

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No.

217

Press

Mis.

Dated

19.6.1861

Not to be folded or roughly handled

(1)

*Proceedings of the Madras Government, Marine Department,
19th June 1861.*

Read the following papers :—

No. 23. From J. J. FRANKLIN, Esq., Superintendent of Marine ; to T. PYCROFT, Esq.,
Chief Secretary to Government, Fort Saint George, dated 25th May 1861, No. 4,511.

I have the honor to inform you, that in the early part of October 1859, a small case of Silk Putsoes valued at (300) three hundred Rupees, was shipped at Rangoon in the Steamer "Sydney" when she was employed as a Mail packet. The case was consigned to Moungh Phoo, a China trader residing at Madras ; (6) six Rupees were paid for the freight and the Bill of Lading was signed by the Chief Officer, which appears to have been frequently the practice.

2. On the arrival of the Steamer at Madras the case was not forthcoming, and Moungh Phoo applied to me on the subject. Application was immediately made to the different ports at which the Steamer had touched with a view of ascertaining whether it had been landed elsewhere by mistake. Nothing however could be learned regarding it. Captain Neblett who then Commanded the "Sydney" was requested to use every exertion in recovering the case, but he was equally unsuccessful, and the matter for a time dropped. I believe that Moungh Phoo, either personally or through an Agent, endeavoured to recover the value of the property at Calcutta but failed in doing so.

3. Captain Neblett having again arrived at Madras in Command of the "Arracan," Moungh Phoo repeated his application to me on the subject, and as he has an undoubted right, legally as well as morally, to be re-imbursed to the extent of his loss, I have to recommend that the Government will sanction his being paid (300) three hundred Rupees, and that the Supreme Government be requested to recover the amount from Captain Neblett and those Officers of his ship, who may be considered responsible for the safe custody of the goods taken on board.

4. In addition to the (300) three hundred Rupees which is the sum inserted in the Bill of Lading as the value of the Silks, I likewise recommend that the (6) six Rupees which this Government received as freight be returned, making in all (306) three hundred and six Rupees as the amount to be sanctioned.

Referred to the Acting Government Solicitor, for the opinion of the Advocate General.

(Signed) T. PYCROFT,
Chief Secretary.

29th May 1861.

No. 24. From JOHN MILLER, Esq., Acting Government Solicitor, Madras ; to
T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated
7th June 1861, No. 529.

Order dated 29th May 1861, and endorsed on Superintendent of Marine's letter to Government of the 25th idem, No. 4,511. 1. I have the honor to acknowledge the Order of Government noted in the margin.

2. I submitted same for the consideration of the Advocate General, and I now forward a copy of his opinion.

3. I likewise return the Order above noted.

COPY—OPINION.

I concur in the recommendation of the Superintendent of Marine. The Captain or Master of a Vessel is responsible for the Goods for which he signs a Bill of Lading and for which freight has been duly paid ; and whether he signs the Bill of Lading himself, or by his Chief Officer as his Agent for that purpose, makes no difference.

(Signed) T. SYDNEY SMYTH,
Advocate General.

3rd June 1861.

(True Copy.)

(Signed) JOHN MILLER,
Acting Government Solicitor.

B. M., Commander
Neblett,

Proceedings of the Madras Government, Marine Department,
19th June 1861.

No. 25. ORDER THEREON, 19th June 1861, No. 203.

The Government sanction the disbursement to Moung Phoo of Rupees (300) three hundred, to indemnify him for the loss of a case, Silk Putsoes, shipped at Rangoon per Steamer "Sydney," B. M., in October 1859. They sanction also the refund of freight paid on the Bill of Lading.

2. As suggested by Mr. Franklin, application will be made to the Government of India, for recovery from Commander Neblett and other Officers of the vessel of the amount payable to Moung Phoo.

(Signed) T. PYCROFT,
Chief Secretary.

No. 26. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 19th June 1861, No. 204.

The Superintendent of Marine having in a letter, 25th ultimo, No. 4,511, a copy of which is annexed, recommended the disbursement to Moung Phoo, a Chinese trader residing at Madras, of a sum of Rupees (300) three hundred to indemnify him for the loss of a case, Silk Putsoes, shipped at Rangoon in October 1859, per Steamer "Sydney" B. M., Commander Neblett, the Government after consulting their Advocate General, a copy of whose opinion, 3rd instant, is also annexed, sanctioned the payment of that amount, and the refund of the freight paid on the Bill of Lading.

2. I am directed to request that, under the circumstances, the Government of India may be moved to direct the recovery of the amount payable to Moung Phoo, from Commander Neblett, and the other Officers of the Packet, who were responsible for the safe delivery of the goods received on board.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Proceedings of the Madras Govt.
Read the following letters—
From the Suptd. of Marine — Inter 25 May '61
No. 4511. Lia.

the Govt. Solicitor — 7 June '61 No. 529.

Order. 19 June 1861. No. 203.

The Govt. sanction the disbursement to Moung Phoo of Rs. 300 Three Hundred, to indemnify him for the loss of a Case, Silk Putsoes, shipped at Rangoon ^{in Oct. 59.} per Str. "Sydney," B. M. They sanction also

sum of Rs. 300 Three Hundred to indemnify him for the loss of a Case, Silk Putsoes, shipped at Rangoon in Oct. 1859, per Str. "Sydney" B. M., Commander Neblett,