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ACT NO. XIV. OF 1853.

*Passed by the Governor General of India in Council on the
21st October 1853.*

*An Act for regulating the collection and distribution of the Effects
of Officers, Seamen and others dying in the Marine Service of the East
India Company called the Indian Navy.*

WHEREAS it has been deemed expedient, in pursuance of the Provisions of an Act passed in a Session of Parliament holden in the 3rd and 4th years of the reign of Her Majesty Queen Victoria, to provide for the due collection, conversion into money, application, remittance and distribution of the effects of Officers, Engineers, Soldiers, Marines, Seamen and all others belonging to the Marine Establishment of the East India Company called the Indian Navy, who shall die in the Service of the said Company out of the United Kingdom, and for the discharge of their marine debts, It is enacted as follows :

I. When any Commissioned Officer belonging to the Indian Navy shall die in the Service of the East India Company out of the United Kingdom, whether his death shall take place on board Ship or on shore, the first Lieutenant of the Ship or Vessel to which such Officer belonged at the time of his death, or the Officer of such Ship or Vessel
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next in rank to the Commander thereof, or the Commander himself if there is no other Commissioned Officer on board, or any Officer he may appoint, shall immediately secure all the effects and equipage of the deceased on board the said Ship or Vessel, or on shore in quarters, and any other effects of the deceased within the territorial possessions of the East India Company which the Commander of such Ship or Vessel shall direct or authorize to be collected or secured, and shall with all convenient speed, and not later than one month after the death of the Officer, with the assistance of two other Officers not under the rank of Purser or of Clerk in charge, such Clerk having served not less than two years at sea, to be appointed by the Commanding Officer of the said Ship or Vessel, make an inventory thereof, and transmit that inventory together with an account of the debts and credits to the Office of the Secretary to the Government of the Presidency of Bombay in the Marine Department, to the end that after payment of such Officer's marine or ship debts and the expenses of his interment where any shall have been incurred, the overplus if any shall be paid over by the said Secretary to the legal representatives of the Officer so deceased as hereinafter mentioned.

II. When any Non-commissioned Officer, Seaman or other person belonging to or serving in the Indian Navy shall die out of the United Kingdom in the service of the East India Company, whether his death shall take place on board Ship or on shore, the First Lieutenant of the Ship or Vessel to which such Non-commissioned Officer, Seaman or other person belonged at the time of his death, or the Officer of such Ship or Vessel next in rank to the Commander thereof, or the Commander himself if there be no other Commissioned Officer on board, or any Officer he may appoint, shall immediately secure all the effects and equipage of the deceased on board the said Ship or Vessel, or on shore in quarters, and any other effects of the deceased within the territorial possessions of the East India Company which the Commander of the Ship or Vessel shall direct or authorize to be collected or secured, and shall with all convenient speed, not later than one month after the death, in the presence of two other Officers of the rank in the preceding section mentioned, to be appointed by the Commander of the said Ship or Vessel, take an inventory thereof and of his credits, and shall take care

care that the same be applied in the first instance to the liquidation of his marine or ship debts, the remainder if any to be paid over to the Secretary to the Government of Bombay in the Marine Department, in order that the same may be paid to the legal representatives of the deceased.

III. When any such Commissioned or Non-commissioned Officer or Seaman, or other person shall at the time of his death as aforesaid have been detached temporarily from his own Ship, and shall be serving with another Ship at a distance from his own, the Officers of the Ship in which the deceased was serving, as well as the Officers of the Ship to which the deceased belonged at the time of his death, shall act in manner above directed in Sections I. and II, of this Act.

IV. If any Commissioned Officer, or Non-commissioned Officer, Seaman, or other person belonging to or serving in the Indian Navy shall die within the Presidency of Bombay, away from the Ship or Vessel to which he belongs, except when temporarily serving with another Ship, the Commander-in-Chief of the Indian Navy shall in such case appoint a Committee consisting of such three Officers as he may direct, to secure the effects of the deceased, or such of them as he may direct, and to apply the same and act in regard thereto as in the first and second sections of this Act mentioned.

V. The said First Lieutenant and other Officers to be selected and appointed for the purposes aforesaid, are hereby required to take upon them the said duties, and faithfully discharge the same, and in all respects to conform to the provisions and regulations hereinafter particularly specified.

VI. The effects and credits, within the territories under the Government of the East India Company, of Deserters from the Indian Navy, shall be collected and applied in like manner in payment of their marine or ship debts, and the remainder if any, shall be brought to the credit of the said Company.

VII. It shall be lawful for the Officers, or other persons so authorized as aforesaid to secure and collect the effects or any part of the effects of any such deceased Officer, Seaman or other person so dying as aforesaid, to ask, demand and receive any such effects to which his authority shall

shall extend, and to commence, prosecute and carry on any actions or suits for the recovery thereof, and to sell and dispose of or otherwise deal with the same without taking out any letters of administration, either with any will annexed or otherwise, in every respect as if such Officers or persons employed or authorized as aforesaid had been appointed executors, and had proved the will or had taken out administration of such effects; and no Administrator General, Registrar of any Court in the East Indies, or any person acting under the appointment or authority of such Court *ad colligenda* or otherwise, shall in any manner interpose in relation to any such effects unless required or authorized so to do by any such Officer or person so authorized as aforesaid.

VIII. All sums of money due by deceased Officers, Engineers, Marines, Seamen, and other persons belonging to or serving in the Indian Navy, to the Indian Navy Fund, or in respect of mess-bills unadjusted since the last regular issue of pay-bills, or in respect of Military or Marine clothing appointments, or of equipments or other articles supplied from the Ship's stores, or of servants' wages due, or of any Ship expenses during the current month, or of any sanatorium or hospital charges, or of any mess or marine or ship accounts, and all sums of money due to any agent or Paymaster or Purser, or any other Officer upon any such account, or on account of any advance made for any such purpose, and also any charges or expenses attending or relating to the illness or funeral of any such Officer, Seaman or other person, shall be deemed and taken to be marine or ship debts, and shall be paid out of any arrears of pay or allowances, or out of any prize or bounty money, or the equipage, goods, chattels and effects of any Officer, Seaman or other person dying out of the United Kingdom while in the Service of the said Company, in preference to any other debts, claims or demands whatsoever upon the estate and effects of such Officer, Seaman or other person, and if any doubt shall arise as to whether any claim or demand made in relation to any Officer, Seaman or other person is a marine or ship debt or not, or whether such charges or expenses attending or relating to the illness or funeral of such Officer, Seaman or other person are proper to be allowed, or whether any such marine or ship debts remain due, such question shall be decided and concluded by any order or certificate to be made by the Secretary to the Government, and all such payments shall be good and valid in law; and every person who shall make any such payment out of any such arrears

rears of pay, effects, or proceeds as aforesaid under the provisions of this Act, or in pursuance of any such order or certificate of such Marine Secretary, or into whose hands any such money shall come, shall be and is hereby indemnified for and in respect of such payments, and all other acts, matters and things done in pursuance of the provisions of this Act, or of the order or certificate of the said Secretary in relation to the distribution of such assets, anything in any Act or Acts or law or laws to the contrary notwithstanding.

IX. All such marine or ship debts shall and may be paid without probate of any will or any letters of administration, and the surplus only of such arrears of pay or allowances, prize or bounty money, equipage, goods and chattels, or the proceeds thereof, shall be deemed the personal Estate of the deceased for the payment of duty in respect of any probate or of any letters of administration or for the purpose of distribution as personal estate, and it shall be lawful for the said Secretary to order and direct the payment or distribution of any such surplus, in any case in which the same shall not exceed Five hundred Company's Rupees, without any probate or letters of administration, or payment of any duty of stamps or upon legacies or otherwise, and it shall also be lawful for any Pay-master or other person to issue any sum not exceeding the value of Five hundred Company's Rupees which may be due to any such deceased Officer, Seaman, or other person unto the widow or relative of any such Officer, Seaman or other person, or unto the representative or representatives of any such widow or relative in India in like manner, without any probate or letters of administration or payment of any duty of stamps, or upon legacies or otherwise, the same to be paid to the person who shall be notified by the said Secretary as aforesaid as being entitled thereto, and all such payments respectively shall be as valid and effectual to all intents and purposes, as if the same had been made by or to any executor or administrator or under the authority of any probate or letters of administration, anything in any Act or Acts or law or laws to the contrary notwithstanding.

X. Any such effects, or the proceeds or surplus of such effects, of any Officer, Seaman or other person so dying, when remitted to any person under any order of the Secretary to the Government of Bombay, or to such Secretary, shall not by reason of coming to the hands of such person or Secretary be taken to be assets or effects in the place to which such proceeds

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or surplus may be remitted, so as to render it necessary that administration should be taken out in respect thereof, and it shall be lawful for the Secretary to the Government of Bombay to order that such effects or the proceeds or surplus of any such effects shall be remitted to any other place in India where the same can more conveniently be paid over to the person or persons entitled thereto, and the obedience to the orders of such Secretary in respect to the payment and disposal of any such effects, proceeds or surplus of such effects, shall be a discharge from all actions, suits and demands in respect thereof, to any person to whose hands any such effects, proceeds or surplus shall have come, and which shall have been paid and disposed of under the order of such Secretary.

XI. The effects or the proceeds or surplus of effects of any such Officer, Seaman or other person dying as aforesaid, which shall remain after satisfying such marine or ship debts as aforesaid, shall with all convenient speed be transmitted to such Secretary as aforesaid, by the Officer or person employed or required to take care of, collect and receive the same, and such Secretary shall cause the same or the surplus thereof remaining after satisfying such debts, and after and subject to such payment and application as is hereinbefore authorized to be paid to the executor or legal representative (if in India) of such Officer, Seaman or other person, or if such executor or legal representative shall not be in India, or shall not within twelve months from the death of such Officer, Seaman or other person claim such surplus, then and in that case such Secretary shall remit the said surplus to the Court of Directors of the East India Company in London, to be by them paid to the executor or legal representative of such Officer, Seaman or other person so deceased, and such remittance at the end of twelve months as aforesaid shall be a discharge to such Secretary from all actions, suits and demands in respect of such surplus; provided always that the Registrars of Her Majesty's several Supreme Courts in India shall not, nor shall the Administrator General of either of the said Presidencies, be required or entitled to take out letters of administration with the will annexed, or otherwise in respect of such surplus.

XII. The provisions of this Act are intended to apply and shall apply only to European Officers and Seamen, and to other persons being Europeans belonging to the Indian Navy, who may die as aforesaid.

XIII.—And

XIII. And whereas the Governor in Council of Bombay made certain Rules, bearing date 27th July 1844, to be observed on the decease of European Officers and European seamen belonging to the Indian Naval Service, purporting to be Rules made in pursuance of the provisions of the said Act of the 3rd and 4th Victoria and the Articles of War thereto annexed, and which Rules have been acted upon, It is hereby enacted that the said Rules shall no longer be acted upon, but that all acts heretofore done within any part of the territories under the Government of the East India Company, which were authorized by the said Rules, shall be deemed to be valid, and that no act thereby authorized to be done shall be questioned in any Court of justice in any part of the territories under the Government of the East India Company.