

1. Number of pages. 12
2. Date of repair. 7. 10. 36
3. Initials of Referencer.

M.E.O. 1-22400-22-11-20

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	818	Press Mis.
Dated	28. 4.	1891.

Not to be folded or roughly handled

Reference on 6th 12th of 1891 Malabar & Malabar's office
Calicut 13th March 1891

From,

J. Trigg Esquire,
Ag. Joint Magistrate
in charge
Malabar

To,

The Hon. J. F. Price
Chief Secretary to Government,
Judicial Department,
Madras.

Sir,

The Chemical Examiner, Madras, having
forwarded to me a new Petroleum Testing
apparatus, I have the honor to enquire whether
any Testing Officer for the port of Calicut
has been appointed by Government under section
9 of the Petroleum Act, VII of 1886.

I have the honor to be,

Sir,

Your most obedient servant,

W. H. H.

Ag. Joint Magistrate
in charge

Judicial Department

No. 1314

16.5.88: 1133

5.3.88: 567

5.8.90: 848

27.11.87: 2714

From

The District Magistrate
of Malabar

To

The Chief Secretary
to Government
Judicial Department,
Madras

Dated 13th March 1891



Inquiring whether any Testing
Officer for the port of Calicut has
been appointed under section 7 of
the Petroleum Act

Int. Dept.

3

C. No. 1814 of 13 Mar. 91 from D.
Sup. Malabar.

Not for action

This paper has been delayed in
consequence of a vain search
through the Records for "Order ap-
pointing a Testing Officer" at
Calicut.

1. The main difference in the
respect between the old Act of
1851 & the new Act of 1886 is as
follows:—

(a) The Act of 1851 provides in
~~section 7 (b) that the local authorities~~
sec. 7 (b) that the local authorities
make rules for the sampling
& testing of consignments of
cargo.

(b) The Act of 1886 is more explicit
it provides in sec. 8 (d) for the
appointment of a sampling
officer & in sec. 9 it provides
for the appointment of a
"Testing Officer" who shall
test each consignment.

2. It would seem that under the old
Act testing was not obligatory
precedent & the grant of an
import-license & it will be
seen that Rule 14 of the rules
framed under this Act (vide
G.O. 17 Aug. '83 at 2155 h.) now
lays down that the master of
a ship conveying Petroleum
shall on entering an outport
give intimation in respect

his cargo (the D^r Mag. or such other officer as the local Govt. might declare.

The above Rule 12 is interpreted in G.O. 9 Oct. '53 at 2549 to mean that the D^r Mag. may in cases where he considers it necessary send samples of the Petroleum to Madras to be tested.

It is therefore evident that the officers appointed under Rule 12 were not "Testing Officers" although in G.O. 7 Dec. '53 at 3237 and the Govt. apparently contemplating the appointment of local Testing Officers, communicated to all D^r Mag. the Chem. Examiner's opinion that the operation of testing is simple enough to be performed locally, it does not appear that any further steps were taken in the matter till the Act of 1956 was passed.

The Rules framed under the Act of 1956 will be found in G.O. 7 Jan. 3 1950 at 8, & it will be seen therefrom that importation is allowed at the outports of Cochin, Tuticorin, Calicut & Mangalore only.

Rule 11 of the new Rules appoints the D^r Mag. to be the officer to whom the Master of every ship conveying Petroleum is bound to give intimation in respect of his cargo; that is to say, the D^r Mag. is the sampling officer referred to in Sec. 8(d) of the Act of 1956.

9. The same rule further provides that the sampling officer ^{personally} (that is, the officer just referred to) shall send the samples which he obtains (either personally or by deputy) from the Master to the "Testing Officer".

11. This "Testing Officer" is the officer whom the local Govt. appoints under Sec. 9 of the Act but it is so stated in the Rules who shall be the "Testing Officer".

12. As regards Madras Port the Hon. Member has recently held that the Chemical Exam^r has been sufficiently identified with the new functions of the "Testing Officer", because he was specially directed in G.O. 17 Aug. '53 at 2155 to perform the duty of testing samples & the Hon. Member therefore holds that Sec. 2(2) of the Act of 1956 saves him & that no further notification appointing him "Testing Officer" is now necessary (vide remarks on note under cover of ^{Public} ~~Private~~ Reference of 12.3.51).

13. But, as before observed, there seems to have been no notification under the old Act appointing any officer to perform the duty of testing at any out-Port; on the contrary, the D^r Mag. was allowed discretion to send doubtful samples to Madras for examⁿ.

14. Therefore it now becomes necessary to formally notify who are the "Testing Officers" at out-ports.

15. The D^r Surgeons are probably the best suitable persons to perform the duty; but, although the operation of testing Petroleum does not seem to require any high degree of skill, it may be necessary to send the D^r Surgeons concerned to Madras for a few days to learn the work under the Chem. Exam^r.

This seems hardly necessary as there are no chemists
S.

There remains the question of fees.
It is certainly not a part of a
Civil Surgeon's ordinary duties to
test Petroleum for private persons
the go. of 26 Dec. '77 at 1733 Pub.
a fee of Rs 10 on each sample was
allowed. This fee cannot be granted
now because Rule 4191 of the
Rules under the Act of 1886 fixes
the fee at Rs 5 & it is not even
clear whether this fee is payable
in stamps (i.e. goes to the credit of
Govt.) or in cash (i.e. goes to the credit
of the Testing Officer). It certainly
seems only fair that the fee should
be paid in cash to the D. Surgeon, but
pending the settlement of the
identical question raised in the
Pub. Dept. Reference of the 10th
March last, it is perhaps desirable
to let this question stand over for
a while.

13 Apr.

It should not however be left out
of sight that the D. Medical Officer
is often out in camp & serious
inconvenience may result to
Engineers & Masters in consequence
the Port Officers may therefore
be more suitable persons to
appoint as "Testing Officers".
Should the 4 Dist. Mags. be concerned
be asked their opinions?

14 Apr.

There is change in the
place who ought to be able to
test. &

NOTE FOR THE UNDER SECRETARY.

The term used in Act
of 1889 is "Health Officer"
vide § 17. The Senior Medl.
Officer at Tuticorin was
appointed "Health Officer
of the Port" by G.O. N. 762,
d/3.8.88 (marked with
tape in printed file). In
Marine Dept. Notice
"Health Officer" is always
used for the above reasons.
The "Port Surgeon" at
Madras has also been
appointed "Health Officer"
under the Act. ^{It is thought that}
^{that "Health Officer"}
^{should be used.}
It will be seen from the
G.O. quoted above that
the Senior Medl. Officer at
the other ports named
viz: Cochin, Calicut,
Mangalore have been
appointed "Health Officer".
The Dist. Surg. would be
the Sen. Medl. Offr. and
it is suggested that the
draft Notice might be
simplified by calling
there all "Health Officers".
The duties of the District
Surg. extend to the whole
dist. whilst those of the
Health Offr. are limited
to the port.

75 B.

17/4/89

Papers to be read in Proceedings:—

Again G.O., dated

18 , No.

Again G.O., dated

18 , No.

Current No.

of 18 , dated

from

Current No. 1314 of 1891, dated 13. from the D. Enay, Malabar

under 20th April 91 No. 810

The following notice will be published in the Fort St. George Gazette —

Participation

In exercise of the powers conferred by Section 9, sub-section (1), of the Petroleum Act, XII of 1886, the Council of Fort St. George in Council is pleased to appoint the District at each of the ports mentioned in the margin or, in his absence, the Officer carrying on his duties and the Health Officer of the port of Tuticorin, as the Testing for the purposes of the Act.

+
Cochinada
Calicut
Mangalore.

To the D. Enay, Malabar.

with reference to letter of 13th inst.

D. Enay, Malabar, 13th inst.

Public Dept.

(From order)

8 I
29/4

BACK PAPER, No.

OF 18

FURTHER PAPER, No.

27/5/93.

OF 18

READ AGAIN ORDER OF GOVERNMENT, DATED
18 , No. , MISCELLANEOUS.

Dep
9/5/93

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

STATEMENT WITH DITTO.

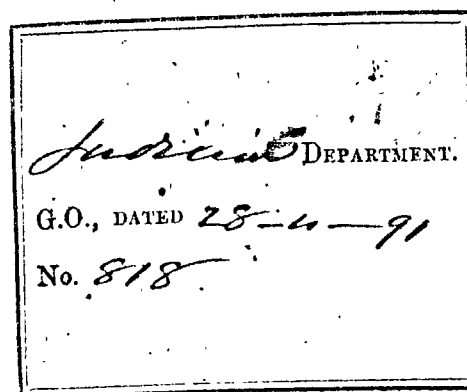
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

Vide separate order

filed in

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

ORDINARY, MS.



INDEXED.

When given for copying

[Despatch Abstract.]

*Publishing a Notification in
the Port of George Town of
appointing the District Surgeon
at each of the Ports of Cochin and
Calcutta & Bangalore & the
Health Officer of the Port of
Tulicorn as the Acting
Officers under the Petroleum
Act.*

13/10/91
14-10-91 ✓
23-2-91 ✓
32- ✓
15.7.33 ✓