

G.O., No. 599-600 na

DATED 4 Sept 1896.

[Despatch Abstract.]

Certificate: Ordered that the Ceylon Govt be addressed on the subject of the Sufficiency of the - of Competency issued to Masters and Mates by that Govt.

Order: Inviting any remarks which H.E. the Governor of Ceylon may desire to offer on the subject of the Sufficiency of the - of Competency issued to Masters and Mates by the Govt of Ceylon.

Ordered that the Ceylon Government be addressed on the subject of the sufficiency of the — of competency issued to masters and mates by that Government.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following papers :—

From Commander H. A. STREET, R.I.M., Presidency Port Officer, Madras, to the Secretary to Government, Marine Department, dated 27th July 1896, No. 507/251 G.

A question has been lately raised by the Port officer, Negapatam, respecting the legality of certificates granted to masters and mates by the Government of Ceylon, as that Government is not included in the list of Governments of British possessions to whom the privilege of granting certificates of competency to masters and mates has been granted by the Board of Trade.

2. It appears from the report of the Port officer, Negapatam, that certificates both of service and competency have been granted to persons employed in vessels registered in the island of Ceylon, and the Port officer enquires whether a person holding a certificate as master granted by the Ceylon Government should be permitted to leave Negapatam as master of a vessel. From the accompanying copy of an extract from an ordinance issued by the Ceylon authorities, which I have obtained from the Master Attendant, Colombo, it would appear that a certificate granted by the Ceylon Government only entitles the holder to take charge as master or mate of a vessel registered in the island, and as the Government of Ceylon is not included among the Governments of British possessions to whom the privilege of granting certificates of competency has been extended by the Home Government (*vide* sections 186 and 187, pages 49 and 50 of the Regulations * relating to the examination of masters and mates in the Mercantile Marine of 1894),

* Copy herewith sent per packet post.

I am of opinion that section 13 of the Indian Merchant Shipping Act No. I of 1859 prohibits a person holding a Ceylon certificate as master from proceeding to sea from an Indian port in the position of master, whether the vessel has been registered in the island of Ceylon or not, but before giving definite instructions to the Port officer, Negapatam, on the subject, I beg I may be favoured with the views of Government on the matter.

ENCLOSURES.

EXTRACT from Ordinance No. 7 of 1863.

Examinations Certificates of Masters and Mates.

9. Examinations shall be instituted for persons who intend to become masters or mates of ships registered in this island of the burthen of 50 tons and upwards, or who wish to procure certificates of competency hereinafter mentioned: and persons commanding or employed in vessels of less than 50 tons burthen may, if so disposed, be examined with the view to obtaining such certificates of competency.

10. The Governor shall, from time to time, nominate two or more competent persons for the purpose of examining the qualifications of the applicants for examination, and shall make rules for the conduct of such examinations, and as to the qualifications to be required. Fees at the following rates shall be paid to the examiners by all applicants for examination :—

	£	s.	d.
For certificate as master	1	0	0
„ as mate	0	10	0

11. The examiners shall deliver to every applicant who has passed the examination satisfactorily, and has given satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, a certificate (hereinafter called a "certificate of competency") to the effect that he is competent to act as master or mate of the class of vessels aforesaid.

12. (Repealed by Ordinance No. 3 of 1884—vide portion marked B.)

13. No ship registered in this island of a burthen of 50 tons or upwards shall go to sea from any port in this island unless the master and one officer besides the master have obtained and possess valid and appropriate certificates either of competency or service under this ordinance, or under the British or Indian Merchant Shipping Acts: and whosoever having been engaged to serve as master or mate goes to sea as such master or mate without being at the time entitled to, and possessed of, such a certificate as hereinbefore required, and whosoever employs any person as such master or mate without ascertaining that he is at the time entitled to, and possessed of, such certificate, shall for each such offence be liable to a penalty not exceeding £20.

14. Every certificate, whether of competency or service, shall be made in duplicate: one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded by the Principal Collector of Customs. A note of all orders made for cancelling, suspending, altering or otherwise affecting any certificate, in pursuance of the powers herein contained shall be entered in the record of certificates.

15. Whenever any master or mate proves to the satisfaction of the Principal Collector of Customs that he has, without fault on his part, lost or been deprived of any certificate already granted to him, a copy of the certificate shall, on payment of a fee of 5 shillings, be delivered to him, and such copy shall have all the effect of the original.

B.

Section 3 of Ordinance No. 3 of 1884.

3. Certificates of service differing in form from certificates of competency shall be granted as follows; that is to say:—

(1) Every person who, before the 1st of January 1851, served as master in the British Merchant Service, or who has attained or attains the rank of Lieutenant, master, passed mate, or second master, or any higher rank in the service of Her Majesty or of the late East India Company, shall be entitled to a certificate of service as master.

(2) Every person who, before the 1st of January 1851, served as mate in the British Merchant Service shall be entitled to a certificate of service as mate.

And each of such certificates of service shall contain particulars of the name, place and time of birth and of the length and nature of the previous service of the person to whom the same is delivered, and the examiners shall deliver such certificates of service to the various persons so respectively entitled thereto, upon their proving themselves to have obtained such rank or to have served as aforesaid and upon their giving a full and satisfactory account of the particulars aforesaid.

No. 392 E.

Referred to the Government Solicitor for the opinion of the Advocate-General.

(Signed) D. McNEIL CAMPBELL, Colonel, R.E.,
Secretary to Government.

6th August 1896.

No. 395.

Forwarded, with enclosures, with reference to the endorsement of Government, No. 392 E., dated 6th August 1896, Marine Department.

(Signed) E. BARCLAY,
Government Solicitor.
19th August 1896.

ENCLOSURE.

OPINION.

The Merchant Shipping Act, 1854,* section 109, declares that "the whole of Part III of the Act shall apply to all sea-going ships registered in any British possession and employed in trading or

* 17 and 18 Vict., C. 104.

going between any place in the United Kingdom and any place or places not situate in the possession in which such ships are registered, and to the owners, masters and crews of such ships respectively wherever the same may be."

In Part III provision is made† for the examination and certificates of masters and mates of "foreign-going ships" and "home-trade passenger ships."

† Sections 131 to 140.

2. Part III closes with special provisions relating to the *East Indies and Colonies*. Section 288 declares that the provisions of the Act, as applied by the Indian or by Colonial Governments to their own ships shall be enforced throughout Her Majesty's dominions as if they were applied by the Act. Section 289 declares that such application of the provisions of the Act shall be subject to the right of disallowance and repeal, and shall require sanction and be subject to the same conditions in all respects as exist and are required in order to the validity of any other Act, or ordinance passed by the said Governments. In the event of any conflict of laws, the case shall be governed by any provision in Part III of the Act, which is expressly made applicable to such ship by the Act, and, if there is no such provision the case shall be governed by the law of the place in which the ship is registered (section 290).

3. In 1859 the Indian Merchant Seamen's Act‡ was passed. The preamble of the Act recites section 288 of the "Merchant Shipping Act, 1854," and declares that it is expedient "to apply to ships

‡ Act I of 1859.

registered at, trading with, or being at, any port or place in India, certain provisions of the third part of the said Act with such adaptations and modifications as are required."

Sections 9 to 16 are similar to sections 131 to 139 of Part III of the English statute, and refer to "masters and mates of foreign-going ships and of home-trade ships of a burden exceeding 300 tons." The expression "home-trade ship" includes every vessel employed in trading between any ports in India or Ceylon, and "foreign-going ship" includes those trading between India or Ceylon and other ports or places not in India or Ceylon (section 118).

Section 13 declares that "no foreign-going ship or home-trade ship of a burden exceeding 300 tons shall go to sea from any port in India unless the master and one officer besides the master have obtained and possess valid and appropriate certificates of competency or service under this Act or under the Merchant Shipping Act, 1854."

4. By ordinance No. 7 of 1863, the Government of Ceylon applied and adopted the provisions of Part III of the English statute relating to the examination and certificates of masters and mates, to ships of 50 tons or upwards registered in Ceylon. This ordinance was amended by No. 3 of 1884, and the provisions contained in the two ordinances are similar to those contained in sections 9 to 16 of Act I of 1859 and in sections 131 to 139 of the "Merchant Shipping Act, 1854."

Section 13 declares that "no ship registered in this island of a burthen of 50 tons or upwards shall go to sea from any port in this island unless the master and one officer besides the master have obtained and possess valid and appropriate certificates either of competency or service under this ordinance or under the British or Indian Merchant Shipping Acts."

These ordinances were, clearly within the powers possessed by the Ceylon Government.

5. In 1869 the Merchant Shipping (Colonial) Act§ was passed. Ceylon is a "British possession" and its legislature is a "legislature" according to the definitions of those terms in the statute.

§ 32 Vict., C. 11.

260 is the Corresponding Section of the Act 1894

(Corrected) Act 1894

264 of the Act 1894

See 92-100 of the Act 1894

vide Section 102 of the Act of 1894

Section 8 relates to Colonial certificates of competency issued to masters, mates and engineers on board British ships, and provides that upon the Board of Trade's report that "the examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United Kingdom under the Acts relating to Merchant shipping, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under the said Acts, and are liable to be forfeited for the like reasons, and in the like manner, it shall be lawful for Her Majesty by order in Council—

- (1) to declare that the said certificates shall be of the same force as if they had been granted under the said Acts ;
- (2) to declare that all or any of the provisions of the said Acts which relate to certificates of competency granted under those Acts shall apply to the certificates referred to in the said order ;
- (3) to impose such conditions and to make such regulations with respect to the said certificates, and to the use, issue, delivery, cancellation and suspension thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding £50 for the breach of such conditions and regulations."

The right of the legislature of British possessions to provide for the examinations and grant of certificates is recognised in this section and is not withdrawn or curtailed by the Act. Her Majesty is not empowered to withdraw by order in Council the right so possessed by the Indian and Colonial Governments.

The legality of a certificate and the extent of its operation are distinct questions. Certificates granted within the powers conferred on the Indian and Colonial Governments are legal ; but only those certificates specified in the order in Council, which are granted by the Governments named in the order, shall be of the same force as certificates granted under the English statutes.

102 of the Act of 1894

6. Her Majesty's order in Council, dated the 9th May 1891, specified certain certificates of competency granted by the Governments of the British possessions named. The Government of Ceylon is not mentioned in the said order. Under these circumstances, I think that the Government of Ceylon can legally grant certificates of competency under the ordinances above mentioned, but that such certificates have not the same force as if they had been granted under the English Merchant Shipping Acts. The holders of such certificates could not act as masters or mates of the foreign-going ships or home-trade passenger ships mentioned in the said statutes, and would become liable to the penalty imposed by section 136 of the Merchant Shipping Act, 1854, if they attempted to so act.

7. As the certificate granted by the Ceylon Government is not a certificate under the Merchant Shipping Act, 1854, or a certificate having the same force as if it had been granted under that statute, the holder of it cannot act as master or mate of any foreign-going or home-trade ship of a burden exceeding 300 tons sailing from any port in India.

MADRAS,
18th August 1896.

(Signed) J. H. SPRING-BRANSON,
Advocate-General.

ORDER—No. 599, Marine, dated 4th September 1896.

Ordered that the Ceylon Government be addressed.

[Here enter No. 600, Marine, dated 4th September 1896.]

(True Extract.)

Under Secretary to Government.

Exd. T. K. Narayana Aiyangar.

Government { 1896 } of Madras.

MARINE.

Recd.

Enclosures

Regd.

1896.

Spare copies

Letter, No. 600, 4th September 1896.

SEPTEMBER.

Certificates

Inviting any remarks which His Excellency the Governor of Ceylon may desire to offer on the subject of the sufficiency of the — of competency issued to masters and mates by the Government of Ceylon.

No. 600, MARINE, 4TH SEPTEMBER 1896.

MARINE DEPARTMENT.

LETTER—from

THE HON'BLE COLONEL D. McNEIL CAMPBELL, R.E.,
Secretary to the Government of Madras,
Marine Department,

To

THE COLONIAL SECRETARY,
COLOMBO.

SIR,

I am directed to forward, for the information of His Excellency the Governor of Ceylon, the accompanying copy of a letter from the Presidency Port Officer, Madras, and of the opinion of the Advocate-General, on the subject of the sufficiency of the certificates of competency issued to masters and mates by the Government of Ceylon. Before taking action on the Advocate-General's opinion, I am to invite any remarks which His Excellency may desire to offer on this matter.

I have the honour to be,
Sir,
Your most obedient servant,

Colonel, R.E.,
Secretary to Government.

OOTACAMUND,
4th September 1896.

Exd. T. K. Narayana Aiyangar.

Marine
PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

*Letter from the Presy Port Officer (H.E. No. 507 dated July 27. 1896)
Endorsement by the Asst. Solicitor
for opinion of the Adv. Genl. } ... 395 of Aug. 19..*

Op. 599 Marine 24 September 1896

*Ordered that the Ceylon
Government be addressed.*

*(H.E. No. 600 Mar. 4th Sept 1896)
To the Hon'ble
The Colonial Secretary
Colombo.*

*Sir,
I am directed to
forward, for the information
of His Excellency the Governor
of Ceylon, the accompanying
copy of a letter from the*

Marine (189) Department.

CURRENT No. 905

Order

The opinion of the Advocate General communicated to the Presidency Port Officer for information and guidance.

From

The Government Solicitor, Madras.

No. 395

Dated 19th August 1896

Received 24th August 1896

Enclosures Three & a book

Spare copies

SUBJECT.

Certificates of Master & Mate Forwarding the opinion of the Advocate General regarding the legality of — granted by the Govt of Ceylon.

It may be necessary, according to the law in force in India, to refuse to recognize Ceylon certificates — but I think it would be regarded as an impudent act to do so without asking the Ceylon Govt. about it. I have to say — I would send them the P.P.O.'s letter & the Adv. Genl's opinion & invite their remarks thereon before going further. Let H.E. see, as he will be interested —

with 1 End. (Regulations 2.9.96 of the Board of Trade) returned

The order can now be issued

M 4. 1,000-528-96.

R.O. 599 Marine. 2/4 September 1896

Presidency Port Officer, Madras, and of the opinion of the Advocate General, on the subject of the sufficiency of the certificates of competency issued to Masters and Mates by the Government of Ceylon. Before taking action on the Advocate General's opinion, I am to invite any remarks which His Excellency may desire to offer on this matter.

R.O. 599 22/9/96 4/9/96

BACK PAPERS.

FURTHER PAPERS.

G.O.	No.	Department.	Date.
	3922	Marine	6.8.56
280	—	—	26.6.56 ✓
256	—	—	9.7.56 ✓
255	—	—	9.7.56 ✓

G.O.	No.	Department.	Date.
	5062	Mar.	20.10.56

Opinion

1. The Merchant Shipping Act 1854, Section 109, declares that "the whole of Part III of the Act shall apply to all sea going ships.... registered in any British Possession and employed in trading or going between any place in the United Kingdom and any place or places not situate in the possession in which such ships are registered, and to the owners, masters and crews of such ships respectively wherever the same may be".

In Part III provision is made for the examination and certificates of Masters and Mates of "foreign going ships" and "home-trade passenger ships".

2. Part III closes with special provisions relating to the "East Indies and Colonies"

Section 288 declares that the provisions of the Act, as applied by the Indian or by Colonial Governments to their own ships shall be enforced throughout Her Majesty's dominions as if they were applied by the Act. Section 289 declares that such application of the provisions of the Act shall be subject to the right of disallowance and repeal, and shall require sanction and be subject to the same conditions in all respects as exist and are required in order to the validity of any other Act, or ordinance passed by the said Governments. In the event of any conflict of laws, the case shall be governed by any provision in Part III of the Act which is expressly made applicable to such ship by the Act, and, if there is no such provision the case shall be governed by the law of the place in which the ship is registered - (Section 290)

3. In 1859 the Indian Merchant Seamen's Act was passed. The Preamble of the Act recites Section 288 of the "Merchant Shipping Act, 1854,"

Returned to the
Chief Secy. at
Bombay

2) 17 & 18 Vict.
c. 104.

(b) Sections 131
to 140.

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Flay C

Flay C

Act 1 of 1859.

Flay D

undelivered to

and declares that it is expedient "to apply to ships registered at, trading with, or being at any Port or place in India, certain provisions of the third part of the said Act with such adaptations and modifications as are required".

Sections 9 to 16 are similar to Sections 131 to 139 of Part III of the English statute, and refer to "Masters and Mates of foreign-going ships and of Home-trade ships of a burden exceeding 300 tons". The expression "Home-trade ship" includes every vessel employed in trading between any ports in India or Ceylon, and "Foreign-going ship" includes those trading between India or Ceylon and other ports or places not in India or Ceylon (Section 118).

Section 13 declares that "no Foreign-going ship or Home-trade ship of a burden exceeding 300 tons shall go to sea from any Port in India unless the Master and one Officer beside the Master have obtained and possess valid and appropriate certificates of competency or service under this Act or under the Merchant Shipping Act, 1854".

4. By Ordinance No 7 of 1863, the Government of Ceylon applied and adopted the provisions of Part III of the English Statute relating to the examination and certificates of Masters and Mates, to ships of 50 tons or upwards registered in Ceylon. This Ordinance was amended by No 3 of 1884, and the provisions contained in the two Ordinances are similar to those contained in Sections 9 to 16 of Act I of 1859 and in Sections 131 to 139 of the "Merchant Shipping Act, 1854".

Section 13 declares that "no ship registered in this Island of a burthen of 50 tons or upwards shall go to sea from any part in this Island unless the Master and one Officer besides the Master, have obtained and possess valid and appropriate certificates either of competency or service under this Ordinance or under the British or Indian Merchant Shipping Acts".

These Ordinances were clearly within the powers possessed by the Ceylon Government.

5. In 1869 the Merchant Shipping (Colonial) Act was passed. Ceylon is a "British Possession" and its Legislature is a "legislature" according to the definitions of those terms in the statute. Section 8 relates to Colonial certificates of competency issued to Masters, Mates, and engineers on board British ships, and provides that upon the Board of Trade's Report that "the examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United Kingdom under the Acts relating to Merchant shipping, and that the certificates are granted on such principles as to show the like qualification and competency as those granted under the said Acts, and are liable to be forfeited for the like reasons, and in the like manner, it shall be lawful for Her Majesty by order in Council,

- 1 to declare that the said certificates shall be of the same force as if they had been granted under the said Acts;
- 2 to declare that all or any of the provisions of the said Acts which relate to certificates of competency granted under those Acts shall apply to the certificates referred to in the said order;
- 3 to impose such conditions and to make such regulations with respect to the said certificates, and to the use, issue, delivery, cancellation and suspension thereof, as to H. M. may seem fit, and to impose penalties not exceeding £ 50 for the breach of such conditions and regulations".

The right of the legislature of British possessions to provide for the examinations and grant of certificates is recognised in this Section and is not withdrawn or curtailed by the Act. Her Majesty is not empowered to withdraw by Order in Council the right so possessed by the Indian and Colonial Governments.

The legality of a certificate and the extent of its operation are distinct questions. Certificates granted within the powers conferred on the Indian and Colonial Governments are legal; but only those certificates specified in the Order in Council, which are granted by the Governments named in the order shall be of the same force as certificates granted under the English Statutes-

6 Her Majesty's Order in Council dated the 9th May 1891 specified certain certificates of competency granted by the Governments of the British Possessions named. The Government of Ceylon is not mentioned in the said Order. Under these circumstances, I think that the Government of Ceylon can legally grant certificates of competency under the Ordinances above mentioned, but that such certificates have not the same force, as if they had been granted under the English Merchant Shipping Acts. The holders of such certificates could not act as Masters or Mates of the foreign going ships or home-trade passenger ships mentioned in the said statutes, and would become liable to the penalty imposed by Section 136 of the Merchant Shipping Act, 1854, if they attempted to so act.

7 the certificate granted by the Ceylon Government is not a certificate under the Merchant Shipping Act, 1854, or a certificate having the same force as if it had been granted under that Statute, the holder of it cannot act as Master or Mate of any foreign-going or home-trade ship of a burden exceeding 300 tons sailing from any port in India.

J. H. Spring Branson

Advocate General

Madras
18th August 1896

(A True Copy)

Ernest Barclay

Government Solicitor

Recd. 18/8/96

(1896) Department

From

Ernest Barclay
Government Solicitor
Madras

To

The Secretary to Government
Marine Department
Chennai

N^o 395

Dated 19 August 1896
per

Enclos: 2

Forwarded with enclosure
with reference to the
endorsement of Government
N^o 392 E. dated 6 August
1896. Marine Department

Ernest Barclay

Government Solicitor

CAW
19.8.96

Heading

No. 507
251 g

PRESIDENCY PORT OFFICE,

Madras, 27th July 1896.

Despatched 3rd July 96

From

Commander H. A. Street, R. N. M.,

PRESIDENCY PORT OFFICER,

Madras,

To

THE SECRETARY TO GOVERNMENT,

~~PUBLIC WORKS~~ (MARINE) DEPARTMENT,

Chennai.
Madras.

SIR,

A question has been lately raised
by the Port Officer, Negapatam,
respecting the legality of certificates
granted to Masters and Mates by
the Government of Ceylon as that
Government is not included in
the list of Governments of British
Possessions to whom the privilege
of granting certificates of compe-
tency to Masters and Mates has
been granted by the Board of
Trade.

2. It appears from the report
of the Port Officer, Negapatam,
that certificates both of service
and competency have been
granted

granted to persons employed in vessels registered in the island of Ceylon, and the Port Officer enquires whether a person holding a certificate as Master granted by the Ceylon Government should be permitted to leave Negapatam as Master of a vessel. From the accompanying copy of an extract from an ordinance issued by the Ceylon Authorities which I have obtained from the Master Attendant, Colombo, it would appear that a certificate granted by the Ceylon Government only entitles the holder to take charge as Master or Mate of a vessel registered in the island, and as the Government of Ceylon is not included among the Governments of British Possessions to whom the privilege of granting certificates of competency has been extended by the

* copy herewith
sent per packet
post.

the Home Government — vide sections 186 and 187 page 49 and 50 of the Regulations relating to the examination of Masters and Mates in the Mercantile Marine of 1894. I am of opinion that section 13 of the Indian Merchant Shipping Act No. I of 1859 prohibits a person holding a Ceylon certificate as Master from proceeding to sea from an Indian Port in the position of Master whether the vessel has been registered in the island of Ceylon or not, but before giving definite instructions to the Port Officer, Negapatam on the subject, I beg I may be favored with the views

views of Government on the
matter.

I have the honor to be,

Sir,

Your Obedient Servant,

H. A. Street

Commander R. P. L. B.

Presidency Port Officer.

12

See 2
505556

Extract from Ordinance
No. 7 of 1863.

Examinations certificates of Masters
and Mates.

Similar to the
provisions of Act I
of 1859:-

Sec. 9. Except that the
provisions of the Act
of 1859 shall apply to the
Islands.

9. Examinations shall be instituted
for persons who intend to become masters
or mates of ships registered in this Island
of the burthen of 50 tons and upwards, or
who wish to procure certificates of com-
petency herein-after mentioned: and
persons commanding or employed in
vessels of less than 50 tons burthen may,
if so disposed, be examined with the
view to obtaining such certificates of
competency.

10.

The Governor shall from time to
time nominate two or more competent
persons for the purpose of examining
the qualifications of the applicants for
examination, and shall make rules
for the conduct of such examinations,
and as to the qualifications to be re-
quired. Fees at the following rates shall be
paid to the examiners by all applicants

on application a sum of five rupees for
each examination.

for examination:

For certificate as Master. 1-0-0
— do — do as Mate — 0-10-0

11. The examiners shall deliver to every applicant who has passed the examination satisfactorily, and has given satisfactory evidence of his sobriety, experience, ability, and general good conduct on board ship, a certificate (herein-after called a "certificate of competency") to the effect that he is competent to act as master or mate of the class of vessels aforesaid.

12. (Repealed by Ord. No. 3 of 1884)

vide portion marked B.

13. No ship registered in this Island of a burthen of 50 tons or upwards shall go to sea from any port in this Island unless the Master, and one officer besides the Master, have obtained and possess valid and appropriate certificates either of competency or service under this Ordinance, or under the British or Indian Merchant Shipping Acts; and whosoever having been engaged to serve as Master or Mate, without being at the time entitled to and possessed of such a certificate is

herein-before

herein-before

herein-before required, and whosoever employs any person as such master or mate without ascertaining that he is at the time entitled to and possessed of such certificate, shall for each such offence be liable to a penalty not exceeding £20.

14. Every certificate, whether of competency or service, shall be made in duplicate: one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded by the Principal Collector of Customs. A note of all orders made for cancelling, suspending, altering or otherwise affecting any certificate, in pursuance of the powers herein contained shall be entered in the record of certificates.

15. Whenever any Master or mate proves to the satisfaction of the Principal Collector of Customs that he has, without fault on his part, lost or been deprived of any certificate already granted to him, a copy of the certificate shall, on payment of a fee of five shillings, be delivered to him.

for each copy shall have all the effect
of the original as if it were a copy of the
original. And in all cases where the same
shall be granted as follows; that is to
say:—

(1) Every person who before the 1st
of January 1851, served as Master in
the British Merchant Service, or who
has attained or attains the rank of
Lieutenant, Master, Passed Mate, or
Second Master, or any higher rank
in the service of Her Majesty or of the
East India Company shall be entitled
to a certificate of service as Master.

(2) Every person who, before the 1st of
January 1851, served as mate in the British
Merchant Service shall be entitled to a cer-
tificate of service as mate.

And each of such certificates of service
shall contain particulars of the name;
place and time of birth and of the length
and nature of the previous service of the
person to whom the same is delivered, and
shall deliver such certificates

entitled thereto upon their proving
themselves to have obtained such rank
or to have served as aforesaid and upon
their giving a full and satisfactory
account of the particulars aforesaid.

True Extract
W. B. Fernandez
Manager,
Presidency Post Office.

Marine (1896) DEPARTMENT.

MACHINE C. No 841

Rev 3
Ems 2

From
THE PRESIDENCY PORT OFFICER,
Madras,
To
THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS (MARINE) DEPARTMENT,
Madras.

60
No 392 Ed 6. Aug 1896

Referred to the Govern-
ment Solicitor for the
opinion of the Advocate
General.

No. $\frac{507}{251}$ G

Dated 27 } July 1896
Received

12
11
J. H. Campbell Esq.
Secretary to Government
Marine Dept.

No. _____

Subject.

Requesting with the views of
Government respecting
the legality of certificates
granted to Masters and
mates by the Government
of Ceylon.

To the Government Solicitor
original - to be returned
H.S.