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M.R.O. 1-88,000-16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	270	Press ~~Mis.~~
Dated	17-3-	1866

Not to be folded or roughly handled

No. 65. Read the following letter from the Protector of Emigrants, to the Chief Secretary to Government, Fort Saint George; dated Madras, 3rd January 1866, No. 1.

I had the honor, in the 3rd paragraph of my letter to Government of the 23rd November last, No. 202, to report that an error, now corrected, had crept into practice with regard to the age at which a young emigrant was to be considered an adult. In consequence of this error, representations had been made from the Home Authorities of vessels having been permitted to leave with more passengers than they were legally entitled to carry.

2. A similar error had likewise been made in regard to the age at which children were to cease to be considered as infants; and to avoid any recurrence of such mistakes, I requested the Agents for Natal and for the Mauritius to be careful on this point in future.

3. The last named Officer has addressed to me the accompanying letter, wherein he holds that my reading of the Act is erroneous. The wording seems to me clear enough, and the sense to be conveyed could not, I submit, be expressed in plainer English; but, as Mr. Burton is desirous that the question be submitted to Government, I forward his letter.

4. Clause 5 of Section 47 of Act XIII of 1864 says that "an emigrant above the age of 10 years shall, for the purposes of this Act, count as an adult; and two children from 1 to 10 years of age shall count as one adult." I maintain that a person registered as of 10 years of age must be in his 11th year, and therefore entitled to be considered an adult. In the same way an infant registered as of one year must be in its second year and should be counted as a child, two of whom are to be considered as an adult. Mr. Burton, on the other hand, contends that a child registered at 10 is still by the Act a child, until he has attained his 11th year; and he applies the same reasoning to infants of one, who, he considers, should not be accounted children till registered as of 2 years of age.

From the Mauritius Emigration Agent, to the Protector of Emigrants, Madras; dated Madras, 16th December 1865.

I have the honor to acknowledge receipt of your letter, No. 211, of the 13th instant, and as the subject appears to me to involve, in the course of the year, a considerable increase in the expenditure of the several Colonies, in the shape of passage money, &c., I have to request the subject should be re-considered, and, if necessary, referred to Government. Section 47 of Act XIII expressly states that an Emigrant *above the age of 10* shall be counted an adult, and the Orders of Government, No. 1054, of the 14th September 1864, limits the age of children from 1 to 10. I submit a child registered at 10 years has not arrived at the term *above* that age, and should be considered as half an adult.

2. I would beg to submit that a child of 10 years is of little service in any Colony, and the present ruling entails the full expenses of an adult, on his, or her, introduction into the Colony, and which, I believe, was not contemplated, by the Indian Act. I beg further to remark that the French Act of 1860 limits the ages of each adult to above 10.

3. In conclusion, I have not been favored with the remarks of the Home Government referred to in your letter, but would beg to suggest, for consideration, whether those remarks are not passed on Clause I of Article XIV of the English Passengers Act, in which it is ruled, no ship shall carry a greater number of persons (this including the crew) than one statute adult to every two tons of her registered tonnage.

Proceedings of the Madras Government, Public Department,

17th March 1866.

No. 66.

ORDER THEREON, 17th March 1866, No. 270.

The Governor in Council considers that there can be no doubt as to the correctness of the construction put by the Protector of Emigrants upon Clause 5, Section 47, of Act XIII of 1864.

(True Extract).

Chief Secretary.

To the Protector of Emigrants.

Exd. J. H. Burns.

Public Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

*Read the following letter from
the Protector of Emigrants
(Dated 3rd January 1866 No 1)*

Order thereon 17th March 1866 No 270.

*The Governor in Council
Considers that there can be
no doubt as to the correctness
of the construction put by the
Protector of Emigrants upon
Clause 5 Section ~~XLVII~~ of
Act ~~XIII~~ of 1864*

L/R

To the Protector of Emigrants - desd 29/3.

Adopted 27 March

Public 1866. Department.

No. 270.

PROCEEDINGS OF GOVERNMENT.

Dated 17 March 1866.

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