

Marine (1898) Department.

G.O., No. 851 *Mar*

✓
DATED 7 October 1898

11/10/98

[Despatch Abstract.]
Bill to Amend the Indian Marine Act 1887

Forwarding to the Honourable the Judges of the
High Court & others, for favour of opinion, copies
of a ——— with statement of objects and
reasons, and ordering the publication thereof
in the Government Gazette.

Forwarding to the Hon'ble the Judges of the High Court and others, for favour of opinion, copies of a —, with Statement of Objects and Reasons, and ordering the publication thereof in the *Fort St. George Gazette*.

GOVERNMENT OF MADRAS.
MARINE DEPARTMENT.

READ—the following paper:—

From J. M. MACPHERSON, Esq., c.s.i., Secretary to the Government of India, Legislative Department, dated Simla, 27th September 1898, No. 1425.

I am directed to forward herewith forty copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this Department with an expression of his opinion on the provisions of the Bill, and with the opinions of the Hon'ble the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

2. I am also to request that the Bill and Statement may be published in the *Fort St. George Gazette* in English, and in such other languages as the Governor in Council may deem proper, and that the dates of such publication may be communicated in your reply.

3. The reply to this letter should be sent in by the 15th December next.

ORDER—No. 851, Marine, dated 7th October 1898.

Communicated to the Hon'ble the Judges of the High Court, the Advocate-General and the Presidency Port Officer, with the request that they will favour the Government with their opinions on the provisions of the Bill on or before the 30th November 1898.

2. The Bill and the Statement of Objects and Reasons will be published in the *Fort St. George Gazette* in English.

(True Extract.)

Under Secretary to Government.

To the Hon'ble the Judges of the High Court, with C. L.,
" Government Solicitor,
" Presidency Port Officer,
" Superintendent, Government Press,

with copy of Bill and Statement of Objects and Reasons.

Exd Shaik Karim.

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. of 189 , dated , from

" " " 189 , " " "

Print " " 1239 " 1898, " 4th October, " the Govt. of India, Legislative Dept.

ORDER. 851 dated 7 October 1898

The Hon. Sir Henry Blair K.C.J.C.

6/10/98

Communicated to the Honourable the Judges of the High Court, the Advocate-General and the Presidency Port Officer, with the request that they will favour the Government with their opinions on the provisions of the Bill on or before the 30th November 1898.

2. The Bill and the Statement of Objects and Reasons will be published in the *Fort St. George Gazette* in English.

to the Hon. the Judges of the High Court
" Govt. Solicitor
" P. P. O.
" Supdt. Govt. Press

with C. L. Govt. Secy. Bill + Stat. ment of objects and Reasons.

5.10.98

[12/10/98]

4.10.10/98 R7-1098

[M 12]
[50-12-8-08]



Madras, 7th
Madras, October 11th 1898.

Marine No. 857, Marine,

To

Mr. H. H. Shephard,
THE HONORABLE ~~SIR~~ ARTHUR COLLINS, Kt., Q.C.,
officiating Chief Justice of the High Court of Judicature,
Madras.

HONORABLE SIR,

I am directed by His Excellency the Governor in Council to transmit to you the enclosed Proceedings of the Madras Government of this date, No. 857, Marine.

I have the honor to be,
Honorable Sir,
Your most obedient Servant,

H. H. Shephard
for Secretary.
W

Marine (1898) Department.

To

THE HON. SIR ARTHUR COLLINS, Kt., Q.C.,

Chief Justice of the High Court of

Judicature, Madras.

Dated
Recd.

7th } October 1898.

Forwarding Proceedings of Government,

No. 851, dated 7th October 1898

regarding forwarding for opinion
copies of a bill to amend the Indian
unions Act, 1887, with statement
of objects & reasons.

[F.]
28
500-22-2-4

Marine
Financial (1898) Department.

1239
CURRENT No.

From

The Govt of India
Legislative Dep^t

No. 1425

Order

Dated 27 Sept 98

Received 3. Oct 98

Registered 14-10-98

Enclosures 2

Spare copies not recd. 39 each

SUBJECT.

Forwarding copies of a Bill to
amend the Indian Unions Act 1887,
with statement of objects & reasons for
an expression of opinion by H.S. the
Governor in Council & the Honble the Judges
of the High Court requesting that the Bill
& statement may be published in the
Fort St. George Gazette in English & in
such other languages as the Governor in
Council may deem proper.

BACK PAPERS.

G.O.	No.	Department.	Date.
	644		23-7-78
	India Act. 1887.		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

A BILL TO

Amend the Indian Marine Act, 1887.

WHEREAS it is expedient to amend the Indian Marine Act, 1887 (hereinafter referred to as XIV of 1887. "the said Act"); It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Short title and com- Marine Act (1887) Am-
mencement. mendment Act, 1898; and

(2) It shall come into force at once.

2. In section 2, sub-section (1), clause (a), of the said Act, for the words "the Indian Marine Service" the words "the Royal Indian Marine Service" (herein referred to as "the Indian Marine Service" or "Her Majesty's Indian Marine Service") shall be substituted.

3. In the same section and sub-section of the said Act, for clauses (b), (c) and (d) the following clauses shall be substituted, namely:—

(b) "gazetted officer" means a person who, by virtue of his letter of appointment, is holding a position in the Indian Marine Service as—

Commander,	Chief Engineer,
Lieutenant,	Engineer, or
Sub-Lieutenant,	Assistant Engineer;

(c) "warrant officer" means a person who, by virtue of his appointment, is holding a position in the Indian Marine Service as—

Assistant Surgeon,	Carpenter,
Gunner,	Clerk, or
Engine-driver, first class;	

(d) "petty officer" means a person who is employed in the Indian Marine Service as—

General Mess Steward,	Carpenter's Mate, first class,
Chief Syrang of Lascars, first class,	Carpenter's Mate, second class,
Chief Syrang of Lascars, second class,	Carpenter's Crew, first class,
Syrang of Lascars, first class,	Carpenter's Crew, second class,
Syrang of Lascars, second class,	Plumber,
Sukkani,	General Mess Butler, first class,
Tindal of Lascars, first class,	General Mess Butler, second class,
Tindal of Lascars, second class,	Cook, first class,
Engine-driver, second class,	Cook, second class,
Syrang of Stokers, first class,	Ship's Steward,
Syrang of Stokers, second class,	Tide-watcher,
Tindal of Stokers, first class,	Kassab, first class,
Tindal of Stokers, second class,	Kassab, second class,
	Pilot,
	Chart-room Attendant,
	Leadsman, or
	Interpreter:—

CHIEF SECRETARY
3- OCT. 1898
GOVERNMENT OF MADRAS

4. (1) In section 53 of the said Act, for sub-sections (1), (2) and (3) the following sub-sections shall be substituted, namely:—

Substitution of new sub-sections for sub-sections (1), (2) and (3), section 53, Act XIV, 1887.

"53. (1) An Indian Marine Court shall consist of a president and not less than two, or more than four, other members, such members to be of rank not inferior to that of Lieutenant.

(2) The president of an Indian Marine Court for the trial of a Commander shall be of rank not below that of Commander, and two at least of the other officers composing the Court shall be of rank not below that of Commander.

(3) Except in the case of an Indian Marine Court convened under section 52, sub-section (2), the president of an Indian Marine Court for the trial of any person below the grade of Commander shall be of rank not below that of Commander."

(2) To the said section the following sub-sections shall be added, namely:—

"(10) The seniority and precedence of officers serving on the same Indian Marine Court shall be governed by their seniority as shown in the latest Indian Marine List. The fact of any officer bearing a superior title by virtue of an appointment which he may for the time being be holding, shall not give him seniority or precedence over any officer serving with him on the Indian Marine Court who may be senior to him on the Indian Marine List.

(11) The authority convening an Indian Marine Court shall, when practicable, appoint a Judge Advocate to every trial, who shall be, if possible, an officer of the Judge Advocate-General's Department.

(12) The authority convening an Indian Marine Court, shall also appoint a person as Provost-Marshal, who shall be responsible for the arrest and safe custody of the prisoner or prisoners as directed until the decision of the confirming authority is made known and communicated to him by the convening authority."

5. After section 70 of the said Act the following shall be added, namely:—

Addition of new section after section 70, Act XIV, 1887.

"Supplemental.

"70A. When an Indian Marine vessel is wrecked, lost, destroyed or captured by the enemy, it shall, for the purposes of this Act, be deemed to remain an Indian Marine vessel until her crew are regularly removed into some other Indian Marine vessel or until a court of inquiry has been held into the cause of the wreck, loss, destruction or capture thereof."

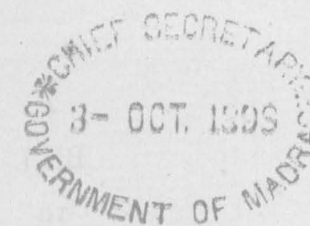
Provision in case of wreck, loss, destruction or capture of Indian Marine vessel.

ed, lost, destroyed or captured by the enemy, it shall, for the purposes of this Act, be deemed to remain an Indian Marine vessel until her crew are regularly removed into some other Indian Marine vessel or until a court of inquiry has been held into the cause of the wreck, loss, destruction or capture thereof."

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

A
BILL
TO
Amend the Indian Marine Act, 1887.

(Sir Edwin Collen.)



STATEMENT OF OBJECTS AND REASONS.

SINCE the Indian Marine Act, 1887 (XIV of 1887), was passed, the titles of some of the gazetted officers of the Indian Marine Service have been altered by an Order in Council, and certain modifications have been made in the nomenclature of warrant and petty officers. Her Majesty has further been graciously pleased to approve of the Indian Marine being designated the "Royal Indian Marine." Clauses 2, 3 and 4 of this Bill are intended to give effect to these changes.

2. By the remaining clause it is proposed to add to the Act a new section which is based on section 91 of the Naval Discipline Act, 1866 (29 & 30 Vict., c. 109), and will provide for the maintenance of discipline after the wreck, loss, destruction or capture of an Indian Marine vessel.

The 15th September, 1898.

EDWIN H. H. COLLEN.

Mar 1239/98

Mar 1239/98

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

Bill to amend the Indian Marine Act, 1887.

(Statement of Objects and Reasons.)

CURRENT No. 1239

No. 1425

FROM

J. M. MACPHERSON, ESQ., C. S. I.,
Secretary to the Government of India,
Legislative Department,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF Madras



Dated Simla, the 27th September, 1898.

SIR,

I AM directed to forward herewith

forty copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this Department with an expression of his opinion on

A Bill to amend the Indian Marine Act, 1887, with Statement of Objects and Reasons.

the provisions of the Bill, and with the opinions of the Hon'ble the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

2. I am also to request that the Bill and Statement may be published in the *Fort St. George* Gazette in English, and in such other languages as the Governor in Council may deem proper, and that the dates of such publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 15th December next.

I have the honour to be,

SIR

Your obedient Servant,

J. M. Macpherson
Secretary to the Government of India.