

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 1492

DATED 22nd April 99

[Despatch Abstract.]

Communicating to the Bd. of Rev. with
remark Prop of the Home Dept. sanctioning the prosecution
under the Indian Penal Code of the master of the Dhoney
"Mahomed Samdany" reported to have been overloaded
and unsuited and stating that the question of
proceeding under the Sea Customs Act will be considered
in the Rev. Dept.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1899) Dept.

Government (1899) of Madras. MARINE.

Current No 2330

Recd. } 6th April } 1899.
Regd. }

Enclosures 1

Spare copies

G.O., No. 289, 28th March 1899.

G.O. No. 1492 of 22nd April 1899

Communicated to
the Board of Revenue for the **MARCH.**
necessary ^{instructions} ~~action~~ in the
reference to para 5.

To
16 The Board of Revenue (S.D.) No. 25-4-99.
Prosecution of the Master of the Dhoney "Mahomed Samdany"

Sanctioning the prosecution, under the Indian Penal Code, of the master of the
Dhoney "Mahomed Samdany," reported to have been overloaded and unseaworthy,
and stating that the question of proceeding under the Sea Customs Act will be con-
sidered in the Revenue Department.

PPK
7-4-99
a.k.
8-4-99

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following papers:—

- Endorsement from the Collector of Madura, dated 9th January 1899, No. 20, submitting letter from the Port Officer, Pámban, dated 30th December 1898, No. 894/54 W.
 Endorsement thereon by the Presidency Port Officer, Madras, dated 11th January 1899, No. 498/17 G.
 Note from the Presidency Port Officer, Madras, dated 28th February 1899, No. 498/77 G.

ORDER—No. 289, Marine, dated 28th March 1899.

The Port officer, Pámban, reported, in his letter No. 894/54 W., dated 30th December 1898, that he ordered the detention of Dhoney "Mahomed Samdany" of 76 tons, as it was, in his opinion, overloaded and unseaworthy. In forwarding this report to Government, the Presidency Port Officer added that the tindal and owner of the vessel had refused to take an order by the Port officer directing the discharge of her cargo, and he recommended that they should be prosecuted under the Indian Ports Act for wilfully refusing to obey a lawful direction of the Conservator, but wrongly quoting section 10 (2) for section 8 (2).

2. In memo. No. 37 E., dated 19th January 1899, further information was called for and it was suggested to the Presidency Port Officer that it would be the simplest plan to take legal advice in the first instance and then come up to Government for orders to prosecute, if necessary.

3. The Government Solicitor, who was thereupon consulted, suggests that the master should be prosecuted under section 336, Indian Penal Code, for committing an act endangering the life or personal safety of others. He also suggests prosecution under several sections of the Port rules, but the Presidency Port Officer does not propose any action under these rules. He considers that prosecutions should be instituted under section 336 of the Penal Code, and under sections 62 and 167 of the Sea Customs Act, the latter against the tindal for leaving without a port clearance.

4. The proposed prosecution under the Indian Penal Code is sanctioned. The Presidency Port Officer will take the requisite steps.

5. The question of proceeding under the Sea Customs Act will be considered in the Revenue Department.

(True Extract.)

A. K. S. S.
 Under Secretary to Government.

To the Presidency Port Officer.

,, Government Solicitor.

,, Revenue Department, with office-note and note by
 His Excellency the Governor in original.

Exd. S. A. S. Raghaviengar.

To Secy.

In para 6 of his report dated 28.2.99 the Presidency Port officer suggested for consideration whether the Tindal of a native vessel should not be prosecuted under Secs. 62 and 167 of the Sea Customs Act (VIII of 1878) for leaving the port (of Pámban presumably) without a port clearance.

2. Under Sec. 62 the departure of a vessel without a port-clearance is prohibited; and for a disobedience of this order the master of the vessel is punishable by Sec. 167, No. 22, with a penalty not exceeding Rs 1,000. It is not known whether the Tindal had command or charge of the vessel so as to admit of his being brought under the definition of master in Sec. 3(k) of the Act. No provision appears in the Act for prosecuting the persons before a magistrate, if this is what the Presidency Port Officer means. The penalty has to be adjudged under Sec. 182 of the Act by the Customs-Collector, who in the present case would be the Customs

Office of Pambam. No orders are
called for in this Department;
but on the communication of the
Residency Post Office letter
happened by the Marine Department,
the attention of the Collector of
Madras will be drawn to the
point through the Board of Revenue.

8-2-99
JH 10/3/9
Marine Dept

Resident.
S.H.
20.3.99

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READ AGAIN G.O., No. _____
189 _____ DATED _____

CURRENT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DIET.

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IN ORIGINAL.

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