

Marine (1898) Department.

G.O., No. 983 Marine

DATED 25th Nov-1898.

[illegible]

[Despatch Abstract.]

Mohideen Beun^u

Permitting Mr. Lovett, Post
Office, Masulipatan to retain Rs 500 out of
the award of Rs 650 made by the Receiver of Wares for
Services in Connection with the Salving of the
Acheril-Vessel ———, the balance of Rs 150 being
Audited to Govt; And stating that the State Government
may retain the sum awarded there.

$$\frac{B}{L}$$

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

APK
10.11.96.

H. P. O. ✓
 " Act. Genl. ✓
 1904, 50

mu. 11448 N 15.11.94

BACK PAPERS.

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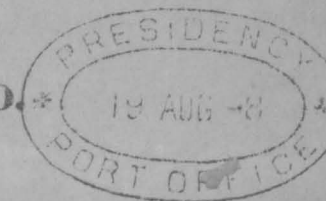
C107

(Through the Presidency Port Officer, Madras.)

PEARINE

(189 8) Department.

CURRENT No.



From

The Collector,

Kistna District.

Order

DS No. 4425
General

Dated 12th
Sept 18/98
Received

August 1898.

Registered

Enclosures

Spare copies

SUBJECT,

Forwarding with remarks the application of the Port Officer, Masulipatam to be allowed to retain the sum awarded to him and others in salving a wreck.

Handwritten number 15025.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Proceedings of the Receiver of Wrecks and Sub Divisional Magistrate, Masulipatam.

Date 25. 6-98.

Read again the whole correspondence connected with the Perlick vessel, "Mohideen Buss".

Order

6. These amounts are purely expenses incurred for personal labor and trouble of these four individuals it has now to be considered. These persons worked from 24-1-98 to 8-4-98. i.e. for two months and a half. The exertion and worry on the sea is great. Some of the salvors claim Rs 1000. each. But this I think is considerable. Mr. Leverett as Gov. ernment officer had not only to look after his work, but had to spend extra time at his own personal inconvenience for this business. Further he was the guiding soul in salvaging the wreck, and if he had not done so it might have probably come in the track of shipping and wrecked steamers in the Bay. His case has to be specially considered. But for his advice and exertions, I do not think the wreck would have been discovered and much less saved. I cannot place his services which are of a Professional European officer on par with those of the other three. I, therefore award Rs 650. to him and a sum of Rs 450 to each of the rest aggregating Rs 2000. which appears to be a fair sum for their trouble. It may be added it is for Mr. Leverett to obtain orders whether the whole or a portion of the amount should go to himself or to Government, he being a servant of Government.

7. The Port officer requests also that the labor of his boat overseer and lascars may also be taken into consideration and each given a month's pay which amounts to Rs 63. What they have done appears to be extra work in addition to their legitimate duties.

The claim is passed but of course it is for the Port officer to decide whether the whole or portion of this amount should

BACK PAPERS.

should go to Government or to the individuals themselves as they are Government servants and their services were utilized under Port Officer's orders.

(True Extract)

signed / J. Williams
Receiver of Wrecks.

29. 7. 98.

(True copy)

J. Lewis
Port Officer

Mar 10 1898

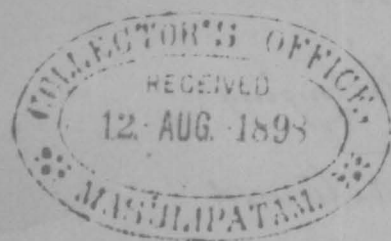
Masulipatam, Port Office
11th August 1898.

From

J. Everett Esquire

Port Officer

Masulipatam.



The Collector of

Kistna.

Sir,

In forwarding herewith Copy of the "Proceedings of the Receiver of Wrecks" dealing with the question of salvage of the "Mohideen Bux", I am sending me a sum of Rs 650. for services rendered, as well as a month's pay each to the Boat overseer, Port Pilot & 5 Customs lascars, amounting to Rs 63. I have the honor to request you will be so good as to obtain the sanction of Government to these sums being accepted.

The following summary of facts will, it is hoped, sufficiently explain the services rendered by me in discovering and salvaging the wreck.

The "Mohideen Bux" was a Country barque of 376 tons, laden with about 400 tons of

of timber. It appears she left Moulmein, bound
for Lodi in December 1897 and shortly after
foundered in a Cyclone in the Bay of Bengal
& was subsequently reported bottom up 15 miles
off Palu. Point Divi on the 25th January 1898.
On receipt of this information several boats belonging
to this Port went in search of her, but returned
4 days later without success. She was again
reported on the 25th idem 13 miles S.E. of Point
Divi, right in the track of shipping, & consequently
a dangerous obstruction. I accordingly proceeded
to sea with the object of inspecting the wreck
to see what could be done to remove or destroy
her, & found her at day break the following
morning 20 miles E.S.E. of Masulipatam.
After sailing round her I came to the conclusion
that she was a vessel between 250 & 300 tons, instead
of 100 tons as reported, but I had no information
as to what vessel she was, or with what cargo
laden, & it was just as likely she was kept
afloat by gas generated from a rice cargo
as by timber. However, I thought the hull would
probably pay the expenses of salving to those
who were willing to undertake the risk which

was very great, considering that southerly winds
had already set in with a strong Current setting
to the N.E. & the vessel right off the Port. I
returned to shore and sent off boats to secure
her, which they did and exhibited lights at
night to warn shipping. I therefore claim that
no person at this Port could have discovered
the wreck, for the simple reason that those
who went out were unsuccessful because they
had not proceeded on scientific principles,
consequently, had I not exerted myself, the
vessel would have drifted out into the Bay
again & there have broken up, perhaps after
sinking a valuable steamer to the bottom.

The salvage operations were carried on under
my directions by the other salvors, who supplied
boats, gear, & capital, & ran the risk of losing
their money should their efforts fail. It occupied
2½ months to save the vessel owing to stoppages
on account of the weather, difficulty in recovering
the anchors which were down, & trouble in
turning the ship over.

With regard to my claim to salvage, I am
apparently entitled to it under G.O. 318 dated 16th Sept 1875. It has been contended by the Presidency
Port Officer that that order became obsolete with
the introduction of Act VII of 1880, but I take it
that the order was based on no Act in particular,
being an opinion on the general law of salvage, &
Chapter I appears to be the old salvage rules embodied
in the act. Concerning the other contention that
the G.O. has no reference to Cases where the Port
Officer is agent to Receiver of Wrecks, I beg to point
out that when the G.O. was passed, Port Officers
were apparently Receivers of wrecks & if the G.O. applied
to Receivers of wrecks it must naturally apply to
their agents when they perform salvage services
of a professional character. I have also to
refer to the Case at Pamban in 1885 or 86.
in which the Port Officer was awarded Rs. 700.
This happened since the introduction of Act
VII of 1880.

I consider that I have rendered important
services of a professional nature to the owners of the
wreck, as well as to Government & shipping generally
in removing a dangerous obstruction which might
have caused the loss of one of the Coasting Steamers.

I have the honor to be
Sir,
Your most obedient servant
J. Leverett
Port Officer.

Disposal No. 442 Genl. of '98.

Forwarded to the Secretary to Government of Madras,
Marine Department, through the Presidency Port Officer, Madras.

2. Mr. Leverett requests under G.O., No. 318, dated
16th September 1875, Marine Department, to be allowed to re-
tain the sum of Rs. 650/- which the Receiver of Wrecks has
awarded to him in saving the brig Mohideen Bux and that the
Boat Overseer and other servants may retain the Rs. 63/- simi-
larly sanctioned to them. The facts are set forth in his
letter.

3. From the Port Officer's letter herewith forwarded,
it would appear that the Presidency Port Officer has contend-
ed that the order of the 16th September 1875 has been render-
ed obsolete by Act VII of 1880. The only provision that I
can find in that Act bearing on the subject is Section 75,
under which the Government or such other person (in this
case Mr. Leverett) who delivers a wreck to the Receiver shall
be entitled to receive a reasonable sum for salvage. It might
be a question whether Mr. Leverett in salving the vessel did
so in his private capacity or as representing the Government.
But I can see nothing in this Section in any way overruling
the order quoted.

4. Mr. Phipps in 1875 was just as much a Government
servant as Mr. Leverett in 1898 and what was considered
equitable

equitable by the Government, then must be equally so now. In this case Mr. Leverett and his subordinates should be allowed to retain the sums awarded. The work undertaken was outside the ordinary course of their duty and involved a great deal of trouble and inconvenience to themselves, while the removal of the wreck from the fairway took away a source of great danger to Steamers. Exertions of this kind ought in the interests of shipping to be encouraged. As the salving of the wreck did not interfere with the discharge of their ordinary duties, I strongly recommend that they be allowed to retain the sums in question.

K i s t n a Collectorate, }
M a s u l i p a t a m, }
12th A u g u s t 1898. }

K. S. Srinivasan
for Collector. 15-8-98

Coupi
15-8-98
15-8-98

Mar 3
1051/98

No. 275.

Madras 5th July 1898.

From

Ernest Barclay

Government Solicitor

Madras.

To

The Presidency Port Officer,

Madras.

Sir,

1. I beg to acknowledge receipt of your letter of 30th ultimo No. 1261/854 M with its enclosures.

2. Act VII of 1880, Sect. 74, as amended by Act VI of 1891, provides that any person finding and taking possession of any wreck within any local limits for which a receiver of wreck has been appointed, or bringing within such limits any wreck ^{which} has been found and taken possession of elsewhere shall, as soon as practicable, (b) if he be not the owner of such wreck, deliver the same to the receiver of wreck, and Section 75 provides that, whenever any wreck has been delivered to the receiver of wreck, in accordance with the provisions of Section 74, by any person not being the owner thereof, the Government or such other person so delivering such ^{wreck} ~~work~~, as the case may be, shall be entitled to receive a reasonable sum for salvage having regard to all the circumstances of the case.

3. In the case under reference Mr. Leverett, the Port Officer of Masulipatam and Agent for the Receiver of wreck at that port and therefore a Government servant, found the barque "Mohideen Bux" abandoned and floating bottom upwards at sea about 21 miles from Masulipatam and arranged with certain boat owners to have, and had the barque towed into Masulipatam. There the vessel was righted and I presume taken charge of by the Receiver of wreck.

4. The case seems to me to come within Sect. 74 of the

Act

Act as amended by Act VI of 1891 and, as Mr. Leverett is a Government Officer, he would not, prima facie, claim any salvage, Government being entitled to share the salvage with the boatmen who brought the barque in.

5. But, in G.O., of 16th September 1875 No. 318, it was held, on the strength of the opinion of the Advocate General, that out-port officers, like all other persons, were entitled to either salvage or remuneration for their trouble, according to the circumstances of the case, when they should assist a vessel in distress or rescue the property imperilled. If you refer to the opinion of the Advocate General on which this order was passed, you will see that this ruling of Government was not based upon anything in the Indian Ports Act 1875, for, in para 3 of his opinion, the Advocate General said "there is nothing, however, in the Act which touches the case of property saved by Officials who are not employed by the Local Government for that purpose, or saved elsewhere than in a port under the Act." and, in para 4, the Advocate General said that "the General law of salvage would appear therefore to be applicable to cases in which a Master Attendant or other Officer not being compelled by his duty to do so, voluntarily gives assistance under circumstances of danger in the recovery of property from a vessel in distress".

6. I am of opinion therefore that, under G.O. of 16th September 1875 No. 318, Mr. Leverett is entitled to his share of the salvage for rescuing the barque "Mohideen Bux."

I have &c.

(s/d) Ernest Barclay

Government Solicitor.

(True Copy)

W. Aves.

Commander R.I.M.,

Ag. Presidency Port Officer.

No. 1261/282 4

Reading

CURRENT NO. 1091

Presidency Port Office,

Madras, 22nd August 1898.

From

Commander W. Aves, R.I.M.,
Ag. Presidency Port Officer,
Madras,

To

THE SECRETARY TO GOVERNMENT,
MARINE DEPARTMENT,
CHEPAK.

Sir,

I have the honor to forward, for the favorable consideration and orders of Government, the accompanying endorsement of the Collector of Thistia (No. 4425 of 12th August 1898) on letter from Mr. G. Leverett, Port Officer of Masulipatam, dated 11th idem in connection with the Salving of the derelict vessel "Mohidin Bux". The Collector recommends that in view of the valuable services rendered by Mr. Leverett and his establishment, the former be permitted to retain a sum of Rs 650 and the latter (consisting of a Boat Overseer, Port Tindal and 5 Customs lascars) a sum of Rs 63, being Salvage awarded by

by the Receiver of Wrecks. I concur in this view, and request that the Orders of Government may be obtained as to their accepting the whole amount of Salvage awarded or such portion thereof as the Government may see fit to Sanction.

3. With reference to the concluding portion of Mr. Leverett's letter, I would observe that, in view of the provisions of Section 75 Act VIII of 1880, it seemed doubtful whether the claim for salvage could be based on G. O. No. 318 of 16th September 1875. The matter was accordingly referred to the Government Solicitor who is of opinion that Mr. Leverett is entitled to his share of the salvage - vide copy of Solicitor's letter of 5th July 1898 attached.

I have the honor to be,
Sir,
your Obedient Servant,
W. Aves.
Commander, R. I. M.,
Ag. Deputy Port Officer.

Marine DEPARTMENT.

C. No. 1091 of 1898.

SUBJECT.

~~HIS EXCELLENCY THE GOVERNOR.~~
THE HON'BLE SIR HENRY BLISS, K.C.I.E.
THE HON'BLE MR. GROSE, C.I.E.

Awards by the Receiver of Wrecks.

FOR ORDERS.

I think they may be allowed to keep the awards made them. Upon issuing order, letter no. 7. D. if there is any account objection, for if there is no money from the same.

MS
9/9/98

To The Financial Dept.
H. O.

For favour of remarks.

Flag H.

W. H. H. 98.

BC for with cum 12.9.98

In the letter read above, the Presidency Port officer applies for Sanction to the Port officer of Masulipatam and his establishment (consisting of a boat overseer, Port Lirdal and 3 lascars) being allowed to retain the undermentioned sums awarded to them by the Receiver of Wrecks for their duties in connection with the salvaging of the derelict vessel "Mohidin Bux":

Port officer - Rs 650
His Establishment " 63.

2. The Port officer has given an account of the services rendered by himself and assistants in saving the vessel and bringing her into port.

The Collector and the Presidency Port

[P. W. 45.
500-27-1-48.]

Ms. 8. 9. 98 No. 9. 98 7. 12. 9. 98

Port Officer recommend that the amounts awarded by the Receiver of wrecks be retained by those to whom they have been adjudged, in accordance with precedent, vide G.O. 318 Marine, dated 16th September 1895, and the Government Solicitor considers that there is no legal objection to this being done.

C.S.

W.H. 8.9.98

* Flag E.
Vol put up & place
marked with tape

Financial Dept

Note

With reference to the Hon. Sir Henry Bliss's note of the 9th instant it is observed that the only account objection is that the case falls under art 91 (a) + (c) of the Civil Service Regulations and that the sanction of the Govt. of India will be necessary to the acceptance of the award by the Port Officer as it exceeds Rs 500, the limit up to which the local Govt may sanction.

19/9/98
B.C.

The case seems to fall under § 90 (b). Consult the office clerk ~~and the matter again please.~~
~~into the matter again please.~~

C.M.
21.9.98.

C.S.

The A.G.'s office is not

prepared to admit that the case falls under Art. 90 (b) of the L.S. Regs., as

(1) the rewards then payable appear to be rewards from fonte funds, while the award here is payable from the sale proceeds;

(2) the salvage under sec. 75 of Act III of 1880 is made payable to "the font or such other person" as delivering a wreck and not to a font servant.

The S.F.'s office therefore thinks the special sanction of font is necessary, in this case that of the font of India as the amount exceeds Rs 500.

~~As the amount~~ objection will proceed from the S.F.'s office it seems advisable to submit the case for the orders of the font of India.

Vide sec. 78 of Act III of 1880.

Pub. Secy

Put up 15/9/98



24/9/98

Submitted that the A's opinion be obtained officially. Please see end. on docket. 28/9/98

Marine (1898) Department.

Financial Dept

CURRENT No. 1091



Cudt No. 2111 of 1st Oct 1898.

Referred to the Accountant General for favour of report as to whether the acceptance of the amounts can be sanctioned by this Government under article 90 (b) of the C. S. R. Order.

Chief Secretary

Cudt 28/9/98

TO BE RETURNED
WITH REPLY.

From

The Presidency Port Office, Madras

No. 1261 G.
282

Dated 22nd August 1898.

Received 29-8-98

Enclosures 4

Spare copies -

SUBJECT.

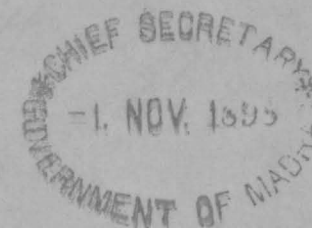
Forwarding with remarks the Endorsement of the Collector of Kistna on letter from Mr. G. Leverett, Port officer, Masulipatam in connection with the salving of the derelict vessel "Mohidui Bux".

4/10 3/18 16/9/98

FURTHER PAPERS.

Financial (1898) Department.

CURRENT No. 3097



From The Accountant General
Madras

Order

No. 4823.

Dated 31 oct. 1898

Received } 1 Nov 1898.
Registered }

Enclosures (Marine C 1091 and Eukhomen
returned).

Spare copies

SUBJECT

stating that it is for you^h
to decide what portion
of salvage fee Mr. Leveath
both of fees, should receive
+ if \$26.50. is sanctioned
confirmation of the S. I.
will be necessary.

BACK PAPERS.

G.O.	No.	Department.	Date.
687	Mar: 10-8-98	Mar	
603	u: 13-7-98	u	
557	u: 1-7-98	u	
249	u: 4-4-98	u	
545	u: 4-12-88	sc	
318	u: 16-9-75	ml	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT No. 3097

Accountant-General's Office,
Fort St. George,
31st October 1898.

No. 4823

From

J. Hesketh Biggs Esq.,

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,
Financial Department.

SIR,

With reference to Government Endorsement No. 2111 dated the 1st of October 1898 enquiring whether the acceptance by Mr. G. Leverett, Post-Office, Masulipatam of the amount awarded to him for salvaging a wreck can be sanctioned by Government under Article 90 of Civil Service Regulations, I have the honour to state that Mr. Leverett was only able to find the wreck owing to his position as Government Post-Office and he used no doubt a Government Vessel to search for it and employed time be-
-longing

longing to Government on it. The Salvage fee
is therefore creditable to Government and it
appears to me that it is for Government to
decide under Article 91 (b) what portion of
the fee he should receive. If Rs 600 is sanctioned
affirmation of the Government of India will
be necessary under Article 91 (c).

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

W. M. B.
Accountant General.