kept on the fore-castle ready for landing. My watch was from 8 till 12 with the Chief Mate. I did not remind the Chief Officer to cast the lead. I was asleep during my watch, but I heard the Captain; at dinner give orders to have a cast of the lead taken at 10 p. m., that if he got bottom he was to call the Captain; immediately the Ship struck I came on deck, the 1st and 2nd Mates and the Captain were there, the Captain gave orders to take in the studding sails. The Captain ordered me into the life boat with two seamen, the boat was capsized. I was hauled on the poop again and got ashore with the wreck, the cargo was pillaged by natives and was disposed of by the Captain on the Tuesday after the wreck. The note-of-hand now produced was the one given by Mr. Valley for the cargo. I had received money at various times since the wreck from the Captain, all the seamen have received their wages with the exception of the Carpenter, Cook, Steward, and the 2nd Officer W. Hog. I was articled to the "Hersilia" as 3rd Officer at one shilling per month. I think if the cargo had not been sold it would all have been plundered.

(Signed) A. D. REYNOLDS.

Sworn to before me this 5th day of July 1861, at Bimlipatam.

(Signed) C. T. LONGLEY,

Justice of the Peace.

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The information and deposition of John Goddard, Ship Carpenter on board the late Ship "Hersilia," taken on oath before C. T. Longley, Esq., one of H. M.'s Justices of the Peace for and in Vizagapatam.

John Goddard sworn on oath saith:—I came on deck about a minute before the Ship struck. The Captain was on deck at the time. He ordered me to sound the pumps. I never got a proper sounding after two foot. The Captain after doing all he could to save the Ship, ordered me to cut away the foremast, but the sea was so high and breaking over the Ship that I could do nothing. The lanyards of the main and mizzen masts were cut away, and as the Vessel broke up the masts went over the side. The life-boat was launched and got swamped, the other boats were smashed. On landing the Captain mustered the hands, and sent some to the North and some to the South to look out for the missing men to save them. I did not perceive anything wrong in the Chief Mate on that day or any other day.

(Signed) JOHN GODDARD.

Sworn to before me this 6th day of July 1861, at Bimlipatam.

(Signed) C. T. LONGLEY,

Justice of the Peace.

The deposition of Peter Graham, aged 21, Passenger by the Ship "Hersilia," given on oath before C. T. Longley, Esq., one of Her Majesty's Justices of the Peace for and in Vizagapatam.

Peter Graham sworn on oath saith:—

I was a 2nd class Passenger from London on board the ship "Hersilia." I left London on the 24th February; on the 15th of June during the afternoon they were getting in the anchor and cable; about 8 p. m. I was on the poop and heard the Captain give orders to the Chief Mate to take a cast of the lead at about 10 o'clock. I went to bed about that hour, 10 o'clock; my cabin was in the poop and I woke up hearing a cry "a light on the port bow," "breakers." I then got up, put on trowser and waistcoat and went on to the quarter deck. The Captain was on the poop at the time. The ship struck as I left my cabin. They were hauling in the lead as I went on the poop, I assisted. I looked at the time, it was not one o'clock, I don't recollect the exact time. The crew were attempting to take in the sail. The Chief Mate, the 2nd and the 3rd were all engaged on the deck. The boats were then begun to be got ready. The life-boat was launched, in this were the 3rd Officer and one seaman. The sea was too high for any boat to live, all the other boats were washed from their davits, the life-boat was swamped. I got ashore on some cargo. I did not see the Chief Mate ashore. I believe he could not swim, his body was never found. The last words I heard the Chief Mate say was in reply to the Captain when he asked if we were all right forward, to which the Mate replied "we were all right;" when I said good night to the Chief Mate at 10 o'clock, I believe him to have been sober. He had been the worse for liquor during the afternoon, none of the other Officers or the Captain were the worse for liquor on the day after noon before the Ship struck; I never saw either the Captain or the 2nd or 3rd Officers the worse for liquor, and I only saw the Chief Mate the worse once on the afternoon abovementioned. The Captain I believe did all in his power to save the crew and cargo after the Ship struck. The day of the wreck there was much pillaging by the natives. The Captain gave the Officers and crew leave to drink the wines, &c., washed ashore and to use the bale goods, flannel, &c., washed ashore. I believe the cargo was disposed of by private contract to Mr. Valley at Calingapatam. The cargo was being so pillaged that I think in a few days little would have been left. A few pieces of flannel and cloths saved from the wreck were used by the sick and others not having any dry clothes to put on.

(Signed) PETER GRAHAM.

Sworn to before me this 5th day of July 1861, at Bimlipatam.

(Signed) C. T. LONGLEY,

Justice of the Peace.

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Referred for the remarks of the Superintendent of Marine.

FORT SAINT GEORGE,
12th August 1861.

No. 19. From J. J. FRANKLIN, Esq., Superintendent of Marine,
Secretary to Government, Marine Department,
1861, No. 2321.

I have the honor to return the depositions taken re
Poondy in the district of Ganjam on the morning of the 1
under date the 12th instant, and to state that I quite con-
to investigate the matter.

2. I beg to suggest that the depositions be sent to

No. 229.

No. 20. MEMORANDUM
Referring to the suggestion in paragraph 2 of Mr. F.

Captain Richard Kirby, Mr. Roger A. Hog. form Go
compet

have been issued to the Captain and Second Officer of the

FORT SAINT GEORGE,
19th August 1861.

No. 2,367

No. 21. OFFICIAL MEMORAN

The Superintendent of Marine has the honor to ad-
from the Secretary to Government, Marine Department of
whether Certificates of competency or service under Act
Captain and 2nd Officer of the late Ship "Hersilia," and t
navigated under the Merchant Seamen's Act, 17 and 18 Vi
her passage from England and had not touched at Madras,
accordance with that Act and not the Indian Act.

2. Section 100 of the latter Act, however, empowers
whenever any ship is lost, abandoned, &c., on or near the
exists for depriving a Master or Mate of his Certificate; this power being reserved for the Board
of Trade under Section 242 of the Imperial Act. For this reason it was suggested that the
depositions and opinion of the Court who investigated the case should be sent to that authority.

MADRAS,

MARINE SUPERINTENDENT'S OFFICE,
20th August 1861.

To the Secretary to Government, Marine Department, Fort Saint George.

No. 22. ORDER THEREON, 7th September 1861, No. 285.

The Government are of opinion that the finding of the Court appointed under Act I, 1859,
to inquire into the circumstances connected with the loss of the "Hersilia" off Poondy, is cor-
rect. They resolve accordingly to confirm the report, and to transmit copies of it to the
Secretary of State for submission to the Board of Trade.

2. It appears from the depositions that there was much pillaging by the Natives on the
spot. The Government presume that the Magistrate has taken due notice of this.

(Signed) J. D. SIM,

Exd. F. Cartledge.

Secretary to Government.

Marine.

Proceedings of the Madras Govt.
Read Telegram to the Collr., Virag^m. - Inter N^o: 102.

Read ^{also} the following letters -

From the Collector

of Viragapatam - Inter 31st July '61.
N^o: 821.

the Suptdt. of

Marine

14th Aug. '61.
N^o: 2321.

Read also the following Memo^r.

To the Suptdt. of Marine - Inter 19th Aug.
'61 N^o: 229.

From do

20th do N^o:
2367.

Order - 7th September 1861 N^o: 285.

The Govt. are of opi-
nion that the find-
ings of the Court ap-
pointed under Act
I-59 to inquire
into the circum-
stances

*Proceedings of the Madras Government, Marine Department,
7th September 1861.*

Referred for the remarks of the Superintendent of Marine.

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

FORT SAINT GEORGE,
12th August 1861.

No. 19. From J. J. FRANKLIN, Esq., Superintendent of Marine; to J. D. SIM, Esq., Secretary to Government, Marine Department, Fort Saint George, dated 14th August 1861, No. 2321.

I have the honor to return the depositions taken regarding the loss of the "Hersilia" near Poondy in the district of Ganjam on the morning of the 16th June last, referred for my remarks under date the 12th instant, and to state that I quite concur in the finding of the Court assembled to investigate the matter.

2. I beg to suggest that the depositions be sent to the Board of Trade.

No. 229.

MEMORANDUM.

No. 20. Referring to the suggestion in paragraph 2 of Mr. Franklin's letter, 14th instant, 2,321, the Superintendent of Marine is requested to inform Government whether any Certificate of competency or service under Act I of 1859, have been issued to the Captain and Second Officer of the late Ship "Hersilia."

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

FORT SAINT GEORGE,
19th August 1861.

No. 2,367

OFFICIAL MEMORANDUM.

No. 21. The Superintendent of Marine has the honor to acknowledge the Official Memorandum from the Secretary to Government, Marine Department of the 19th instant, No. 229, inquiring whether Certificates of competency or service under Act I of 1859, had been issued to the Captain and 2nd Officer of the late Ship "Hersilia," and to state in reply that the vessel was navigated under the Merchant Seamen's Act, 17 and 18 Vict. Cap. 104, and that as she was on her passage from England and had not touched at Madras, they must have held Certificates in accordance with that Act and not the Indian Act.

2. Section 100 of the latter Act, however, empowers the Government to order investigation whenever any ship is lost, abandoned, &c., on or near the coasts of India; but no authority exists for depriving a Master or Mate of his Certificate; this power being reserved for the Board of Trade under Section 242 of the Imperial Act. For this reason it was suggested that the depositions and opinion of the Court who investigated the case should be sent to that authority.

(Signed) J. J. FRANKLIN,
Superintendent of Marine.

MADRAS,
MARINE SUPERINTENDENT'S OFFICE,
20th August 1861.

To the Secretary to Government, Marine Department, Fort Saint George.

No. 22. ORDER THEREON, 7th September 1861, No. 285.

The Government are of opinion that the finding of the Court appointed under Act I, 1859, to inquire into the circumstances connected with the loss of the "Hersilia" off Poondy, is correct. They resolve accordingly to confirm the report, and to transmit copies of it to the Secretary of State for submission to the Board of Trade.

2. It appears from the depositions that there was much pillaging by the Natives on the spot. The Government presume that the Magistrate has taken due notice of this.

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

Exd. F. Cartledge.

1st July 1861

No. 102

1
H. 1

*From the Chief Secretary Madras
To the Collector Vizagapatam
The "Hersilia" was run ashore
on the Ganjam Coast on the 15th
ultimo and became a total wreck
the crew with it is believed, the
Captain are on their way to
Bimilipatam Hold an enquiry
regarding the loss of the vessel
under Section 100 Act I of 1859
The Master attendant
at Vizagapatam will be
the Naval Assessor.*

Marine.

Proceedings of the Madras Govt.
Read Telegram to the Collr., Virag^m. — Inter N^o: 102.
Read ^{also} the following letters —

From the Collector
of Viragapatam — Inter 31st July '61.
N^o: 821.

to the Suptdt. of
Marine — 14th Aug. '61.
N^o: 2321.

Read also the following Memos.

To the Suptdt. of Marine — Inter 19th Aug.
'61 N^o: 229.

From do — 20th do N^o:
2367.

Order — 7th September 1861 N^o: 285.

The Govt. are of opi-
nion that the find-
ings of the Court ap-
pointed under Act
I-59 to inquire
into the circum-
stances

Wt.
H. M.

circumstances connected with the loss of the "Hersilia" off Poondy, is correct.

Gross attention led to the wreck.

They resolve accordingly to confirm the report, & to transmit copies of it to the Secretary of State for submission to the Board of Trade.

2. It appears from the depositions that there was much pillaging

pillaging by the natives on the spot.

The Govt. presume that the Magistrate has taken due notice of this.

J. D. S.

The Suptdt. of Marine.

" Magistrate of Ganjam.

" Inspector Genl. of Police.

Marine.

Wreck of the "Hersilia" off Poondy.

From Magistrate
of Viragapatam,
31st July '61 N^o 821.

The Court of Enquiry
apptd. by Govt. un-
der the Indian Act
I of 1859, submit -
their report.

The finding is -
Wilful negligence and
disobedience of the Chief
Officer, drowned.
Great blame to the 2nd Officer.
Blame to the Captain.

Letter, 14th Augt.
'61 N^o 248.

The Suptd. of Marine
concurs in the finding
of the Court, & sug-
gests forwarding the
depositions to the
Board of Trade.

Merchant Shipping
Act, '54 - § 242.

The Board of Trade
can

Marine 1861 N^o 821

No 285

Proceedings of Court

31st July 1861

Despatch of the
Secretary of State
in Press 6th Sep. 60
No. 309.

can suspend or can-
cel the Certificate (of
Competency or Service)
of any Master or Mate
if (Clause 5) a report
of Misconduct, &c., is
made by a Court au-
thorised by the Legis-
lature Authority in
any British possession;
& such Report is con-
firmed by the Govt. of
such Possession.

It appears from the
depositions that there
was much pillaging
by the natives on the
spot.

Please see over

I think the Secretary
must be asked
to confirm it -
You are elsewhere
but the ship -

W. H.
W.

I say that Govt. presume
that the Magistrate has taken
due notice of the pillaging

W.

The question for
port to decide is
whether they will
confirm the finding
or not - without such
confirmation the Govt.
of Trade can do
nothing - with it
they will probably
withdraw the cer-
tificates of the of-
ficers named by the
Court - The Govt. must
therefore look over the
case in a judicial
spirit of view - I see
no reason why I should
question the verdict.

The Magistrate at
Lentem should, I think,
be drawn & the alleged
pillaging -

J. D. S.

Memos For Orders.

Memorandum
7th 19 of 1861.

Memorandum 1861. De la Roche

1861. 285

Proceedings of Court

Ordered 7th September 61.

Confirming the report of the
Court appointed under the 14
1859 to inquire into the
-circumstances connected with the
-loss of "the" of 1859
and transmitting copies of it
to the Chief of State for the
-insertion in the Record of
-Orders. - It appears from the
-report that there was much
-flogging by the police on the
-spot. - That (not presume)
that the flag had taken
the state of this -

17022

1228
C 22
1861