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THE



# Bombay Government Gazette.

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## PART VI. BILLS OF THE GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 31st January 1878:—

- |   |  |             |                         |
|---|--|-------------|-------------------------|
| We, the undersigned Members of the Select Committee to which the Bill for the recovery in British |  |             | India of wages due      |
| From Department of Revenue, Agriculture, and Commerce, No. 220, dated 15th June 1877, and         |  | enclosures. | to, and expenses        |
| „ Ditto ditto, No. 242, dated 5th July 1877, and  |  | enclosure.  | incurred in respect     |
| „ Chief Commissioner, British Burma, No. 1953-514, dated 27th October 1877, and enclosures.       |  |             | of, certain seamen      |
| Telegram from Secretary to Government, Bombay, dated 15th November 1877.                          |  |             | and apprentices, was    |
| From Government of Bombay, No. 1404, dated 27th November 1877.                                    |  |             | referred, have the      |
| „ Secretary to Chief Commissioner, British Burma, No. 1953, dated 27th October 1877, and          |  | enclosures. | honour to report that   |
| „ Government of Madras, No. 2322, dated 28th November 1877, and enclosure.                        |  |             | we have considered      |
| „ Government of Bengal, No. 3480, dated 17th December 1877.                                       |  |             | the Bill and the pa-    |
| „ Secretary to Chief Commissioner, British Burma, No. 2253-432, dated 15th December 1877,         |  |             | pers noted in the       |
| and enclosures.   |  |             | margin.                 |
| „ Government of Bengal, No. 3526, dated 22nd December 1877.                                       |  |             |                         |
| „ Department of Revenue, Agriculture, and Commerce, No. 1, dated 3rd January 1878, and            |  | enclosures. | 2. We have added        |
| „ Ditto ditto, No. 8, dated 3rd January 1878, and   |  | enclosures. | sections 3, 4 and 5 to  |
|   |  |             | the Bill as introduced. |

Section 3 has been added to supply an accidental omission in the Indian Merchant Shipping Act, 1875, recently brought to notice by the Board of Trade, and owing to which a question has been raised as to whether, in certain cases, the certificate of a master, mate or engineer could be cancelled or suspended on proof of a wrongful act or default by him causing the loss or abandonment of, or serious damage to, a ship, or loss of life.

Section 4 has been added with a view to supplying a power (the want of which has recently been felt) to direct enquiry into casualties to foreign vessels occurring on the coasts of British India, and section 5 has been added at the suggestion of certain members of the mercantile community in Bombay, to compel persons recovering bales of goods, ships' stores and other property, which may have fallen overboard or otherwise got adrift in a port, to deliver up such property to the Conservator, and to regulate the right to salvage, about which it is said disputes sometimes occur.

3. The publication ordered by the Council has taken place; but we consider republication to be desirable.

4. We recommend that the Bill as now amended be passed.

WHITLEY STOKES.  
A. J. ARBUTHNOT.  
F. R. COCKERELL.

The 31st January 1878.

## No. II.

A Bill to provide for the recovery in British India of wages due to, and expenses incurred in respect of, certain seamen and apprentices, and to amend the Indian Merchant Shipping Act, 1875, and the Indian Ports Act, 1875.

WHEREAS by the Merchant Shipping Act, 1854, section 213, and by the

Preamble.

Merchant Shipping Act

Amendment Act, 1855, section 16, it is enacted that the Board of Trade may, in manner therein mentioned, and in the name of Her Majesty, sue for and recover the wages due to, and expenses incurred in respect of, the distressed seamen and apprentices in the said sections mentioned; And whereas it is expedient to empower such persons as the Governor General in Council may think fit to sue for and recover in British India in the name of the Secretary of State for India in Council, such wages and expenses, when the same are charged upon any ship, or recoverable from any master, owner or other person, found in British India;

And whereas it is also expedient to amend the Indian Merchant Shipping Act, 1875, and the Indian Ports Act, 1875, in manner hereinafter appearing;

It is hereby enacted as follows:—

1. The Governor General in Council may from time to time by notification in the *Gazette of India*, authorize, either generally or specially, such persons as he thinks fit to sue for and recover, in manner in the Merchant Shipping Act, 1854, section 213, provided, any wages or expenses recoverable under the said sections of the said Acts in cases where such wages and expenses are, under the same sections, a charge upon any ship, or recoverable from any master, owner or other person, within the jurisdiction of any Court in British India.

Every person so authorized shall be entitled to sue and recover accordingly in any such Court, and shall be deemed to be a person filling a public office within the meaning of the Indian Evidence Act, 1872, section 57, clause 7.

2. All suits and proceedings under section one shall be instituted and carried on in the name of the Secretary of State for India in Council.

3. In sections 6, 7, 9 and 17 of the said Indian Merchant Shipping Act, 1875, the word "misconduct" shall be deemed to include, besides drunkenness, tyranny and other similar misconduct, any wrongful act or default causing the loss or abandonment of, or serious damage to, any ship, or loss of life.

4. Notwithstanding anything contained in section one hundred and fourteen of Act No. I. of 1859 (for the amendment

of the law relating to Merchant Seamen), or in section twenty-eight of the said Indian Merchant Shipping Act, 1875, the word "ship" in section three and the word "ships" in section five of the latter Act, shall be deemed to include all ships except ships belonging to, or in the service of, Her Majesty or belonging to any foreign Prince or State.

Nothing herein contained shall be deemed to empower to cancel or suspend any certificate issued by the Board of Trade and held by the master, mate or engineer of any ship belonging to the subject of any foreign Prince or State.

Amendment of chapter V. of Act XII. of 1875.

5. For chapter V. of the Indian Ports Act, 1875, the following shall be substituted (namely)—

"CHAPTER V.—Of Salvage in Ports.

"43. If any anchors, wreck, stores or other

Recovery of property by Government officer and salvage payable therefor.

property be recovered by any officer employed by the Local Government for that purpose, from the surface, bed or shore of any port subject to this Act, the Local Government shall be entitled to receive a reasonable sum for salvage, having regard to the place of recovery.

"If any such property is so recovered by any other person not entitled thereto nor authorized by the person so entitled to recover the same, he shall, without unnecessary delay, deliver the same to the Conservator, or to such other officer as the Local Government may appoint in this behalf, and shall be entitled to receive a reasonable sum as aforesaid in respect of the same.

Private person recovering property to deliver up same and receive salvage.

without unnecessary delay, deliver the same to the Conservator, or to such other officer as the Local Government may appoint in this behalf, and shall be entitled to receive a reasonable sum as aforesaid in respect of the same.

"A register shall be kept of all property so recovered, in such manner and at such place as the Local Government may direct.

Register to be kept of property recovered.

"It shall contain a description of such property, and of the times and places where the same has been recovered;

"and it shall be open to public inspection at reasonable office-hours, except on Sundays and such holidays as the Local Government may direct.

"Nothing in this section shall authorize any person to creep or sweep for any property in contravention of section forty, or entitle any person to salvage in respect of any property recovered by so creeping or sweeping.

Provisions of section 40 saved.

"Any person omitting to deliver any property to the Conservator as required by this section shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for omitting to deliver up property.

"44. If the property recovered under the last preceding section, or by a Conservator acting under section fifteen, is unclaimed,

Property recovered may, in certain cases, be sold.

"or if the person claiming the same fails to pay the amount due to the Local Government, or to the finder of such property, in respect thereof,

"such property may be sold by public auction, if of a perishable nature, forthwith; and if not of a perishable nature, at any period not less than six months after the recovery thereof;

"and on the realization of the proceeds, the amount due to the Local Government, or to the

finder of such property, for salvage, or for the expenses incurred under section fifteen, shall be deducted therefrom, and credited to the Local Government, or paid to such finder, in the case may be, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appear and claim the same, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same:

"Provided that he makes his claim within one year from the date of the sale."

D. FITZPATRICK,  
Secretary to the Government of India.