Paper taken out of the Records from the charge of the Referencer.

Press / Miscellaneous / Routine No. 371, dated 23-4-1897

Date taken out.	For what purpose. Department.	C. No.	Year.	Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
2-10-05	Marine	1246	05			
8 8 07		1067	07		9 9 07	
14-9-07		1253	07		6-11-07	
29-12-17		R 4612	17		11-2-18	
					7/3/22	
15-8-22	Mar.	1800	22		12/9/22	
27/11/37		11962	37		8 2 38	
27/11/89		12583	89		23/1/14a	
13 5 21		S 6 5738	71			

Returned checked 30/3/23 26/10/23

Marine (1897) Department.

G.O., No. 371 Marine

DATED 23rd April 1897.

[Despatch Abstract.]

Marine protests

Authorising Port Conservators to note & extend — at places where there are no Notaries Public other than those appointed under the Negotiable Instruments Act & to use the forms drawn up by the Govt. Solicitor with the requisite modification.

IC 16145

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
46	Mar		30.1.93				
96	"		12.3.90				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Government {1897} of Madras.

MARINE.

Recd. } 1897. *Enclosures*

Regd. *Spare copies*

G.O., No. 371, 23rd April 1897.

APRIL.

Marine protests

Authorizing Port Conservators to note and extend — at places where there are no Notaries Public other than those appointed under the Negotiable Instruments Act and to use the forms drawn up by the Government Solicitor with the requisite modification.

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 26th February 1897, No. 474/68 G.

With reference to G.O., No. 46, Marine, dated 30th January 1893, I have the honour to enquire whether the expression "Port officer" as used therein may be held to apply to a "Port Conservator" also; that is, whether in the absence of a Notary Public the duty of noting or extending a marine protest may be performed by a Port official holding the position of *Port Conservator* as distinguished from *Port Officer*. I see no objection to Port Conservators being authorized to note or extend protests, provided a skeleton form of noting or extending is supplied for their guidance.

2. I raise the question as, recently, the Port Conservator at Cannanore noted a protest, but was in doubt whether it should not have been done by the Sub-Registrar of Assurances at that station who is a Notary Public, but only for the purposes of documents governed by the Negotiable Instruments Act. On this point the Government Solicitor has given his opinion that "Ships' protests should be made before a Notary Public (other than those appointed under the Negotiable Instruments Act), or if there be no such Notary at the port where the protest has to be made, it may be made before some person holding a public situation or office connected with Government, such as a Magistrate, Collector or Controller of Customs, &c."

3. I think that at ports like Cannanore where conservancy matters are in the immediate charge of "Port Conservators," ship masters might be put to inconvenience if such officers are not allowed to note and extend protests. Meanwhile, the fee for the service referred to in paragraph 2 of this letter has not been recovered pending decision of Government on the question here raised.

No. 217 E.

Referred to the Government Solicitor for favour of opinion on the question raised by the Presidency Port Officer, also as to the proposed skeleton forms for noting and extending protests.

(Signed) D. McNEIL CAMPBELL, Colonel, R.E.,
24th March 1897. Secretary to Government.

From ERNEST BARCLAY, Esq., Government Solicitor, Madras, to the Chief Secretary to Government, dated 30th March 1897, No. 209.

With reference to your memo., dated 24th instant, No. 217 E., Marine Department, I beg to advise that there is no objection to a Port Conservator noting and extending ships' protests at ports where there is no Notary Public other than a Notary appointed under the Negotiable Instruments Act.

2. With regard to the forms for noting and extending protests, I enclose a form of note of protests, to be used in cases where some officer of Government notes a ship's protest. With regard to an extended protest, I forward, herewith, a form of the commencement and end of such a protest. Between these will have to be inserted the narrative of the events in respect of which the protest is made and the facts constituting this narrative have to be taken from the ship's log book and, necessarily, vary in each case. If there is a Magistrate or Justice of the Peace at the place where the protest is extended, the declaration at the end should be made before such officer.

3. I cannot furnish a form of special note of protest, because it depends so much upon the circumstances of each case. The note should commence in the same way as the ordinary note down to "laden with a cargo of" and, after stating the nature of the cargo, the facts and circumstances to be protested against should be entered and then the note should conclude as does the ordinary note.

4. Copies of the note of protest and of the extended protest should be kept for record in a book by the officer who notes or extends a protest. In all cases, before extending a protest, a note of protest in the enclosed form should be made.

5. I return the letter, dated 26th February 1897, No. 474/68 G., from the Presidency Port Officer which accompanied your memorandum.

Enclosures.

By this Public Instrument of Declaration and Protest, be it known and made manifest unto all people that on the day of in the year of our Lord one thousand hundred and personally came and appeared before me (name Port Conservator of) and residing at on the coast of Coramandel / Malabar in the East Indies (Captain's full name) Master and Commander of (the steam ship, ship, barque, &c.,) or vessel called "The " belonging to but now riding at anchor in (name of Harbour or Road stead)

(name of) Chief Engineer / Mate

and (name of) carpenter of the said vessel and did severally duly and solemnly declare and state as follows (that is to say). that these appearers and the rest of the crew of the said vessel set sail in her from on the day of last bound on a voyage from thence to (port of destination) aforesaid laden with a cargo of general goods or, as the case may be, the vessel being then tight, staunch and strong, well manned, victualled and found in every respect fit to perform her said intended voyage. That they proceeded on their voyage encountering ordinary and moderate wind and weather setting and shortening sail as occasion requi[illegible] and carefully attending to the pumps every day and nothing of any particular importance oc[illegible]red until (here insert narrative of events rendering extended protest necessary)

And this appearer (Captain's name) did further declare and I the said (Port Conservator, &c.,) do also certify that on the day he the said (Captain's name) appeared at my office and caused his protest to be duly noted and the said appearers do protest and I the said (Port Conservator) do also protest against the aforesaid bad weather * gales, storms and occurrences and against all loss and damage occasioned thereby, such loss and damage as aforesaid being entirely owing to the facts and circumstances before mentioned. Of which an Act being required of me, the said (Port Conservator,) and there being no Notary Public at the port of I have granted these presents under my hand and seal of office † to serve and avail as occasion shall require.

* or as the case may be

† if any

Thus done and passed in due form of law at the office of me the said (Port Conservator) at aforesaid this day of 18 .

We

the appearers in the foregoing protest named do severally solemnly and sincerely declare that the several matters and things in the foregoing protest contained are right and true in all respects as the same are therein particularly alleged, declared and set forth and we make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty King William IV intituled "An Act to repeal an Act of the present session of Parliament intituled an Act for the more

effectual abolition of oaths and affirmations taken and made in various departments of the State and to substitute declarations in lieu thereof and for the more entire suppression of voluntary and extra-judicial oaths and affidavits and to make other provisions for the abolition of unnecessary oaths."

Decared at this
day of one
thousand hundred
and

Before me

Note and entry of the (Steam Ship, Ship, Barque, &c., as the case may be,) or vessel called the (ship's name)

On this day of in the year of our Lord one thousand hundred and personally appeared and presented himself before me (name Port Conservator of) at my office situate at on the coast of Coramandel / Malabar in the East Indies (Captain's name in full) Master and Commander of the said (steam ship, ship, barque, &c.,) or vessel called the of the burthen of tons or thereabouts belonging to the port of and which said (steam ship, ship, barque, &c.,) or vessel sailed on a voyage from on or about the day of last bound to and arrived at on the day of instant laden with a cargo of (general goods or, as the case may be), and the said Master hereby gives notice of his intention of protesting and caused this note or minute of all and singular the premises to be entered in this register. Which I attest.

Order—No. 371, Marine, dated 23rd April 1897.

His Excellency the Governor in Council authorizes Port Conservators to "note" and "extend" marine protests at places where there are no Notaries Public other than those appointed under the Negotiable Instruments Act.

2. The forms drawn up by the Government Solicitor will be used with the requisite modifications to suit particular cases.

(True Extract.)

Under Secretary to Government.

To the Presidency Port Officer.

Exd. T. K. Narayana Aiyangar.

Marine

~~Public Works~~ Department

Ships' Protests

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

Letter from the Presidency Port Officer, Madras, No. 474/68 G., dated 26th February 1897.

- do - from the Government Solicitor, Madras, No. 209, dated 30th March 1897.

No 371 Marine dated 23rd April 1897

The Hon'ble W. Robson C. I. E.

His Excellency the Governor in Council authorises Port Conservators to "note" and "extend" Marine protests at places where there are no Notaries Public other than those appointed under the Negotiable Instruments Act.

2. The forms drawn up by the Govt. Solicitor will be used with the requisite modifications to suit particular cases.

21/4/97

To

The Presidency Port Officer,

(40—4,000—2-11-95.)

Ships' Protests

Marine

~~Public Works~~ Depart.

~~Irrigation Branch.~~

PROCEEDINGS OF THE MADRAS GOVERNMENT.

~~Under date the~~

Read the following

371 here
23.4.97

Letter from the Presidency Port officer — No. 474/68 G dy 26 Feby:

The Hon'ble Bhsir C. I. E

The P.P.O. seems to me to have misquoted the Govt. Sdr. - Sofaras I know, a Resp. Officer is a notary public for the purpose of ships' protests as well as for other purposes - Anyway it will be safest & right to get Govt. Sdr. - My question in para 2 of the draft may be put at the same time.

BS
19/3/97

N.G. the Governor-in-council authorises Port Conservators to "note" and "extend" marine protests at places where there are no notaries public.

2. The Presy: Port officer will place himself in communication with the Government Solicitor as to the necessity for supplying skeleton forms.

17/3/97

The P.P.O
Acctt: Genl:

R.S.V.
note

There seems no objection to the Presy: Port officer's proposal. The arrangement is for the convenience of the mercantile

antile Community as
plained in the correspond-
ence printed with G.O.
6. marine dy 30 January/93.

18/3/93

Sir

C.S.

Marine (1897) Department.

CURRENT No. 500

Order

From

The Govt. Solicitor
Madras.

No. 209

Dated 30. 3. 97

Received 1. 4. 97

Enclosures 4

Spare copies 1

SUBJECT.

Stating that there is no objection to a Port Conservator noting and extending Ships protests at ports where there is no Notary Public, others than a Notary appointed under the Negotiable Instruments act

E. I. Form No. 1—1,000—2-2-97.

[M 4. 1,000—8-5-96.]

4 Sh 21-4-97 Rec 3.4.97

BACK PAPERS.

G.O.	No.	Department.	Date.
217	EB	243	77
~~Habeas~~			
~~Habeas~~			
46	Marine	30-1-93	
96	Marine	12-3-90	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

4 S.P

By this Public Instrument of Declaration and Protest

Be it known and made manifest unto all people that on

the day of in the year of our Lord One -

thousand hundred and personally

came and appeared before me Name Port Conservator

and residing at on the Coast of Coromandel / Pondicherry

in the East Indies (Captain's full name)

Master and Commander of the Steam Sloop Barracouta or Vessel called -

"The " belonging to

but now riding at anchor in (Name of Harbour or Roadstead)

(Name of) Chief Engineer / Mate -

and (Name of)

Carpenter of the said Vessel and did severally duly and solemnly -

declare and state as follows (that is to say) That these Appearers

and the rest of the Crew of the said Vessel set sail in her from

on

the day of last bound on a Voyage from

(Port of destination)

thence to ~~Madras~~ aforesaid laden with a Cargo of (general goods, as the case may be)

the Vessel being then tight staunch and strong well manned victualled

and found in every respect fit to perform her said intended Voyage

That they proceeded on their voyage encountering ordinary and mode-

-rate wind and weather setting and shortening sail as occasion required

and carefully attending to the pumps every day and nothing of any -

particular importance occurred until (the usual recital of

events rendering extended protest necessary)

6 S-P

And this Appearer (Captain's name)

did further declare and I the said Port Conservator do also certify -

that on the day he the said

(Captain's name) appeared at my office and caused his

Protest to be duly noted A n d the said Appearers do protest and I

the said Port Conservator do also protest against the aforesaid bad -

weather Gales Storms and occurrences and against all loss and damage

occasioned thereby such loss and damage as aforesaid being entirely

owing to the facts and circumstances before mentioned. Of which an -

Act being required of me the said Port Conservator and there -

being no Notary Public at the Port of I have -

granted these presents under my hand and seal of office to serve and

avail as occasion shall require

Thus done and passed in due form of Law at the Office of

me the said Port Conservator at aforesaid

this day of 19

the appearers in the foregoing Protest named do severally solemnly and sincerely declare that the several matters and things in the foregoing Protest contained are right and true in all respects as the same are therein particularly alleged declared and setforth and we make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an act made and passed in the sixth - year of the reign of his late Majesty King William the fourth intituled "An Act to repeal an Act of the present session of Parliament intituled "An Act for the more effectual abolition of oaths and affirmations - " taken and made in various departments of the state and to substitute " declarations in lieu thereof and for the more entire suppression of " voluntary and extra-judicial oaths and affidavits and to make other " provisions for the abolition of unnecessary oaths".

Declared at this
day of one
thousand hundred
and

Before me

95.P

N o t e and E n t r y of the Steam Ship, Ship, Barque &c as the case may be

or Vessel called the (Ships name)

O n this day of in the Year of Our Lord

One thousand hundred and Personally appeared and

presented himself before me (Name Post Conservator &c)

at my Office situate at on the Coast of Coromandel Coromandel

in the East Indies (Captains name in full)

Master and Commander of the said Steam Ship, Ship, Barque &c

or Vessel called the

of the burthen of

Tons or thereabouts belonging to the Port of

and which said Steam Ship, Ship, Barque &c

or Vessel sailed on a voyage from

on or about the day of last bound to

and arrived at on the

day of instant laden with a cargo of Piece goods & sundry

and the said Master hereby gives notice of his intention of Protesting

Encl 3
Mar 500 (57)

and caused this Note or Minute of all and singular the premises to

be entered in this Register

W h i c h I attest

No. 209

Madras 30th March 1897.

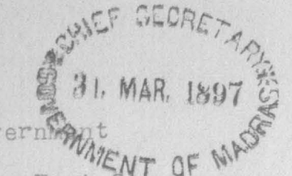
From,

Ernest Barclay

Government Solicitor

M a d r a s.

3 P



To,

The Chief Secretary to Government

Fort St. George.

Sir,

1. W i t h reference to your Memorandum dated 24th instant No.217 E Marine Department, I beg to advise that there is no objection to a - Port Conservator noting and extending ships protests at ports where there is no Notary Public, other than a Notary appointed under the - Negotiable Instruments Act.

2. With regard to the forms for noting and extending protests I - enclose a form of note of protest to be used in cases where some Offi--cer of Government notes a ships protest. With regard to an extended protest, I forward herewith a form of the commencement and end of such a protest. Between these will have to be inserted the narrative of the events in respect of which the protest is made and the facts constitu--ting this narrative have to be taken from the ships log book and, - necessarily, vary in each case. If there is a Magistrate or Justice of the Peace at the place where the Protest is extended, the declaration at the end should be made before such officer.

3. I cannot furnish a form of special note of protest because it depends so much upon the circumstances of each case. The note should commence in the same way as the ordinary note down to "laden with a cargo of" and, after stating the nature of the cargo, the facts and circumstances to be protested against should be entered and then the note should conclude as does the ordinary note.

4. Copies of the note of protest and of the extended protest should be kept for record in a book by the Officer who notes or extends a - protest. In all cases, before extending a protest, a note of protest in the enclosed form should be made

5. I

Leg 5.4 500/97

5. I return the letter dated 25th February 1897 No. 474 of the Presidency Port Officer which accompanied your Memorandum and

I have the honor to be

Sir

Your Obedient Servant

Ernest Bardoe

Government Solicitor.

Marine (1897) Department.

CURRENT No. 298

Endt. 2P

Mr. 217 E of 4-3-97.

Order

Referred to the Govt Solicitor for favour of opinion on the question raised by the Presidency Port officer, also as to the proposed & Related forms for noting and extending protests.

22/3/97

M

From, The Presidency Port officer, Madras

No. 474/68 G.

Dated 26 February 1897

Received 3.3.97

Enclosures "

Spare copies

SUBJECT.

Enquiring whether Port Conservators can perform the duty of noting or extending Marine Protests under the circumstances stated.

To the Govt Solicitor with a copy of No. 46 Marine of 30 Jany 3-15 to be returned.

D 25/3/97

K.S.

Not returned with reply vide ltr 570

Mr. 18-3-97

BACK PAPERS.

G.O.	No.	Department.	Date.
4t	6d	Mar	31-1-93
96	Mis	Mar	12-3-90
192-3	Ds	Mar	17-V-90
51-2	Ds	Mar	4-2-90
50	Mis	Mar	11-2-90
439	Ds	Mar	16-11-89
Act no	XXVI	J	1881
	XXI	J	1891

Vide Cir 5700

FURTHER PAPERS.

G.O.	No.	Department.	Date.
5006	97		

Reading.

No. 474 G. / 68

18

PRESIDENCY PORT OFFICE,
Madras, 26 February 1897.

From

Commander H. A. Street R. I. M.,
PRESIDENCY PORT OFFICER,
Madras,

To

THE SECRETARY TO GOVERNMENT,
MARINE DEPARTMENT,
Chepak.

SIR,

With reference to G. O., Marine, No. 46 dated 30th January 1893, I have the honor to enquire, whether the expression "Port Officer" as used therein may be held to apply to a "Port Conservator" also, that is, whether in the absence of a Notary Public the duty of noting or extending a Marine Protest may be performed by a Port official holding the position of Port Conservator as distinguished from Port Officer. I see no objection to Port Conservators being authorized to note or extend protests, provided a Skeleton form of noting or extending is supplied for their guidance.

2. I raise the question as recently the Port Conservator at Cannanore noted a Protest but was in doubt whether it should not have been done by the Sub Registrar of Assurances at that Stati

who is a notary Public but only for the purposes of documents governed by the Negotiable Instruments Act. On this point the Government Solicitor has given his opinion that "Ships' protests should be "made before a Notary Public (other than those ap- "pointed under the N. I. Act), or if there be no such "Notary at the port where the Protest has to be made, "it may be made before some person holding a "public Situation or office connected with Govern- "ment Such as a Magistrate, Collector or Controller "of Customs, &c."

3. I think that at ports like Cannanore where Conservancy matters are in the immediate charge of "Port Conservators", Ship masters might be put to inconvenience if Such Officers are not allowed to note and extend Protests. Meanwhile, the fee for the Service referred to in para 2 of this letter has not been recovered pending decision of Government on the question here raised.

I have the honor to be,
Sir,
Your Obedient Servant,
[illegible]
Commander R. I. Ll.,
Presy: Port Officer

116.

Encl. 1
Mar 30 '97

taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date return
	Department.	C. No.	Year.		

	For what purpose.			Initials of clerk taking the paper or of attender.	Date return
taken out.	Department.	C. No.	Year.		

NOTES.

NOTES.

The Hon'ble Mr. Bliss C.I.E.

Marine
~~P. W.~~ DEPARTMENT.

Vide Shipping papers 375 Mar 26-4-97

READ the following:—

Letter from the British Consular Agent, Pondicherry and Karikal, No. 54 d/ 17th March 1897.

Endorsement thereon in the Public Deptt.

No. 710 dated 22nd March 1897.

Letter from the Presidency Port Officer, Madras

No. 498/121 G., dated 2nd April 1897

375

FOR ORDERS.

In para 3 of his letter No. 42 dated 18th January 1897 recorded with G.O. 127 Public dated 3rd February 1897, the British Consular Agent, Pondicherry and Karikal, stated that "there appears to be considerable laxity among the British shipping in obeying the Consular Regulations"; and, in reply to a request to give instances of laxity, he now states that

(x Flagg A)

I can see the necessity of worrying people by taking any action at all

BS
22/4(97)

43—500-27-4-04.

"documents

"documents such as bills of health, certificates, attestations, &ca, were given by the French authorities at that port (Karikal) and that Masters and Agents of vessels did not bring them to the Consular Office to be viséed"

2. He also refers (para 4 of his letter) to a case of infringement of the Native Passenger Ships Act, which, in consequence of his representation, has been prosecuted and punished.

3. On referring the matter to the Presidency Port Officer, he points out that the remedy for neglect of visé of documents "is to be found

found in the refusal at ports of destination of all incomplete documents presented by the masters of a British vessel which has cleared from a foreign port."

4. Documents coming under Consular visé are divided into two distinct Classes, viz.

(1) Those in which the Consul's interposition is required by law, and

(2) Those in which the Consul's interposition is to be given when required by the parties interested

A list of these documents will be found in Appendix R of "Instructions to Consuls"

O (Separate book in the file)

Consuls".

5. As regards (1) above, there can be no question as to their rejection at port of destination, and the Presidency Port officer might be instructed to arrange accordingly, and to direct Port officials of this Presidency to draw the attention of Masters of vessels leaving for a foreign port as to the requirements of the law in respect to such documents.

As regards (2) their presentation is apparently optional, and it is not clear what action the Government can take. The documents specified (somewhat vaguely) by the British Consular Agent seem to fall into this Category. Perhaps he might be asked to state distinctly the documents he has in view. He can, if necessary, refer to them by the numbers they bear in Appendix R of "Instructions to Consuls".

The documents referred to in para 3 of the Presidency Port officer's letter come under Category (1).

K.S. 21/4/97

Ist Rev.

FOR ORDERS.

Marine ~~Public Works~~ Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the

Read the following

Letter from the British Consular Agent, Pondicherry and Karikal, No. 54, dated 17th March 1897.

Endorsement thereon in the Public Department, No. 710, dated 22nd March 1897.

Letter from the Presidency Port Officer, Madras, No. 498/121 G., dated 2nd April 1897.

No. 375 Received 26 April 1897

Recorded with the remark that His Excellency the Governor in Council does not see the necessity for issuing any special orders on the subject.

570

26/4/97

To

The Presy. Port Officer, with 1 book.

,, Public Department.

7-6-07 √.

[Ref. / 4]

1,000—17-12-06.

War Department.

Paper taken out of the Records from the charge of the Referencer.

07 Press / Miscellaneous / Routine No. 375, dated 26.4.07 1900.

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
7-6-07	pub	195-8	807	M	10-7-07	86

DEPARTMENT.

[Ref. 4]

1,500—17-12-06.

Paper taken out of the Records from the charge of the Referencer.

Press / Miscellaneous / Routine No. 375, dated 26-4- 190 .

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
7-6-07	pub	1958	07	[illegible]	10-7-07	[illegible]