[G. / 11]
—8-5-95.

ORDINARY, MS.

Marine Department.
G.O., dated 3-8-95
No. 235

INDEXED.

When given for copying. 6/8

[Despatch Abstract.]

Furnishing the Govt with the views of this Govt on the draft Bill for amplifying clause (k) of sub-section (1) of Sec: 6 of the Indian Ports Act, 1889, in order to give legal validity to certain sections of the Rules for the medical inspection of vessels.

Date take... Initials of

BACK PAPER, No. OF 18 Initials of

FURTHER PAPER, No. OF 189 .

Mis: 728 of 17-8-97

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

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT .. .. .. A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

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No. 446 OF 1895.

GENERAL DEPARTMENT.

Bombay Castle, 5th February 1895.

FROM

THE HONOURABLE J. NUGENT, I. C. S.,
Chief Secretary to the Government
of Bombay;

*To

J. P. HEWETT, ESQ., I.C.S., C. I. E.,
Officiating Secretary to the
Government of India,
Home Department (Sanitary), Calcutta.

SIR,

I am directed to acknowledge the receipt of your telegram, dated 11th August last, requesting with reference to the Resolution of this Government, No. 1763, dated 14th May 1894, to be furnished with the draft of clauses in connection with the proposed amplification of Section 6 of the Indian Ports Act, 1889, covering completely all matters dealt with, or which it was desirable should be dealt with, in local or general Medical Inspection Rules therein referred to.

2. In reply I am to forward copies of the * papers noted in the margin and to observe that in my letter No. 2523, dated 28th June 1889, submitting for sanction draft rules for the amendment of the rules then in force for the medical inspection of vessels in Bombay, it was brought to the notice of the Government of India that the rules had not the force of law and that serious embarrassment was likely to result in the event of any action taken or order given under them by the Health Officer of the Port being disputed or disobeyed, and it was accordingly suggested that

* Notification No. 3873, dated 18th September 1889, containing the Medical Inspection Rules.
Memorandum from the Commissioner in Sind, No. 1742, dated 11th October 1889.
Memorandum from the Commissioner of Customs, Salt, Opium and A'bkári, No. 6243, dated 1st November 1889.
Letter from the Remembrancer of Legal Affairs, No. 1615, dated 23rd December 1889.
Government memorandum No. 374, dated 23rd January 1890.
Memorandum from the Commissioner of Customs, Salt, Opium and A'bkári, No. 2869, dated 12th June 1890.
Government memorandum No. 3688, dated 12th September 1890.
Opinion by the Honourable the Advocate-General, No. 80, dated 20th September 1890.
Government Resolution No. 4217, dated 20th October 1890.
Government Resolution No. 175, dated 17th January 1893.
Extract paragraph 56 from the letter from the Remembrancer of Legal Affairs, No. 1092, dated 18th July 1892.
Letter to the Solicitor to Government, No. 2407, dated 12th July 1893.
Opinion of the Honourable the Advocate-General, No. 81, dated 18th July 1893.
Government Resolution No. 2904, dated 19th August 1893.
Joint letter from the Commissioner of Customs, Salt, Opium and A'bkári, the Collector of Land Revenue, Customs and Opium, Bombay, the Commissioner of Police, Bombay, and the Health Officer of the Port of Bombay, No. 5789, dated 4th November 1893.
Letter from the Remembrancer of Legal Affairs, No. 169, dated 5th February 1894, and accompaniments.
Letter from do. do. No. 215, dated 14th February 1894.
Opinion of the Honourable the Advocate-General, No. 14, dated 22nd February 1894.
Government Resolution No. 1763, dated 14th May 1894.
Letter from the Remembrancer of Legal Affairs, No. 1760, dated 3rd December 1894, and accompaniments.

the defect might be remedied by such legislation as might be deemed necessary in order to give the rules legal sanction. In their letter No. 270, dated 31st August 1889, the Government of India approved of the revised rules, and with reference to the question of their legal validity invited attention to Section 6, clause (*p*), of the Indian Ports Act, 1889, and suggested that the rules should be issued by this Government in exercise of the power conferred on them by this section. This was done in the notification of this Government, No. 3873, dated 18th September 1889. The Commissioner in Sind, however, observed that the difficulties likely to arise from the absence of legal sanction for the rules in question did not appear to be completely overcome by the expedient which had been adopted of issuing them under clause (*p*) of Section 6 of the Indian Ports Act, and that it appeared advisable that they should be recast in a more suitable form by the legal advisers of Government. The Commissioner of Customs, Salt, Opium and Abkári, the Collector of Land Revenue, Customs and Opium, Bombay, the Health Officer of the Port of Bombay, and the Commissioner of Police, Bombay, who drafted the rules, and the Law Officers of this Government were consequently consulted on the subject, with the result that the Remembrancer of Legal Affairs forwarded with his letter No. 169, dated 5th February 1894, a draft of an Act to be passed by the local Legislature "for the amendment of the Indian Ports Act, 1889, so far as it affects the Presidency of Bombay." This Government, however, decided in their Resolution No. 1763, dated 14th May 1894, that there was no such urgency as to call for local legislation with a view to give legal validity to the Medical Inspection Rules, as suggested, but that it was advisable to request the Government of India on the first suitable opportunity to take the requisite action to amplify the provisions of Section 6 of the Indian Ports Act, 1889, so as to make them cover completely all matters which are dealt with, or which it may be desirable to deal with, in local or general Medical Inspection Rules.

3. On receipt of your telegram dated 11th August last the Remembrancer of Legal Affairs was requested to frame, in consultation with the Commissioner of Customs, Salt, Opium and Abkári, the Collector of Land Revenue, Customs and Opium, Bombay, the Commissioner of Police, Bombay, and the Health Officer of the Port of Bombay, draft clauses on the lines indicated in the Resolution of this Government, No. 1763, dated 14th May 1894. The Remembrancer of Legal Affairs has in reply submitted draft clauses, a copy of which is among the papers herewith forwarded. From the reports of Messrs. Campbell and Mackenzie accompanying the Honourable Mr. Batty's letter No. 1760, dated 3rd December 1894, it would appear that they have limited the scope of their recommendations to amendments necessary to validate existing rules. But I am to observe that what was called for in the Resolution of this Government, No. 1763, dated 14th

May 1894, was not a draft, as now submitted, of the amendments necessary to give legal validity to the Medical Inspection Rules already issued, but one covering completely all matters dealt with, or desirable to be dealt with, in local or general Medical Inspection Rules. As, however, the Government of India desire an early reply to their telegram of the 11th August last, His Excellency the Governor in Council does not consider it advisable to refer back the question to the officers concerned, so that they might deal comprehensively with all matters in which the Indian Ports Act may need amendment in connection with Medical Inspection Rules, and I am to submit the draft received from the Remembrancer of Legal Affairs for the consideration of the Government of India with the following remarks.

4. In his memorandum No. 458, dated 22nd October 1894, Surgeon-Major Crimmin has made a suggestion as to the necessity for power to deal with ships in a gravely insanitary condition even when there has been no actual outbreak of infectious disease on board. He has also on a previous occasion suggested that power should be taken to establish and regulate places to be used as sanitaria for the segregation of persons among whom infectious diseases dangerous to life exist or have existed on board ship, as any such authority does not seem to be provided in the powers conferred by the Quarantine Act I of 1870. These suggestions, I am to state, appear to His Excellency in Council to be worthy of consideration.

5. The provision of Bombay Act VI of 1867, referred to in paragraph 3 of the letter from the Remembrancer of Legal Affairs, No. 1760, dated 3rd December 1894, as superseding the necessity for taking power to deal with or destroy baggage, &c., as distinguished from cargo in the amendment of Section 6 (*p*) of the Indian Ports Act suggested by him in his draft clauses, is limited to the personal property of persons who are themselves suffering or have recently suffered from an infectious disease of a notified type. It appears, however, to His Excellency in Council that power is needed to deal not only with cargo, but with everything, whether it be cargo, passengers' baggage, sailors' kit or property, ship's stores or anything else, which is infected and likely to carry infection, whether it be the personal property of a person who has himself been suffering from the infectious disease or of any other person who has not been so suffering. The wording of paragraph (ii) of the draft clauses stands in need, therefore, of amendment in this direction, and I am to suggest the addition of the words "baggage or other property or articles" after the word "cargo" in this clause.

6. I am further to observe that the words "so far as it affects the Presidency of Bombay," which were inserted in the draft clauses in view of the intention at the time they were drafted that the amendment should be enacted by the local Legisla-

ture and which the Remembrancer of Legal Affairs has retained, are hardly necessary, now that the amendment is to be undertaken by the Government of India.

I have the honour to be,
Sir,
Your most obedient Servant,
J. NUGENT,
Chief Secretary to Government.

Accompaniments to the letter to the Government of India, No. 446, dated 5th February 1895.

Notification No. 3873, dated 18th September 1889, containing the Medical Inspection Rules.

No. 3873.—In exercise of the power conferred by Section 6, clause (*p*) of the Indian Ports Act X of 1889, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to make the following rules for the medical inspection of vessels and to publish them for general information:—

I.—The Master of every vessel in or entering port, on board of which there is or has been during the voyage from which she is arriving or has last arrived, either among the passengers or crew, any case of cholera, small-pox, or other epidemic disease common in India, or of measles or scarlatina, or if two or more deaths from unknown or suspicious causes have occurred on the voyage, shall report such case or cases at the earliest possible moment to the Health Officer of the Port, unless it shall appear that notice has already been received by that officer through the Pilot or by signal or otherwise as provided for by Rule II.

II.—If the vessel is coming into port the Master shall report such case or cases to the Pilot or other boarding officer at the earliest opportunity, or if she be not boarded or is already at anchor within port limits shall hoist a signal which shall be during the day the Flag R of the Commercial Code at the main and during the night two white lights one above the other at the same place and shall also verbally by an officer or in writing inform the officer in charge of the Police Hulk. If the vessel be in Dock the report should be made at the Dock Master's office.

It shall be the duty of Pilot or other officer to whom any such report is made to communicate the same directly to the Health Officer of the Port. The Port Officer or Officer in charge of the Police Hulk in any case of which he has received information from a Pilot or other officer, or by signal, and the Officer in charge at the Dock Master's office in any case reported there, shall forthwith communicate the information to the Health Officer of the Port and shall inform the Master of his having done so.

Pending the arrival of the Health Officer the Master should act as laid down in Rules V and VI.

III.—The Health Officer, as early as possible after receipt of any report of the nature contemplated in Rules I and II, shall inspect the vessel, more especially with reference to its sanitary condition; shall enquire into the circumstances attending the case or cases of the said disease; and shall with the assistance of the Police and Municipal authorities arrange for the conveyance of all persons suffering from such disease to a hospital, unless the sick person or his friends can make adequate provision elsewhere, and for the separation and disinfection or destruction of any infected bedding, clothes, or cargo.

IV.—Provided that no onward bound passengers shall be removed from the vessel and no cargo or property shall be destroyed, otherwise than with the consent of the Master of the vessel or of the owner except under the clearest necessity—and of every such case a special report explaining the reasons for the action taken must be submitted to Government.

V.—No vessel coming under Rule I shall enter Dock without the permission of the Health Officer of the Port. But where the disease or diseases in question are limited to one or two cases, she shall not be prohibited from proceeding to or remaining at the usual place of anchorage in the harbour, nor as a rule need the passengers or crew be detained on board pending the inspection of the Health Officer. But the Master of the vessel shall be held responsible that all suitable precautions are taken to prevent the spread of the disease, and that no passenger suspected of having such disease is allowed to depart, and no

bedding, cargo, or other article which has been tainted by the discharges of, or by contact with, persons suffering from such disease is landed before the inspection.

VI.—Where cases have been more numerous than one or two, or when from their occurring on Pilgrim or Emigrant ships or for other special reasons further precautions may be deemed advisable, the vessel shall proceed or be removed as soon as possible to the anchorage appointed for the purpose, and none of the passengers or crew shall be allowed to leave, nor in the case of undecked vessels shall any cargo be disturbed until the Health Officer has made his inspection and has taken such measures as he considers necessary.

VII.—Vessels coming under the last rule shall remain at the appointed anchorage and shall fly the Flag Q by day at the main and by night exhibit two red lights one above the other at the main till they have been thoroughly cleansed and fumigated, all other precautions considered necessary by the Health Officer have been taken and permission has been given by him for them to proceed on their voyage or to the usual place of anchorage. Provided that all of the passengers and crew who on inspection by the Health Officer are found healthy may be allowed to leave at once under such precautions as he may consider necessary, the Health Officer of the Municipality being warned of the action taken.

In the case of small-pox it shall be the duty of the Health Officer of the Port to cause to be vaccinated all those on board who appear to require this protection and who are willing to accept it.

VIII.—No person dying of any infectious disease of the nature contemplated in these or in the Quarantine Rules shall be buried by sea burial within 10 miles of the port. Persons dying of such disease in port shall be burnt or, where burning is impossible, buried on shore. Bodies may be given to the relations or friends of the deceased for disposal, the Health Officers of the Port and Municipality and the Police being informed. The latter shall take steps to see that the burning or burying is carried out without undue delay and that proper precautions are taken against the spread of the disease.

In the absence of friends or relations the expense of disposing the corpse must be borne by the Master or owner of the vessel, who will be held responsible that the requirements of this rule are attended to. In the case of infectious diseases in an epidemic form occurring among the Shipping and Native Craft, they will be removed to the appointed anchorage under arrangements to be made by the Port Officer and the corpses either buried or burned on shore under special arrangements to be made by the Water Police.

IX.—All officers of Customs, Port Trust, Water and Dock Police, the Executive Health Officer of the Municipality and the Resident Surgeons of Public Hospitals should immediately communicate to the Health Officer of the Port information of any case of infectious disease among the shipping, on the foreshore, or in places frequented by seamen that may come to their notice.

By order of His Excellency the Right Honourable
the Governor in Council,

J. NUGENT,
Chief Secretary to Government.

No. 1742 of 1889.

General Department.

Commissioner's Office,
Karáchi, 11th October 1889.

Memorandum.

With reference to Government Resolution, General Department, No. 3873, dated 18th ultimo, sanctioning the revised set of Medical Inspection Rules approved by the Government of India, the Commissioner in Sind has the honour to observe that the difficulties referred to in Government Resolution No. 2536 of the 29th June 1889, as likely to arise from the absence of legal sanction for the rules in question, do not appear to be completely overcome by the expedient which has been adopted of issuing under clause (*p*) of Section 6 of the Indian Ports Act X of 1889.

2. That clause provides only for the regulation of the action of the Master when there *is* disease or sickness, or a dead body, on board his vessel *in any port* to which the Act applies. The rules deal throughout with the precautions to be taken when there *has been* sickness *on the voyage* as well as when sickness is actually present while the ship is in port. Many of them purport to regulate the conduct of the Health Officer and the Pilot and other officials rather than of the Master. They were drafted, moreover, on the understanding that they would be issued as executive orders rather than as rules framed under specific sanction. Many of their provisions could no doubt be referred to clause (*p*) and other clauses of Section 6 of the Indian Ports Act, or other enactments. But the particular provision which is most likely to be resisted, that relating to the destruction of infected cargo in certain cases under the orders of the Health Officer, does not seem to fall very clearly under any provision of the existing law, and if it is intended that the rules should have the force of law it would apparently be advisable that they should be re-cast in a more suitable form by the legal advisers of Government.

3. It may be noted further in this connection that their publication in their present form under clause (*p*) of Section 6 of the Ports Act coincidently with the sanction of Government in the *Gazette* of the 19th ultimo, does not comply with the requirements of sub-section 2 of the section quoted, under which *previous* publication is necessary in order to give legal validity to rules sanctioned under the clauses of sub-section 1.

4. Another point which calls for consideration is that, as published, they purport to be of general application, like the original rules issued by the Government of India, as Appendix A to their Resolution No. $\frac{3}{95,100}$ of 9th May 1879, published at page 556, *Bombay Government Gazette* of 29th May 1879. They were drafted, however, with special reference to the requirements of the Port of Bombay, and are hardly suitable for extension under the Ports Act to the great majority of ports in the Bombay Presidency. So far as Karáchi is concerned, the power of framing rules under the Ports Act has been delegated to the Commissioner in Sind by Notification No. 2738 of the 26th May 1880, and this delegation, as noted in Government Resolution No. 5883, Revenue Department, dated 13th August last, is still in force.

A. C. TREVOR,
Acting Commissioner in Sind.

No. 6243 of 1889.

Poona, 1st November 1889.

The undersigned agrees with the Commissioner in Sind that some of the Medical Inspection Rules, as published under Government Notification No. 3873, dated 18th September last, at pages 800 and 801 of the *Government Gazette*, Part I, dated 19th idem, do not fall under clause (*p*), sub-section (1) of Section 6

of the Indian Ports Act X of 1889. As observed by Mr. Trevor, the rules were drafted by the Committee appointed in Government Resolution No. 2439, dated 14th July 1888, as executive orders and not as rules under any specific enactment. Some of the rules can be recast in such a way as to bring them under one or other of the clauses of Section 6 of the Indian Ports Act, so as to give them legal force. The difficulty pointed out by Mr. Trevor cannot, however, it is submitted, be removed without special legislation. The Indian Ports Act does not confer any power to make rules for regulating the action to be taken by a Master where there *has been* disease or sickness *on the voyage*, nor for the destruction of infected cargo in certain cases as provided in Rules 3 and 4 of the Medical Rules under reference.

2. The undersigned also agrees with the Commissioner in Sind in the opinion that the Medical Inspection Rules as published are not suitable for extension under the Ports Act to the great majority of ports in the Bombay Presidency. They were drafted with reference to the special requirements of the Port of Bombay, but as the notification stands, they would appear to apply to all ports in the Presidency. The undersigned would respectfully suggest that after the rules have been redrafted by the Law Officers of Government, so as to give them legal force under Section 6 of the Indian Ports Act, they may be published as rules applicable to the Port of Bombay only. The rules may then, after such modifications as may be considered necessary, be adopted for the other continental ports of the Presidency.

3. With reference to paragraph 3 of the memorandum from the Commissioner in Sind, the undersigned has the honour to observe that under sub-section (2) of Section 6 of the Indian Ports Act, the power to make rules under that section is subject to the condition of the rules being made after previous publication, and as the directions contained in Section 6 of the General Clauses Act I of 1887 were not followed in the case of the Medical Inspection Rules under reference, the validity of the rules will probably be questioned, although under clause (5) of Section 6 of Act I of 1887, "the publication in an official "*Gazette* of a rule purporting to have been made in exercise of a power to make "rules after previous publication shall be conclusive proof that the rule has been "duly made." This is, however, a point for the opinion of the Law Officers of Government.

T. D. MACKENZIE,
Acting Commissioner of Customs,
Salt, Opium and Abkári.

No. 1615 OF 1889,

FROM

H. BATTY, ESQUIRE,
Acting Remembrancer of Legal Affairs;

To

THE CHIEF SECRETARY TO GOVERNMENT,
General Department.

Poona, 23rd December 1889.

SIR,

With reference to Government memorandum No. 4911* of 27th November 1889, I have the honour to report as follows.

*Herewith returned with its accompaniments.

2. As observed by the Commissioner in Sind and the late Commissioner of Customs, Salt, Opium and Abkári, many of the rules in Notification No. 3873 of 18th September 1889, are at present incapable of being legally enforced, several of them are purely departmental, and those of them that are legally enforceable, would fall under different enactments.

3. Thus, there is no law under which the Master of a vessel can be compelled to take on himself the duty of *sending* a report of *past* sickness on board his vessel.

4. He is, however, bound by Section 6 of Bombay VI of 1867 to give immediate notice of all existing disease, and under Section 7 of the same Act to answer truthfully all questions put by the Consulting Officer of Health or Health Officer of the Port, who may go on board at any time.

5. Under Section 6 (*m*) of the Ports Act, 1889, the use of signals can be *enforced* by day and by night. Thus, though a Master could not be required to send a *report* of *past* sickness, he could be required to *signal* intimation of such cases.

6. Section 11 of Bombay VI of 1867 authorises the making of Rules penally enforceable for the disinfection and cleansing of vessels where infectious disease dangerous to life is or has recently appeared. Rules under this section were published at page 695 of the *Bombay Government Gazette* for 1884. But they contain no clear directions and are in part *ultra vires*.

7. Arrangements for disinfection and cleansing of the vessel can be enforced under Section 11 of Bombay VI of 1867.

8. The Health Officer could direct the removal of persons suffering from or showing premonitory symptoms of disease, and obedience to his directions can be penally enforced under Section 8 of Bombay VI of 1867 and Section 269 of the Indian Penal Code.

9. The anchorage, berth, or station of a vessel with disease, actual or recent, can be regulated under Section 6 (*b*) of the Ports Act, 1889.

10. The discharge of passengers and cargo can be regulated under Section 6 (*e*) of the same Act.

11. The *destruction* of the personal property of infected passengers may be regulated under Section 6 of Bombay VI of 1867.

12. The destruction of cargo, however, cannot legally be authorised by rule, but the disinfection thereof might be provided for in the disinfection of the vessel under Section 11 of Bombay VI of 1867.

13. And lastly, the action of the Master when there is actual disease or a dead body on board, may be regulated by rules under Section 6 (*p*) of Act X of 1889.

14. These are the limits within which Government can legally enforce and regulate action by Masters of vessels in case of disease. I think for most of the purposes contemplated they would be found practically sufficient, but as indicated they will have to be exercised under different enactments.

15. The duties of Pilots in reporting cases of sickness may be imposed and enforced under Bombay VI of 1879, Section 72, at the instance of the Port Trustees.

16. The duties of other officers referred to in the rules may be enforced departmentally by executive orders.

17. If it is deemed necessary that the further and more stringent rules contemplated in the Notification No. 3873, should be enforced, it will be necessary to legislate. The simplest form for legislation to take, as the rules are intended to apply only to the Port of Bombay, would, I think, be the amendment of Bombay VI of 1867. A few words added to Section 6 of that Act would, I think, suffice.

18. To consider *seriatim* the Rules in the Notification under report,

Rule No. 1 proposes to require Masters of vessels to report cases of past, as well as present, sickness. A Master is bound to report present sickness (Bom. VI of 1867, Sec. 6), but a report on the condition of his passengers in the past cannot be legally enforced under the law as it stands. In the case of ships registered in India, except home trade ships not exceeding 300 tons, all cases

of illness among the crew and every death happening on board must, under Act I of 1859, Section 105, be entered on the log-book.

The Legislature in Bombay VI of 1867 seems to have considered that personal enquiry (Sec. 7) by an officer professionally qualified (cf. Sec. 13), should precede and direct further action in such cases.

19. *Rule 2*, requiring a report to be made to the Pilot, could not be enforced under any law. Pilots may be, and I believe by Rules under Section 72 of Bombay VI of 1879 are, directed to make such enquiries, but there is no such legal obligation on Masters to answer the Pilots' enquiries, as is imposed by Section 7 of Bombay VI of 1867, when the enquiries are made by a duly qualified professional.

20. I think the use of signals may be enforced in such cases, however, under Section 6 (*m*) of Act X of 1889.

21. *Rule 2, para. 2*, imposing duties on Pilots, should take the form of a bye-law under Section 72 (*b*) of Act VI of 1879. Such bye-laws must be initiated by the Board of Trustees. I believe that they have already submitted bye-laws of this nature for the approval of Government.

The remainder of that paragraph should take the form of departmental orders.

22. The final paragraph of Rule 2 directs that pending the arrival of the Health Officer, the Master should act as laid down in Rules 5 and 6.

There is no power to direct a Master as to the action to be taken, except

(*a*) when there is actual disease or a dead body on board, when his action may be regulated under Section 6 (*p*) of Act X of 1889; or

(*b*) as to disinfection and cleansing of vessels when there is or *has recently been* infectious disease dangerous to life, when the action of the Master may be regulated under Section 11 of Bombay VI of 1867.

23. The regulation as to anchorage, contemplated in Rule 6, should be effected by rules under Section 6 (*b*) of Act X of 1889.

24. The regulation as to discharge of passengers and cargo should be regulated under Section 6 (*e*) of Act X of 1889.

25. *Rule 3* is of the nature of an executive order. It adds very little, however, to the requirements of Sections 7, 9, and 11 of Bombay VI of 1867. I would note that some more definite rules seem necessary as to disinfection and cleansing under Section 11 of Bombay VI of 1867.

The Government of India framed certain rules on this matter. They are, I believe, quoted in Government Resolution No. 1772 of 17th May 1886, of which I have no copy on my files.

26. *Rule No. 4* appears to be a purely executive order. It, however, implies in part an excess and in part an unnecessary limitation of the legal powers of Government.

Thus, in declaring that no cargo shall be destroyed except under the clearest necessity, it implies that cargo may in some instances be destroyed. This cannot in any case be legally done, and the orders of the Government of India above referred to * seem to indicate that it is unnecessary. The cargo may be disinfected, and any part of it offered for sale as food, may, if it has become noxious, be destroyed by Magisterial order under Section 521, Criminal Procedure Code. But as no statutory power is given to *destroy* cargo, Government would not, I think, desire to sanction the issue of orders impliedly authorising a course, the necessity for which the Government of India considers questionable, and the illegality of which is unquestionable.

* Quoted in Government Resolution No. 1772 of 17th May 1886.

27. The consent of the Master or owner is, on the other hand, unnecessary to the destruction of the *personal* property of passengers under Section 11 of Bombay VI of 1867.

28. The consent of the Master or owner is equally unnecessary to the removal of passengers actually suffering from or showing premonitory symptoms of infectious disease dangerous to life, and would be wholly inoperative to authorise the removal of passengers not so affected.

29. No doubt Government might, under Section 14 of Bombay VI of 1867, in special cases make orders as to the segregation of passengers, but I think it is more than doubtful whether that section would authorise the removal from a vessel, against their will, of passengers who were wholly unaffected by disease.

30. On Rules 5 and 6 I have already commented (*vide* paragraph 22 above).

31. The first paragraph of Rule 7 might be reproduced in rules under clauses (*b*), (*m*) and (*e*) of Section 6 of Act X of 1889.

The second paragraph is an executive order.

32. The first sentence of paragraph 1 of Rule 8 falls under Section 6 (*p*) of Act X of 1889. The remainder may be provided for by executive orders.

The second paragraph of Rule 8 consists of two sentences, the first of which proposes to render the Masters or owners of vessels liable for certain funeral expenses.

No doubt, under Section 6 (*p*) Government can direct Masters, &c., what to do with a dead body, and as the rules have the force of law, the Masters, &c., are bound to obey those rules so far as they regulate their own action. But the rules cannot make Masters or owners liable for the expenses of cremation or interment performed by other agency, beyond their own control, and for which they are not responsible.

33. In the second sentence of the same paragraph the word "*they*" is somewhat ambiguous. It is not clear whether it refers to the corpse (mentioned in the preceding sentence), to the diseases, or to the craft.

If to the first, a rule will be required under Section 6 (*p*); if to the last, under Section 6 (*b*) of Act X of 1889, supplemented by executive orders.

34. Rule 9 is also clearly executive.

35. I would venture to suggest that rules should now be prepared under the sources of authority above indicated, *viz.*:—

(i) Bombay VI of 1867, Section 11.

(ii) Act X of 1889, Section 6 (*b*), (*e*), (*m*), (*p*).

(iii) Bombay VI of 1879, Section 72 (*b*).

(iv) Executive and Departmental orders.

36. A Notification under Section 12 of Bombay VI of 1867, published in the *Bombay Government Gazette* for 1884, page 695, determines that cholera and small-pox shall, for the purposes of that Act, be held to be infectious diseases dangerous to life.

37. The rules in the Notification under report propose to go far beyond that Notification and to apply to all epidemic diseases common in India, to measles and to scarlatina.

38. As rules under Bombay VI of 1867 can only operate in respect of diseases notified under Section 12 of the Act, Government might perhaps deem it advisable to extend the list of infectious diseases to be held dangerous to life.

The rules published at page 695 of the *Bombay Government Gazette* for 1884, are in some respects *ultra vires*, as imposing on Masters duties which could not be imposed under Section 9 or 11 of Bombay VI of 1867, but which may to some extent be provided for under Section 6 (*b*) and (*p*) of Act X of 1889.

The rules in that Notification relating to disinfection and destruction of the personal property of sufferers, and the disinfection and cleansing of the vessel, are hardly more definite than the provisions contained in the Act (Bombay VI

ot 1867) itself, and I would venture to suggest that they might with advantage be remodelled by a professional specialist, on the lines of the rules quoted in Government Resolution No. 1772 of 17th May 1886.

39. A Notification extending the application of Bombay VI of 1867 to the diseases mentioned in the Notification under report might take the following form :—

In exercise of the powers conferred by Section 12 of Bombay VI of 1867 (an Act for the better Sanitary Regulation of the City of Bombay), and in modification of Notification No. 3364, published in the *Bombay Government Gazette* for 1884, page 695, His Excellency the Governor in Council is pleased to determine that for the purposes of the said Act the undermentioned diseases shall be held to be infectious diseases dangerous to life :

Cholera.
Small-pox.
Measles.
Scarlatina.
&c. &c.

40. I would further venture to suggest that the rules should be re-arranged with reference to the authority under which they can be issued.

41. Under the Ports Act a Notification, as required by Section 6 of Act I of 1887, might issue as follows :—

The following draft rules, which it is proposed to make in exercise of the powers conferred by Section 6 (1) of the Indian Ports Act, 1889, are published for the information of persons likely to be affected thereby. The draft will be considered on or after the * day of * 18 * *, together with any objections or suggestions received before that date by the * Secretary to Government * Department, with respect to the draft.

Rules under Section 6 (*b*) :—

(1). At the port of Bombay no vessel on board of which the Flag R or the Flag Q at the main, or the night signals corresponding thereto, is or are by these rules required to be hoisted, shall, without the permission of the Health Officer of the Port, enter Dock or proceed to or remain at the usual place of anchorage in the harbour.

Cf. Rule 5.

(2). At the said port all vessels falling under Rule 1 shall, unless the Health Officer of the Port otherwise directs, proceed to the anchorage * * appointed for this purpose, and shall remain at that anchorage pending the further orders of the Health Officer of the Port.

Cf. Rule 6.

(3). At the said port every vessel on which any infectious disease in an epidemic form exists, or within * * days has existed, shall remove to the anchorage * * appointed for the purpose, and shall remain there pending the further orders of the Health Officer of the Port.

Rule under Section 6 (*e*) :—

At the said port no vessel, while at the anchorage appointed for vessels on which the Flag Q or the Flag R at the main or the night signals corresponding thereto, is or are by these rules required to be hoisted, shall, without the permission of the Health Officer of the Port, discharge passengers or cargo.

Cf. Rule 5 and Rule 6.

Rule under Section 6 (*m*) :—

The Master of every vessel being at or entering into the said port, on board of which there is, or during the last voyage of the vessel has been, either among the passengers or the crew, any case of cholera, small-pox, or other epidemic disease common in India, or two or more deaths from unknown or suspicious causes have during such last voyage or during the stay

of the vessel in port occurred, shall, in addition to any notice which under Section 6 of Bombay VI of 1867 he is bound to give, hoist the following signals :—

By day—

Flag R of the Commercial Code at the main.

By night—

Two white lights one above the other at the main.

At the said port the Master of every vessel required under these rules to proceed to the anchorage appointed for vessels pending the further orders of the Health Officer of the Port shall (*a*) hoist, and (until allowed with the permission of the Health Officer of the Port to proceed to the usual anchorage), (*b*) shall keep hoisted the following signals :—

By day—

Flag Q of the Commercial Code at the main.

By night—

Two red lights one above the other at the main.

Rules under Section 6 (*p*) :—

Every Master of a vessel being in or entering into the said port, on board of which vessel cholera, small-pox, measles, scarlatina, or epidemic common in India exists, or on board of which there is a dead body :

Cf. Rule 1, Rule 2, Rule 5, Rule 6 and Rule 8.

(*a*) in addition to any notice he may by Section 6 of Bombay VI of 1867 be bound to give to the Health Officer of the Port, shall report the facts at the earliest possible opportunity to the Pilot or other officer boarding the vessel, the Municipality and the Police, and

(*b*) shall prevent the discharge of any passengers, crew or cargo, (? and the disposal of such dead body,) unless and until he has obtained the permission of the Health Officer of the Port so to do, and

(*c*) in addition to any measures which, under Bombay VI of 1867, it may be his duty to take, shall take the following measures for the isolation of the sick, and the disinfection of the vessel, the baggage and cargo.*

* Rules might here be inserted on these heads. I have nothing, however, to guide me on the point in the draft rules. A general responsibility, such as is described in Rule V of the draft, is already imposed by Sections 6 of Bombay VI of 1867. But I would venture to suggest that more definite and detailed instructions are required.

No Master of a vessel at the said port shall bury or allow to be buried by sea-burial within ten miles of the said port, any dead body of a person dying from any infectious disease dangerous to life within the meaning of Bombay VI of 1867, or from any cause unknown.

Every Master of a vessel at the said port shall deliver over on the demand of the Health Officer of the Port or of any officer of the Municipality or of the Police, or of the Water Police, any dead body that may be on board such vessel.

Under Bombay VI of 1879.

(*N. B.*—This will require the assent of the Trustees, and I believe some such rule already exists, but the rules are not on my files.)

Every Pilot boarding a vessel shall enquire whether any cases of infectious diseases dangerous to life within the meaning of Bombay VI of 1867, or any deaths from unknown or suspicious causes have occurred thereon, and if any such case has occurred, shall request the Master, if he has not already done so, to hoist the signal required by the rules under Section 6 of the Indian Ports Act, 1889, and shall also communicate the result of his enquiries as speedily as possible to the Health Officer of the Port.

Executive Orders.

It shall be the duty of the (?) Port Officer in charge of the Police Hulk, the officer in charge at the Dock Master's office, and every officer who has received information of the existence or recent occurrence of any infectious disease dangerous to life within the meaning of Bombay VI of 1867, or of any death from causes unknown or suspicious, on board any vessel, in or entering into the Port of Bombay, to communicate such information forthwith to the Health Officer of the Port or to inform the Master of the vessel of his having done so.

42. Rule 3 of the draft Notification provides practically for nothing more than is already provided for by Sections 7 and 8 of Bombay VI of 1867. I attempt a re-draft to bring the Executive orders into harmony with the Rules under the Indian Ports Act—

(*a*) The Health Officer on receiving information of actual or recent disease or death on any vessel in or entering the Port of Bombay, shall forthwith inspect the vessel, shall enquire into the circumstances attending each such case, and shall, with the assistance of the Police and Municipal authorities, arrange for the conveyance of any person suffering from any infectious disease dangerous to life within the meaning of Bombay VI of 1867, to a Hospital, unless such person or his friends can make adequate provision elsewhere.

(*b*) *The Health Officer should bear in mind that the law does not empower him to require the removal from a vessel of any persons not actually suffering from or showing premonitory symptoms of a disease notified under Bombay VI of 1867 as an infectious disease dangerous to life.

* *N.B.*—Rule IV in the Notification restricts the Health Officer's power to remove onward bound passengers to—
(*a*) cases in which the Master or owner of the vessel has given his consent,
(*b*) cases of the clearest necessity.
But the *Law* (Section 8 of Bombay Act VI of 1867)
(1) allows removal of all persons coming within the description in this re-draft, and *requires* the Master's compliance and aid, and
(2) by implication forbids the removal of any other persons.
Government will perhaps consider that Section 8 of Bombay Act VI of 1867 is more definite than the rule IV in the Notification, and that no onward bound passenger should be allowed to remain on board to spread an infectious disease dangerous to life.

(*c*) The Health Officer shall ascertain what personal property there is on board belonging to or likely to have been tainted by any person actually suffering or who has recently suffered from any such disease as is referred to in clause (*b*), and in his orders for the destruction or disinfection of the same, will bear in mind that his legal powers in this respect are limited by the rules published under Section 11 of Bombay VI of 1867.

(*d*) The Health Officer shall ascertain whether any part of the vessel or the cargo has been tainted by the discharges of, or by contact with, persons suffering from or showing premonitory symptoms of such diseases, and shall direct (?) and supervise the disinfection and cleansing of such parts of the vessel and of such cargo. He should bear in mind that the law does not empower him to destroy any part of the cargo.

Cf. Rule 5 and Section 9, Bom. VI of 1867.

(*e*) If the Health Officer considers it expedient that measures should be taken under Section 9 of Bombay VI of 1867 for the disinfection of any vessel, he shall give a certificate in writing to the (?) officer whose duty it is to assign berths, stations and anchorages, to vessels in the port stating in such certificate that the vessel should be required to proceed to, and pending further certificate remain at the anchorage at * * appointed for vessels on which the Flag Q or the Flag R is hoisted.

Cf. Rule 4.

(*f*) The Health Officer, if he finds that there is no person actually suffering from or showing premonitory symptoms of any such disease on board, and that there have not been more than one or two cases of such diseases or of deaths from unknown or suspicious causes, during the voyage from which the vessel is arriving or has just arrived, may, after such precautionary measures as he may deem necessary for the disinfection of the vessel, permit the vessel to proceed to or remain at the usual place of anchorage in the harbour.

Cf. Rule V.

(*g*) The Health Officer should bear in mind that under Section 9 of Bombay VI of 1867, all directions to the Master for the disinfection and cleansing of his vessel must be given by order in writing, and should furnish the Master with a copy of the rules made under Section 11 of Bombay VI of 1867, indicating thereon such as specially require to be observed, and should state in his order whether the fumigation or cleansing should extend to the whole or only to parts of the vessel, and should in his order indicate such parts.

Cf. Rule 5 and Section 9, Bom. VI of 1867.

(*h*) The Health Officer shall * * (? daily) inspect every vessel removed to the anchorage appointed for vessels on which the Flag Q or R is or has been hoisted, and shall not grant a certificate for the removal of the same to the usual place of anchorage in the harbour, until he is satisfied that—

Cf. Rule 6 and re-draft rules under Indian Ports Act, 1889.

[*a*] there is no person on board thereof suffering from or showing premonitory symptoms of any infectious disease dangerous to life,

[*b*] that the personal property of the passengers, the cargo and the vessel have been sufficiently disinfected to prevent the spread of any such disease.

(*i*) The Health Officer may after inspection permit any passenger or any of the crew on board any vessel or any personal property of the passengers or any cargo to leave the same under such precautions as he may consider necessary.

Cf. Rule 7.

(*j*) If any person on board any vessel is suffering or has recently suffered from or shows any premonitory symptoms of small-pox, it shall be the duty of the Health Officer to cause to be vaccinated all persons on board who appear to require such protection, and who are willing to accept it.

Cf. Rule 7, para. 2.

(*k*) The Health Officer on being informed that any dead body is on board any vessel, shall enter and inspect the body, and shall make enquiries into the circumstances of the death, the health of the passengers and crew, and the general sanitary condition of the vessel, and shall, if disinfection or the destruction of any personal property appears necessary, proceed as required by these rules, in the case of vessels on board of which there is or has recently been disease dangerous to life.

Executive Orders to the Police.

On information being received that the dead body of a person recently suffering from or showing premonitory symptoms of any infectious disease dangerous to life within the meaning of Bombay VI of 1867, is on board any vessel in or entering the port of Bombay, the Police * * shall make arrangements for the conveyance of the dead body on shore, and for the burning or, when burning is impossible, for the burying of the same, and for the carrying out of such precautions and use of

I would note that Rule VIII in the draft Notification appears either inconsistent or tautological. In paragraph 1, the Police are to make arrangements for the burial or burning of dead bodies in port. In paragraph 2, the same duty seems to be imposed on the Water Police. It is possible that some distinction is intended between vessels in the port and the shipping, but I am not sure what it is, nor in what respect the Water Police are excluded from the term "Police."

such disinfectants as the Health Officer of the Port may direct; Provided that on relatives or friends of the deceased applying for permission to dispose of any such dead body, the Police may, if the Health Officer of the Port approve, permit such relatives or friends to remove and bury or burn the body, subject to such precautions as to its conveyance and burial or burning as the Health Officer may by general or special instructions declare to be necessary.

Executie Orders (General).

All officers of Customs, Port Trust, Water and Dock Police, the Executive Health Officer of the Municipality, and the Resident Surgeons of Public Hospitals should immediately communicate to the Health Officer of the Port information of any case of infectious disease among the shipping, on the foreshore, or in places frequented by seamen that may come to their notice.

I have the honour to be,
Sir,
Your most obedient Servant,
H. BATTY,
Acting Remembrancer of Legal Affairs.

No. 374 of 1890.

GENERAL DEPARTMENT.

Bombay Castle, 23rd January 1890.

Forwarded to the Commissioner of Customs, Salt, Opium and A'bkári, with a request that he will be so good as to submit, after consulting the Collector of Land Revenue, Customs and Opium, Bombay, the Health Officer of the Port, Bombay, the Port Officer, the Commissioner of Police, Bombay, and any other officers concerned, revised draft rules for the medical inspection of vessels and executive orders on the same subject on the lines indicated by the Remembrancer of Legal Affairs.

T. D. MACKENZIE,
Acting Chief Secretary to Government.

No. 2869 of 1890.

12th June 1890.

With reference to the above the undersigned has the honour to report as follows.

The officer who will be principally affected by any rules that may be passed is the Health Officer of the Port. That officer is of opinion that the rules which were published under Notification in the General Department No. 3873, dated 18th September 1889, are thoroughly practical and meet all requirements. They were drawn up by a Committee conversant with the subject and it has now been found that they are wanting in legal force. The Legal Remembrancer, in paragraph 17 of his letter, is of opinion that this defect could be supplied by a very slight amendment of Bombay Act VI of 1867. The Health Officer of the Port is of opinion, in which the undersigned agrees, that this would be the best course to adopt.

2. Failing this, the Legal Remembrancer is of opinion that rules should be drawn up under—

(1) Section 11 of Bombay Act VI of 1867,

(2) Section 6 (*b*), (*e*), (*m*), (*p*) of Act X of 1889.

(3) Section 72 (*b*) of Bombay Act VI of 1879,

and lastly that a number of executive and departmental rules should be issued.

3. It must, in the opinion of the undersigned, be acknowledged that the above would be a cumbrous and objectionable procedure. The Legal Remembrancer points out that rules under Act VI of 1867 can only apply to diseases that have been notified under Section 12 of the Act as infectious diseases dangerous to life. Up to the present time cholera, small-pox, measles, scarlatina and black leprosy have been so notified. The Legal Remembrancer has recommended that rules under Section 11 of the Act should be drawn up by a professional specialist in supersession of the rules published under Government Notification No. 3364 of 15th September 1884, and on the lines laid down in Government Resolution, General Department, No. 1772, dated 17th May 1886. The Health Officer of the Port confesses himself at a loss to be able to prepare any such rules and, if Government Resolution No. 1772 is consulted, it will be seen that it would not afford him much assistance. Each case must be decided on its own merits, and it would be impossible to draw up rules of general applicability. Experience has shown that Masters of vessels exercise the responsibility thrown upon them by Section 6 of Act VI of 1867 with judgment and discretion.

4. The rules drawn up under Acts X of 1889 and VI of 1879 are to apply to diseases notified under Act VI of 1867 "or other epidemic disease common in India." This term is nowhere defined and the Health Officer of the Port objects to the wording. It appears to be a matter of medical controversy whether disease in an "epidemic" form can exist on board a ship that has been at sea for a certain number of days and the words "common in India" would make the rules applicable to epidemic catarrh or epidemic malarial fever. It would be better that the rules should be restricted to "infectious diseases dangerous to life."

5. The general policy has hitherto been to interfere with incoming ships as little as possible, in order to avoid delay in landing passengers, baggage and cargo. The attention of the Health Officer of the Port has been principally directed to the inspection of outgoing ships, in order that infectious diseases dangerous to life in India should not by any avoidable chance be exported to Europe. The susceptibilities of European powers on this point are very sensitive and there is no doubt the danger from this side to Europe is much greater than from Europe to India. While India was exposed to so much danger in herself it was not considered advisable to make stringent rules to guard against the very rare cases that might occur of importation of disease by sea.

6. The above views were insisted on with some force by the Government of India in their letter No. 451, dated 25th November 1875, addressed to the Government of Bombay in connection with some rules that were then proposed for the inspection of incoming ships. The Health Officer of the Port has supplied me with a copy of this letter and he now points out that under the rules now proposed under Act X of 1889 serious detention of passengers and cargo might be caused without any real necessity, such cases having come under his notice even under existing conditions. The quarantine anchorage at Bombay is nearly 2 miles from the Apollo Bandar, and should a vessel arrive late in the evening it is sometimes hours before information of the arrival reaches the Health Officer of the Port, whose office is closed for the day and who may be miles away from his private residence, as his official duties cannot be intended to debar him from all social intercourse. He may also have two or three outgoing ships to inspect before he can visit an incoming one. The rules more particularly referred to are those under Section 6 (*b*), (*e*).

7. It may further be pointed out that Act X of 1889 does not apply to any vessels belonging to, or in the service of, Her Majesty or the Government of India, or to any vessel of war belonging to any Foreign Prince or State. These vessels would appear to be amenable to Bombay Act VI of 1867, but the Health Officer of the Port is of opinion that any rules for the medical inspection of

vessels should apply to all vessels indiscriminately and certainly to Foreign vessels of war, British men-of-war not being exempted from the Quarantine rules of foreign nations.

8. The Health Officer of the Port is of opinion that power should certainly be taken for the destruction of cargo which has been fouled by the discharges of persons suffering from cholera or otherwise contaminated by contact with persons suffering from infectious disease dangerous to life. Such cases would be very rare and would generally speaking only occur in undecked boats. The present law (Act VI of 1867) allows of the disinfection of cargo and in some cases disinfection would practically amount to destruction, as in the case of food stuffs, so that it would be just as well to give legal sanction to destruction in other necessary cases.

9. The Health Officer of the Port is also of opinion that the rules should provide that no clothes belonging to persons dying from infectious diseases dangerous to life, or tainted by discharges from such persons, should be thrown overboard within the port or within 10 miles of it. It is, however, doubtful under what law this could be done. Section 11 of Act VI of 1867 gives the Health Officer of the Port power to destroy the personal property of persons suffering or who have recently suffered from disease of the kind indicated, but the question is whether rules could be made to prevent clothing or other effects being thrown overboard by the owners themselves or the Master of the vessel.

10. With reference to paragraphs 9 and 23 of the Legal Remembrancer's letter it may be pointed out that a quarantine anchorage has already been appointed by a Notification at page 971 of the *Government Gazette*, dated 15th December 1887.

11. The matter referred to in paragraph 21 and other paragraphs of the Legal Remembrancer's letter has already received the attention of the Port Trustees. Pilotage Bye-laws under Section 72 of the Port Trust Act of 1879 were made and published under Notification No. 10, dated 28th February 1880, at page 242 of the *Government Gazette*.

Rule 58 is to the following effect:—

"58. Before boarding a vessel the Pilot will ascertain whether there is any epidemic disease on board. If there is, and the epidemic be of a severe nature, such as plague, yellow fever, or a number of cases of cholera, small-pox or measles, he will direct the vessel to be anchored at the Quarantine Anchorage, and to hoist the quarantine flag, but in the latter three diseases, if there is or only has been one or two cases during the voyage, he will board and (after obtaining a certificate from the Commander to that effect) berth the vessel in the harbour, hoisting the letter R Flag, the signal for the Health Officer of the Port to inspect. The Pilot will not take charge of a vessel unless the Master is on board and in actual command. In the event of the Master leaving the actual command of the vessel before she is moored the Pilot should anchor the vessel in the safe position most easily reached and wait for the return of the Master to his command before proceeding. In this case an additional fee will be charged for pilotage at the rate of Rs. 20 for any time under 12 hours, and Rs. 20 for every 12 hours, or part thereof, in excess of 12 hours that the Master is absent from, and the Pilot is in attendance upon, the vessel."

This rule seems to meet all necessary requirements, but if considered necessary the Port Trustees would no doubt alter the rule to the form proposed by the Legal Remembrancer.

12. The Port Officer points out that as a matter of nautical usage the Flags Q and R should be hoisted at the fore and not at the main, and the rules, if they are to be adopted, should be altered accordingly.

13. The undersigned is also of opinion that executive and Departmental rules should not find a place in rules that are issued for the guidance of the public. When the latter rules are published the rules for the guidance of Government Officers may well be issued with a Government Resolution which can be forwarded to all Departments concerned for information and guidance. Some of the rules at present framed are too imperative. For instance, the word "forthwith" would have to be changed to "as early as possible" as in some cases the Health Officer of the Port might not be in a position to take immediate action.

14. To sum up his conclusions, the undersigned is very respectfully of opinion that the whole correspondence on the subject has shown,—

(1). That danger is not to be apprehended from vessels carrying passengers and cargo from European ports and officered by Europeans, and that no restrictions are necessary with regard to such vessels, except perhaps as to entering wet docks when there is or has been disease on board.

(2). That the vessels that require careful supervision are Native passenger or pilgrim ships arriving from long voyages from Eastern ports,—ports in the Red Sea, or other African or Asian ports; coasting steamers carrying large numbers of native passengers; and native craft generally.

(3). That the Native Passenger Ships Act is hardly stringent enough in its medical provisions regarding ships making long voyages.

(4). That it would be impossible and inadvisable to restrict the traffic of the coasting passenger steamers, and that there is no more danger to be apprehended from them than from the Railway trains that daily pour enormous crowds into the city from all parts of India.

(5). That it would be a matter of enormous difficulty to inspect the Native Craft, even the larger boats, as they are with very few exceptions not boarded by pilots or in any way interfered with in their passage into the harbour, and generally speaking do not understand signals and are entirely ignorant of all rules.

(6). That the authority of the Health Officer of the Port is certainly only exerciseable afloat and that directly the shore is reached the authority of the Municipal Commissioner is supreme, and that it is a matter of doubt whether his authority does not extend to the harbour and shipping (*vide* correspondence forwarded under Government Endorsement No. 1994, dated 20th May last.)

15. The undersigned is therefore respectfully of opinion that the first thing to be done is that the Legal Officers of Government should decide who is the authority as regards the medical inspection of the shipping.

16. After this has been done steps should be taken to frame rules for the medical inspection of Native Passenger Ships making long voyages, the Act being amended for the purpose if necessary.

J. K. SPENCE,
Acting Commissioner of Customs,
Salt, Opium and Abkári.

Poona, 12th June 1890.

No. 3688 of 1890.

General Department.

Bombay Castle, 12th September 1890.

Forwarded to the Solicitor to Government with a request that he will be so good as to favour Government with the opinion of the Honourable the Advocate General on the following points:—

(*a*) Whether he concurs in the objection raised by the Commissioner in Sind in his memorandum No. 1742, dated 11th October 1889, that under Section 6, clause (2) of the Indian Ports Act X of 1889, the previous publication of the rules * for the medical inspection of vessels was necessary to give them legal validity and whether the objection would be removed by now publishing the rules, so as to be hereafter brought into force and then promulgating them *secundum regulam*. It does not appear to Government that practical difficulties have arisen in working these miscellaneous rules and a systematic redistribution of them as

* Accompaniment to Government Resolution No. 3873, dated 18th September 1886.

recommended by the Remembrancer of Legal Affairs would be laborious and insufficient without legislation which again might involve great difficulties.

(*b*). Whether Government appointing the Health Officer of the Port under Section 17 of Act X of 1889 can give him sanitary superintendence under Section 50 of that Act, and whether an officer so appointed must necessarily be a subordinate of the Executive Health Officer of the Municipality under Sections 75, 76 of the City of Bombay Municipal Act III of 1888 and Section 2 of Bombay Act VI of 1867, or whether it rests in the discretion of Government to assign his duties and superintendence, and whether such arrangements can be made compatibly with Sections 421 *et seq.* of the City of Bombay Municipal Act III of 1888.

J. DEC. ATKINS,
Acting Under Secretary to Government.

Memorandum from the Honourable the Advocate General, No. 80, dated 20th September 1890:—

"With reference to memorandum No. 3688 of 1890 (General Department), dated 12th September 1890, and its accompaniments, I am of opinion as follows upon the queries put to me:—

(*a*). I think that the rules in question having been published in the *Bombay Government Gazette* as purporting to have been made in exercise of the power conferred by Section 6 of the Indian Ports Act X of 1889, it must be taken as conclusively proved that the rules were duly made, see Act I of 1887, *Section* 6, Clause 5, and compare *Section* 4 (last clause) of the Indian Evidence Act I of 1872.

"The rules accordingly have, in my opinion, full legal validity, although the condition of 'previous publication' has not been complied with. At the same time there is nothing to prevent Government, if so disposed from republishing the rules in accordance with the provision of Act I of 1887, *Section* 6, Sub-Clauses 1, 2, 3 and 4, and then finally promulgating them.

(*b*). I think that the Government of Bombay can appoint a Health Officer at the Port of Bombay under *Section* 17 of Act X of 1889, and such officer would, subject to the control of the Bombay Government, have the powers conferred by that section, but no other powers. I do not understand the reference in the query to '*Section* 50 of that Act' as *Section* 50 relates to hospital dues.

"A Health Officer so appointed would, in my opinion, be in no way a subordinate of the Municipality and *Sections* 75 and 76 of Bombay (Municipal) Act III of 1888, and *Section* 2 of Bombay Act VI of 1867 would not apply to him. He would be quite a distinct officer (*a*) from the Executive Health Officer appointed under Bombay Act III of 1888 who by *Section* 76 of that Act is to be the Consulting Officer of Health for the purposes of Bombay Act VI of 1867 and (*b*) from the Health Officer of the Port appointed under Bombay Act VI of 1867 for the purposes of that Act. It is I think doubtful that the Executive Health Officer in the exercise of his functions as Consulting Officer of Health under Bombay Act VI of 1867 is subordinate to the Municipal Commissioner. But it is, at all events, in my opinion, clear that neither the last-named officer nor the Executive Health Officer can have any right of control over the Health Officer appointed under *Section* 17 of the Indian Ports Act X of 1889. I find nothing in *Sections* 421, &c., of Bombay (Municipal) Act III of 1888 inconsistent with this view. It is equally clear, on the other hand, that a Health Officer of the Port appointed under Bombay Act VI of 1867, for the purposes of that Act, is subordinate to the Executive Health Officer by the combined operation of *Section* 2 of that Act and *Sections* 75 and 76 of Bombay (Municipal) Act III of 1888."

Quarantine Rules: Revised Rules for the Medical Inspection of Vessels.

No. 4217.

GENERAL DEPARTMENT.

Bombay Castle, 20th October 1890.

Memorandum from the Commissioner in Sind, No. 1742, dated 11th October 1889—Submitting his remarks on the rules for the medical inspection of vessels sanctioned in Government Resolution No. 3873, dated 18th September 1889; and observing that

they should be recast in a more suitable form by the legal advisers of Government; and adding as follows:—

"4. Another point which calls for consideration is that, as published, they purport to be of general application like the original rules issued by the Government of India, as Appendix A to their Resolution No. 3—95100 of 9th May 1879, published at page 556 of the *Bombay Government Gazette* of 29th May 1879. They were drafted, however, with special reference to the requirements of the Port of Bombay, and are hardly suitable for extension under the Ports Act to the great majority of Ports in the Bombay Presidency. So far as Karáchi is concerned the power of framing rules under the Ports Act has been delegated to the Commissioner in Sind by Notification No. 2738 of the 26th May 1880, and this delegation, as noted in Government Resolution No. 5883, Revenue Department, dated 13th August last, is still in force."

Memorandum from the Commissioner of Customs, Salt, Opium and Abkári, No. 6243, dated 1st November 1889—Submitting his remarks on the memorandum from the Commissioner in Sind.

Letter from the Remembrancer of Legal Affairs, No. 1615, dated 23rd December 1889—Submitting his report on the revised rules for the medical inspection of vessels.

Memorandum from the Commissioner of Customs, Salt, Opium and Abkári, No. 2869, dated 12th June 1890—Submitting his reply to Government memorandum No. 374, dated 23rd January 1890; stating that the Health Officer of the Port who is principally affected by any rules that may be passed is of opinion that the rules published under Government Notification No. 3873, dated 18th September 1889, are thoroughly practical and meet all requirements, that they were drawn up by a Committee conversant with the subject, that the best course to remedy the defect pointed out by the Commissioner in Sind would be to amend Bombay Act VI of 1867, and that rules under different enactments and executive orders as suggested by the Remembrancer of Legal Affairs would be a cumbrous and objectionable procedure; and making remarks.

Letter from the Solicitor to Government, No. 989, dated 20th September 1890—Forwarding a copy of the accompanying memorandum No. 80 of the same date, from the Honourable the Advocate General.

RESOLUTION.—The rules for the medical inspection of vessels promulgated in Government Notification No. 3873, dated 18th September 1889, have been pronounced by the Honourable the Advocate General to be legally valid and as they are practically efficacious it seems to Government undesirable to revise them.

2. As regards the remarks made by the Commissioner in Sind in paragraph 4 of his memorandum No. 1742, dated 11th October 1889, it is observed that the rules in question were primarily intended for the Port of Bombay but that they may be adopted, if thought desirable, for the other ports in the Presidency.

J. DEC. ATKINS,
Acting Under Secretary to Government.

Signals for vessels with contagious disease on board: Alteration in the—

No. 175.

GENERAL DEPARTMENT.

Bombay Castle, 17th January 1893.

Memorandum from the Marine Department of the Secretariat, No. 75-P. T., dated 23rd August 1892—Transferring, for disposal, a letter No. 3030, dated 19th idem, from the Secretary, Bombay Port Trust, who forwards a letter No. 2200—23, dated 30th July 1892, from the Port Officer, Bombay, who suggests that in consequence of the similarity between the night signals made by vessels of the Royal Navy and Royal Indian Marine, when entering port and those sanctioned for vessels with contagious disease requiring the presence of the Health Officer, the signals for the latter may be altered; adds that it is extremely difficult for the signal man at the Prongs to see on which mast the lights are hoisted; and observes as follows:—

"2. A copy of the signals used at night by vessels entering port is attached, and I propose to substitute for the two white lights at present hoisted at the main mast three lights, viz., red, white, red as shown in the margin, the whistle to be sounded as before for vessels requiring the Health Officer."

the Secretary, Bombay Port Trust, observing that the Trustees concur in the recommendation made by the Port Officer.

Memorandum from the Commissioner of Customs, Salt, Opium and A'bkári, No. 4735, dated 8th Septembar 1892—Stating that he does not see any objection to the proposal made by the Port Officer.

Memorandum from the Sanitary Commissioner for the Government of Bombay, No. B.—2259, dated 14th September 1892—Stating that he approves of the proposed change in the signals.

Letter to the Government of India, No. 3953, dated 31st October 1892.

Letter from the Government of India, Home Department, Sanitary, No. 297, dated 28th December 1892:—

> "I am directed to acknowledge the receipt of your letter No. 3953, dated the 31st October 1892, and in reply to convey the sanction of the Government of India to the proposed alteration in the rules for the medical inspection of vessels for the port of Bombay under which vessels with contagious disease on board shall in future hoist at the main mast three lights, viz., red, white and red, instead of two white lights one above the other."

RESOLUTION.—Copies of the letter from the Government of India should be forwarded for the information and guidance of the officers and the department to whom copies of Government Resolution No. 3873, dated 18th September 1889, were communicated.

2. The necessary amendment in Rule II of the Rules for the medical inspection of vessels published under Government Notification No. 3873, dated 18th September 1889, should be published in the *Bombay Government Gazette*.

W. L. HARVEY,
Under Secretary to Government.

Extract paragraph 56 from the letter from the Remembrancer of Legal Affairs, No. 1092, dated 18th July 1892.

"The rules, I feel it my duty to point out, are in many respects *ultra vires* and the Advocate General's opinion does not seem to have been taken on that point."

No. 2407 OF 1893.

GENERAL DEPARTMENT.

Bombay Castle, 12th July 1893.

To

THE SOLICITOR TO GOVERNMENT,
Bombay.

SIR,

In paragraph 56 of his report No. 1092, dated 18th July 1892, on the proposed new Port Rules for Aden, in which are incorporated the Medical Inspection Rules published with Government Resolution No. 3873, dated 18th September 1889, the Remembrancer of Legal Affairs states that the Medical Inspection Rules are in many respects *ultra vires*, and that the Advocate General was only asked* whether he concurred in the objection raised by the Commissioner in Sind in his memorandum No. 1742, dated 11th October 1889, that under section 6, clause (2) of the Indian Ports Act X of 1889, the previous publication of the rules for the medical inspection of vessels was necessary to give them legal validity, and whether the objection would be removed by publishing the rules so as to be thereafter brought into force and then promulgating them *secundum regulam*. Mr. Batty does not specifically state how the Medical Inspection Rules are *ultra vires*, but he has fully discussed the question of the legality of the rules in his report No. 1615, dated 23rd December 1889. In forwarding herewith the papers noted in the margin, I am accordingly directed to request that you will be so good as to favour Government with the opinion of the Honourable the Advocate General as to whether he concurs with the Remembrancer of Legal Affairs in thinking that the Medical Inspection Rules are in many respects *ultra vires*.

Vide memorandum to the Solicitor to Government, No. 3688, dated 12th September 1890.

Copy of Government Resolution No. 3873, dated 18th September 1889, and of the Medical Inspection Rules published therewith.

Memorandum from the Commissioner in Sind, No. 1742, dated 11th October 1889.

Government memorandum No. 4408, dated 23rd October 1889.

Memorandum from the Commissioner of Customs, Salt, Opium and Abkári, No. 6243, dated 1st November 1889.

Government memorandum No. 4911, dated 27th November 1889.

Letter from the Remembrancer of Legal Affairs, No. 1615, dated 23rd December 1889.

Government memorandum No. 374, dated 23rd January 1890.

Memorandum from the Commissioner of Customs, Salt, Opium and Abkári, No. 2869, dated 12th June 1890.

Government memorandum No. 3688, dated 12th September 1890.

Letter from the Solicitor to Government, No. 989, dated 20th September 1890.

Opinion of the Honourable the Advocate General, No. 80, dated 20th September 1890.

Copy of Government Resolution No. 4217, dated 20th October 1890.

Extract paragraph 56 from letter from the Remembrancer of Legal Affairs, No. 1092, dated 18th July 1892.

I have, &c.,
W. L. HARVEY,
Under Secretary to Government.

No. 81 OF 1893.

With reference to letter No. 2407 of the General Department, dated 12th July 1893, requesting my opinion whether the Medical Inspection Rules published with Government Resolution No. 3873, dated 18th September 1889, are in many respects *ultra vires*, I am of opinion as follows:

I agree with the Legal Remembrancer in thinking that the rules are *ultra vires* in many respects, not being made in proper exercise of the powers conferred upon Government by Section 6, clause *p* of the Indian Ports Act X of 1889, under which they purport to be made.

I concur generally in the report of the Legal Remembrancer, No. 1615, dated 23rd December 1889, as to the respects in which the rules are *ultra vires*. I also agree with him in thinking that this question was not considered by the Acting Advocate General Mr. Macpherson in 1890; his opinion No. 80 of 1890 dealt only with the question raised by the Commissioner in Sind as to the publication of the rules.

(Signed) BASIL LANG,
Acting Advocate General.

Bombay, 18th July 1893.

Quarantine Rules: Amendment of the present rules for the medical inspection of vessels.

No. 2904.

GENERAL DEPARTMENT.

Bombay Castle, 19th August 1893.

Letter from the Political Resident, Aden, No. 62, dated 19th February 1893:—

> "With reference to paragraph 2 of Government Resolution No. 175, General Department, dated 17th January last, I have the honour to point out that the Remembrancer of Legal Affairs in his report No. 1092 of 18th July last, to the Secretary to Government, Marine Department, on the subject of the proposed new Port Rules for Aden, reported as follows:—
>
> 'The rules, I feel it my duty to point out, are in many respects *ultra vires*, and the Advocate General's opinion does not seem to have been taken on that point.'"

Memorandum from the Marine Department of the Secretariat, No. 93-G., dated 18th April 1893.

Memorandum from the Marine Department of the Secretariat, No. 107-G., dated 1st May 1893.

Letter from the Solicitor to Government, No. 701, dated 19th July 1893—Forwarding, with reference to Government letter No. 2407, dated 12th idem, a copy of the following opinion No. 81, dated 18th idem, from the Honourable the Acting Advocate General :—

"With reference to letter No. 2407 of the General Department, dated 12th July 1893, requesting my opinion whether the Medical Inspection Rules, published with Government Resolution No. 3873, dated 18th September 1889, are in many respects *ultra vires*, I am of opinion as follows :—

I agree with the Legal Remembrancer in thinking that the rules are *ultra vires* in many respects, not being made in proper exercise of the powers conferred upon Government by Section 6, clause *p* of the Indian Ports Act X of 1889, under which they purport to be made.

I concur generally in the report of the Legal Remembrancer, No. 1615, dated 23rd December 1889, as to the respects in which the rules are *ultra vires*. I also agree with him in thinking that this question was not considered by the Acting Advocate General Mr. Macpherson in 1890 ; his opinion No. 80 of 1890 dealt only with the question raised by the Commissioner in Sind as to the publication of the rules."

RESOLUTION.—The Remembrancer of Legal Affairs, while reporting on the new Port Rules for Aden, has reported that the Medical Inspection Rules, published in Government Notification No. 3873, dated 18th September 1889, are in many respects *ultra vires*. The Honourable the Advocate General agrees with the opinion of the Remembrancer of Legal Affairs. In these circumstances, copies of the papers noted in the margin should be forwarded to the Commissioner of Customs, Salt, Opium, and A'bkári, the Collector of Land Revenue, Customs, and Opium, Bombay, and the Commissioner of Police, Bombay, the officers who drafted the Medical Inspection Rules, and they should be requested to submit revised draft rules in consultation with the Remembrancer of Legal Affairs and the Health Officer of the Port of Bombay.

Memorandum from the Commissioner in Sind, No. 1742, dated 11th October 1889.

Letter from the Remembrancer of Legal Affairs, No. 1615, dated 23rd December 1889.

Opinion of the Honourable the Advocate General, No. 81, dated 18th July 1893.

W. L. HARVEY,
Under Secretary to Government.

No. 5789 OF 1893.

Poona, 4th November 1893.

To

THE CHIEF SECRETARY TO GOVERNMENT,
General Department,
Bombay.

SIR,

With reference to Government Resolution No. 2904, dated 19th August 1893, directing the Commissioner of Customs, Salt, Opium and A'bkári, the Collector of Land Revenue, Customs and Opium, Bombay, and the Commissioner of Police, Bombay, to submit, in consultation with the Remembrancer of Legal Affairs and the Health Officer of the Port of Bombay, revised Medical Inspection Rules for the Harbour of Bombay, we have the honour to solicit the attention of Government—

(*a*) to their Resolution No. 2536, dated 29th June 1889, in paragraph 1 of which it is observed—

"The draft rules as amended should be forwarded to the Government of India for sanction. It should be pointed out to the Government of India that as the rules in their present form have not the force of law, serious embarrassment may at any time arise in the event of any action taken or order given under them by the Health Officer of the Port being disputed or disobeyed. The Governor in Council would therefore suggest the expediency of such legislation as may be necessary in order to give these rules legal sanction."

(*b*) to the orders of the Government of India in their letter, Home Department, Sanitary, No. 270, dated 31st August 1889, contained in the preamble to Government Resolution No. 3873, dated 18th September 1889. In paragraph 2 of the Government of India letter it is stated,—"I am to say that the Governor General in Council approves of the revised rules," &c., and in paragraph 3—"I am * * * * to suggest that the revised rules now sanctioned should be issued by His Excellency the Governor in Council," &c.

2. Copies of these Resolutions were not communicated to the Remembrancer of Legal Affairs though they were sent to the Solicitor to Government.

3. We would respectfully submit the question for consideration whether Government would now desire to revise rules to the doubtful legality of which, as shown above, the special attention of the Government of India was drawn, but which nevertheless received the sanction of that Government previous to their issue. While admitting that a complaint or difficulty may arise at any time, we would point out that the rules have been in practical operation now for over four years, and no difficulty or complaint has, as a matter of fact, arisen. If, notwithstanding the sanction accorded by the Government of India, after their attention had been drawn to the insufficient legal force attaching to these rules, Government still desire their revision, we would submit that if narrowed to the restricted powers at present conferred by the Legislature, they would be deprived of their chief value, and revision at this juncture would but attract special attention to their defective authority.

4. In these circumstances we consider, after full consultation with the Remembrancer of Legal Affairs, that perhaps the most appropriate method of solving the difficulty might be to obtain legislative authority for all that is contained in the present rules before their validity has been called in question. It seems that an amendment of Bombay Act VI of 1867 would be inconvenient (*vide* Government Resolution No. 4223, dated 21st October 1890), inasmuch as action could only be taken under that enactment by placing the Port Health Officer in subordination to the Municipal Commissioner of Bombay. We would therefore suggest for consideration whether it would not be possible for the Local Legislature, with the previous sanction of the Governor General under Section 5 of 55 and 56 Vic., Cap. XIV, to amend Section 6 of the Indian Ports Act of 1889, so far as regards this Presidency, for the purpose in view.

5. Should Government accept the view, we would further suggest that the Remembrancer of Legal Affairs should be instructed to draft, from the papers accompanying, the amendments necessary to validate the rules as they stand, as a preliminary to an application being made to the Government of India for sanction to the proposed amendment.

6. We would the more strongly recommend this course, seeing that necessity for the rigorous enforcement of the rules as they stand may at any time arise.

We have the honour to be,
Sir,
Your most obedient Servants,

T. D. MACKENZIE,
Commissioner of Customs, Salt,
Opium and A'bkári.

J. M. CAMPBELL,
Collector of Land Revenue,
Customs and Opium.

R. H. VINCENT,
Commissioner of Police.

JOHN CRIMMIN,
Health Officer, Port of Bombay.

P 1869—6

No. 169 OF 1894.

FROM

THE HONOURABLE MR. H. BATTY,
Remembrancer of Legal Affairs;

To

THE CHIEF SECRETARY TO GOVERNMENT,
General Department.

Poona, 5th February 1894.

SIR,

I have the honour to submit herewith for approval a draft Bill with a Statement of Objects and Reasons for the purposes required by Government memorandum No. 4459*, dated 14th December 1893.

* Herewith returned with its accompaniments.

2. I gather from the letter, dated 23rd October 1893, from the Collector of Customs, the Commissioner of Police and the Health Officer of the Port of Bombay, to the Commissioner of Customs, Salt, Opium and A'bkári, that all that is now deemed necessary is that power should be taken—

(*a*) to regulate the action of Masters on whose vessels recent sickness or a recent death has occurred, and

(*b*) to regulate and enforce the disinfection or destruction of infected cargo.

3. Certain further proposals are contained in a memorandum dated 27th October 1893, initialled by the Collector of Customs.

But these do not appear to have been finally adopted.

The proposal to affect by legislation ships in the service of Her Majesty or vessels of war belonging to any Foreign Power or State, would apparently involve difficulties in connection with the Indian Councils Act, 1861, and possibly in connection also with international law.

4. The suggestion to legalize Sanitaria seems superfluous, as Bombay VI of 1867 already contains provisions for the purpose.

5. I would venture to suggest that a reference should be made to the Advocate General as to whether legislation affecting vessels in the port, would be within the powers of the local Legislature.

32 Vict., c. 11, s. 2, debars any but the Central Legislature from passing any enactment to regulate the *coasting* trade, and I am uncertain how far the powers of the local Legislature may be restricted by Statute in this direction.

6. I am unable to find any precedent for an enactment authorising the destruction of cargo.

7. I may add that if objection is taken to the amendment of the Indian Ports Act, it might be found easier to amend Bombay VI of 1867.

The only objection to taking the necessary power under Bombay VI of 1867 is that Section 2 of that Act subordinates the Health Officer of the Port to the general control of the Consulting Officer of Health.

There would, however, be little difficulty in modifying Section 2 so as to enable Government to limit such subordination by rules prescribing the relations of the officers in question.

I have the honour to be,
Sir,
Your most obedient Servant,
H. BATTY,
Remembrancer of Legal Affairs.

An Act for the amendment of the Indian Ports Act, 1889, *so far as it affects the Presidency of Bombay.*

Whereas it is expedient to amend, as to the Presidency of Bombay, in manner hereinafter appearing, the Indian Ports Act, 1889; and whereas the previous sanction of the Governor General in Council, required by Section 5 of the Indian Councils Act, 1892, has been obtained for such amendment of the said Act, so far as it affects the Presidency of Bombay: It is enacted as follows:—

For clause (*p*) of sub-section (1) of Section 6 of the Indian Ports Act, 1889, so far as it affects the Presidency of Bombay, there shall be substituted the following, *viz.*:—

For (*i*) regulating the action to be taken by a Master in any such port where there is, or during the voyage at the end or in the course of which he arrives at any such port there has been disease or sickness or a dead body on board his vessel, and for (*ii*) regulating and enforcing the disinfection or destruction of infected cargo on board such vessel.

Statement of Objects and Reasons.

The Indian Ports Act, 1889, enables Government to regulate action on board a vessel in a port to which it applies when there is actual disease or sickness, or a dead body on board the vessel while it is in the port.

2. But death from the most virulent disease might occur just before the vessel reached port, and Government, as the law stands, would be powerless to prescribe the precautions to be taken, if the body were not on board, and no actual disease or sickness had broken out on the vessel entering port.

3. One of the objects of this Bill is to empower Government to require information and to enforce due precautions when death or disease has recently occurred on a vessel.

4. It, not infrequently, happens that persons suffering from cholera and other diseases dangerous to life are allowed to lie on and near cargo which in consequence becomes tainted, and is liable to spread disease.

In the present Bill it is further proposed to empower Government, by rules under the Indian Ports Act, 1889, to regulate and enforce the disinfection, and, where necessary, the destruction of such infected cargo.

No. 215 OF 1894.

FROM

THE HONOURABLE MR. H. BATTY,
Remembrancer of Legal Affairs;

To

THE CHIEF SECRETARY TO GOVERNMENT,
General Department.

Poona, 14th February 1894.

SIR,

With reference to my letter No. 169 of 5th February 1894, submitting a Bill to amend the Indian Ports Act, 1889, I have the honour to suggest that the amendment therein proposed might perhaps be introduced in the Indian Ports Act which appears to be now under consideration by the Government of India.

2. I would venture to submit that the end in view might be more speedily attained if the Government of India were requested by telegraph to suspend the consideration of that Bill and to consider with it the further amendment of that Act proposed by the Committee appointed by Government Resolution No. 2904 of 19th August 1893.

I have the honour to be,
Sir,
Your most obedient Servant,
H. BATTY,
Remembrancer of Legal Affairs.

No. 14 of 1894.

With reference to memorandum No. 622 of the General Department, dated 20th February 1894, requesting my opinion upon the points as to the proposed amendment of clause (*p*) Section 6 of the Indian Ports Act, 1889, raised by the Legal Remembrancer in his letters Nos. 169 and 215 of the 5th and 14th February 1894, respectively, I am of opinion as follows.

1. I think the local legislature has power to legislate with respect to ships in the port of Bombay: the port is part of the province of Bombay; Bombay Act VI of 1827 is an instance of legislation affecting ships in the port. I think the local legislature has the power to affect by legislation ships in the service of Her Majesty in so far as it does not contravene the rule laid down in the Indian Councils Act, 1861, *viz.*, by affecting the discipline or maintenance of any part of Her Majesty's naval forces. No legislation by the local legislature nor even by the Governor General's Council would affect foreign ships of war.—See Wheaton's International Law, p. 126.

2. I think that 32 Vict. c. 11, Section 2, does not in any way affect the power of the local legislature to legislate in the manner now proposed.

3. I think, as there is already an Act, Bombay Act VI of 1867, dealing with the prevention of the spread of infectious diseases, especially with reference to vessels arriving at, and being within the limits of, the port of Bombay, it would be preferable to proceed by amendment of that Act, rather than of the Indian Ports Act, 1889. It appears to me that difficulties may arise owing to the appointment of a health officer under two Acts, and that if it is considered undesirable that the health officer should be subordinate to the consulting officer of health, the law can be altered in that respect. It must be remembered that a health officer appointed under *Section* 17 of the Indian Ports Act, 1889, has only the powers specified in that section, whereas the health officer appointed under Bombay Act VI of 1867 has considerably larger powers.

I think if it is considered desirable to amend the Indian Ports Act, 1889, as the amendment of that Act in other respects is now under the consideration of the Government of India, that Government should be asked to take this matter under its consideration.

(Signed) BASIL LANG,
Advocate General.

Bombay, 22nd February 1894.

Quarantine Rules: Proposed amendment of the present rules for the medical inspection of vessels.

No. 1763.

GENERAL DEPARTMENT.

Bombay Castle, 14th May 1894.

Joint letter from the Commissioner of Customs, Salt, Opium and Abkári, the Collector of Land Revenue, Customs, and Opium, Bombay, the Commissiner of Police, Bombay, and the Health Officer of the Port of Bombay, No.5789, dated 4th November 1893.—

"With reference to Government Resolution No. 2904, dated 19th August 1893, directing the Commissioner of Customs, Salt, Opium and Abkári, the Collector of Land Revenue, Customs, and Opium, Bombay, and the Commissioner of Police, Bombay, to submit, in consultation with the Remembrancer of Legal Affairs and the Health Officer of the Port of Bombay, revised Medical Inspection Rules for the Harbour of Bombay, we have the honour to solicit the attention of Government—

(*a*) to their Resolution No. 2536, dated 29th June 1889, in paragraph 1 of which it is observed—

'The draft rules as amended should be forwarded to the Government of India for sanction. It should be pointed out to the Government of India that as the rules in their present form have not the force of law, serious embarrassment may at any time arise in the event of any action taken or order given under them by the Health Officer of the Port being disputed or disobeyed. The Governor in Council would, therefore, suggest the expediency of such legislation as may be necessary in order to give these rules legal sanction.'

(*b*) to the orders of the Government of India in their letter, Home Department, Sanitary, No. 270, dated 31st August 1889, contained in the preamble to Government Resolution No. 3873, dated 18th September 1889. In paragraph 2 of the Government of India letter it is stated—

'I am to say that the Governor General in Council approves of the revised rules,' &c., and in paragraph 3 'I am * * * * to suggest that the revised rules now sanctioned should be issued by His Excellency the Governor in Council,' &c.

"2. Copies of these Resolutions were not communicated to the Remembrancer of Legal Affairs, though they were sent to the Solicitor to Government.

"3. We would respectfully submit the question for consideration whether Government would now desire to revise rules, to the doubtful legality of which, as shown above, the special attention of the Government of India was drawn, but which nevertheless received the sanction of that Government previous to their issue. While admitting that a complaint or difficulty may arise at any time, we would point out that the rules have been in practical operation now for over four years, and no difficulty or complaint has, as a matter of fact, arisen. If, notwithstanding the sanction accorded by the Government of India, after their attention had been drawn to the insufficient legal force attaching to these rules, Government still desire their revision, we would submit that, if narrowed to the restricted powers at present conferred by the Legislature, they would be deprived of their chief value, and revision at this juncture would but attract special attention to their defective authority.

"4. In these circumstances, we consider, after full consultation with the Remembrancer of Legal Affairs, that perhaps the most appropriate method of solving the difficulty might be to obtain legislative authority for all that is contained in the present rules before their validity has been called in question. It seems that an amendment of Bombay Act VI of 1867 would be inconvenient (*vide* Government Resolution No. 4223, dated 21st October 1890), inasmuch as action could only be taken under that enactment by placing the Port Health Officer in subordination to the Municipal Commissioner of Bombay. We would, therefore, suggest for consideration whether it would not be possible for the Local Legislature, with the previous sanction of the Governor General under Section 5 of 55 and 56 Victoria, Chapter XIV, to amend Section 6 of the Indian Ports Act of 1889 so far as regards this Presidency for the purpose in view.

"5. Should Government accept this view, we would further suggest that the Remembrancer of Legal Affairs should be instructed to draft, from the papers accompanying, the amendments necessary to validate the rules as they stand, as a preliminary to an application being made to the Government of India for sanction to the proposed amendment.

"6. We would the more strongly recommend this course, seeing that necessity for the rigorous enforcement of the rules as they stand may at any time arise."

Government memorandum No. 4459, dated 14th December 1893:—

"Forwarded* to the Remembrancer of Legal Affairs with a request that he will be so good as to frame a draft Bill to amend the Indian Ports Act X of 1889, on the lines indicated in the joint report of the Commissioner of Customs, Salt, Opium, and Abkári, the Collector of Land Revenue, Customs, and Opium, Bombay, the Commissioner of Police, Bombay, and the Health Officer of the Port of Bombay, and to submit it for the approval of Government, together with the necessary Statement of Objects and Reasons."

*With copies of Government Resolutions No. 2536, dated 29th June 1889, No. 3873, dated 18th September 1889, and No. 4223, dated 21st October 1890.

Letter from the Remembrancer of Legal Affairs, No. 169, dated 5th February 1894—Submitting a draft Bill as required by Government memorandum No. 4459, dated 14th December 1893.

Letter from the Remembrancer of Legal Affairs, No. 215, dated 14th February 1894:—

"With reference to my letter No. 169 of 5th February 1894, submitting a Bill to amend the Indian Ports Act, 1889, I have the honour to suggest that the amendment therein proposed might perhaps be introduced in the Indian Ports Act, which appears to be now under consideration by the Government of India.

"2. I would venture to submit that the end in view might be more speedily attained if the Government of India were requested by telegraph to suspend the consideration of that Bill, and to consider with it the further amendment of that Act proposed by the Committee appointed by Government Resolution No. 2904 of 19th August 1893."

Letter from the Solicitor to Government, No. 225, dated 23rd February 1894—Forwarding, with reference to Government memorandum No. 622, dated 20th idem, a copy of the opinion of the Honourable the Advocate General, No. 14, dated the 22nd idem, on the several points raised by the Remembrancer of Legal Affairs.

Memorandum from the Marine Department of the Secretariat, No. 110-s., dated 19th April 1894—Retransferring the papers with the notes and minutes recorded in that Department.

RESOLUTION.—His Excellency the Governor in Council does not consider that there is such urgency as to call for local legislation with a view to give legal validity to the Medical Inspection Rules, but it is advisable to amplify the provisions of Section 6 of the Indian Ports Act, 1889, so as to make them cover completely all matters which are dealt with, or which it may be desirable to deal with, in local or general Medical Inspection Rules. The attention of the Government of India will be invited to this matter on the first suitable opportunity, and they will be then moved to take the requisite action for the amendment of the Act.

2. These orders should be communicated to the Officers and Departments concerned, and they should be requested to address Government whenever such an opportunity occurs.

W. L. HARVEY,
Under Secretary to Government.

No. 1760 OF 1894.

FROM

THE HONOURABLE MR. H. BATTY,
Remembrancer of Legal Affairs;

To

THE CHIEF SECRETARY TO GOVERNMENT,
General Department.

Poona, 3rd December 1894.

SIR,

With reference to Government Resolution No. 3139* of 21st August 1894, I have the honour to submit the accompanying papers marginally noted, which relate to the proposed amendment of clause (*p*) of Section 6 of the Indian Ports Act, 1889, and to observe that the section drafted by me under the directions contained in Government Resolution No. 1673, dated 14th May 1894, for the purpose of an amending Bill to be introduced into the Local Legislature, apparently meets the views of the Commissioner of Customs, Salt, Opium and Abkári, the Collector of Land Revenue, Customs and Opium, the Commissioner of Police and the Health Officer except in the following particulars.

* The two compilations accompanying which are herewith returned.

(1) No. 1269 of 30th August 1894, from the Remembrancer of Legal Affairs to the Commissioner of Customs, Salt, Opium and Abkári.
(2) Memorandum No. 4353 of 1st September 1894, from the Commissioner of Customs, Salt, Opium and Abkári, to the Collector of Land Revenue, Customs and Opium.
(3) Memorandum No. C.—12273 of 24th October 1894, from the Collector of Land Revenue, Customs and Opium, to the Commissioner of Customs, Salt, Opium and Abkári, with accompaniments.
(4) Letter No. 5286 of 26th October 1894, from the Commissioner of Customs, Salt, Opium and Abkári, to the Collector of Land Revenue, Customs and Opium.
(5) Letter No. C.—13433 of 17th November 1894, from the Collector of Land Revenue, Customs and Opium, to the Commissioner of Customs, Salt, Opium and Abkári.
(6) Memorandum No. $\frac{7922}{6}$ of 22nd November 1894, from the Commissioner of Police, to the Commissioner of Customs, Salt, Opium and Abkári.
(7) Memorandum No. 5811 of 26th November 1894, from the Commissioner of Customs, Salt, Opium and Abkári, to the Remembrancer of Legal Affairs.

2. The Collector desires that the section conferring extended powers should provide for—

(*a*) the disinfection or destruction, if necessary, of the infected clothing and property of passengers as well as infected cargo;

(*b*) the settlement of the question as to the liability of Government and their officers to compensate for property so destroyed.

3. As to the first of these suggestions, Section 11 of Bombay Act VI of 1867 already gives the desired power to Government to make rules * * (*inter alia*) for the disinfection and destruction of the personal property of persons suffering or who have recently suffered from any infectious disease dangerous to life which may be determined by Notification under Section 12 of that Act.

4. As to liability for compensation, it is only necessary to observe that for loss resulting from the exercise of powers conferred by the Legislature no compensation can in the absence of express provision be claimable.

Broom's Legal Maxims, page 199, *et seqq.*
I. L. R., 6 B., 398.
Maxwell on Interpretation of Statutes, pages 507 and 435.

Brice on *ultra vires*, page 499, 2nd edition, quoting. Pilgrim *vs.* Southampton and Dorchester Railway Company, 7 C. B., 226.

"Where authority is given by the Legislature to do an act, parties injured by the doing of it have no legal remedy, but should appeal to the Legislature."

5. The other points raised in the correspondence by the Health Officer appear to be irrelevant for the purposes of the Government Resolution under which the proposed amendment is submitted.

6. The draft section submitted with my No. 169 of 5th February 1894 is appended for facility of reference.

I have the honour to be,
Sir,
Your most obedient Servant,
H. BATTY,
Remembrancer of Legal Affairs.

No. 1269 OF 1894.

FROM

THE REMEMBRANCER OF LEGAL AFFAIRS;

To

THE COMMISSIONER OF CUSTOMS,
SALT, OPIUM AND ABKARI.

Poona, 30th August 1894.

SIR,

With reference to Government Resolution No. 3139, General Department, dated 21st August 1894, I have the honour to forward herewith copies of the papers noted in the margin, from which it will be seen that the amendments which from letter dated 23rd October 1893, from the Collector, Health Officer and the Police Commissioner, seemed to be required in Section 6 of the Indian Ports Act, have been embodied in the draft Bill, and I have the honour to request that you would be so kind as to let me know whether after consulting the several officers mentioned in the Government Resolution, that draft amendment would suffice for the purposes referred to in the Government Resolution No. 1763 of 14th May 1894, General Department.

My letter No. 169, dated 5th February 1894, to Government and copy of the Bill to amend the Indian Ports Act.

I have the honour to be,
Sir,
Your most obedient Servant,
(Signed) H. BATTY,
Remembrancer of Legal Affairs.

No. 4353 of 1894.

Poona, 1*st September* 1894.

Forwarded to the Collector of Land Revenue, Customs and Opium, Bombay, with a request that he will be good enough to consider the accompanying draft by the Remembrancer of Legal Affairs in consultation with the officers mentioned in the Government Resolution referred to in the foregoing, who are in Bombay, and favour the undersigned with their remarks, so that if the undersigned and the Remembrancer of Legal Affairs concur with the officers in Bombay, the papers may be forwarded to Government.

W. W. LOCH,
Commissioner of Customs, Salt, Opium and Abkári.

No. C.—12273 of 1894.

Bombay Custom House,
24*th October* 1894.

With reference to the above, the undersigned has the honour to forward herewith, in original, the marginally noted papers, submitting remarks made by the officers concerned on the amendments proposed by the Remembrancer of Legal Affairs in Section 6 of the Indian Ports Act.

J. M. CAMPBELL,
Collector of Land Revenue,
Customs and Opium.

1. This office No. 10790, dated 22nd September last, circulated to the Commissioner of Police and Port Health Officer.
2. Commissioner of Police, No. $\frac{6890}{6}$, dated 3rd October 1894.
5th
3. Port Health Officer's No. 458, dated 22nd idem.

No. C.—10790 of 1894.

Bombay Customs House,
22*nd September* 1894.

Circulated to the Commissioner of Police and the Health Officer of the Port, Bombay.

2. The undersigned considers that Mr. Batty's amplification of Section 6 would be sufficient to enable Quarantine Rules to be legally framed by Government.

3. It is, however, desirable to provide for rules on the subject of disinfecting and destroying the infected clothing and property of passengers, as well as infected cargo. This could be done by the addition of the words "and the infected property of passengers" after the words "infected cargo" in clause (*p*), sub-section 1 (*ii*) as amended by Mr. Batty.

4. It has been brought to the notice of the undersigned that nothing in the Act or rules as they stand at present exempts Government or officers acting under Government orders from the liability for the cost of property or cargo destroyed as infected. It seems desirable to lay down the law on this point clearly and the attention of the Legal Remembrancer will be drawn to it when the papers are returned to him.

J. M. CAMPBELL,
Collector of Customs and Opium.

No. $\frac{6890}{6}$ of 1894.

Forwarded to the Health Officer of the Port.

The undersigned agrees with the remarks of the Collector of Customs and Opium.

R. H. VINCENT,
Commissioner of Police.

Bombay, 3*rd* / 5*th October* 1894.

No. 458 of 1894.

Bombay Port Health Office:

Town Customs House,
Dated, 22*nd October* 1894.

In returning the accompanying documents to the Collector of Customs, Bombay, for favour of disposal, I have the honour to state that I agree with the remarks made in paragraph 3 of his memorandum as to the necessity for destroying the infected clothing and other property of passengers. I would also suggest that the destruction of infected clothing and property of the crew be provided for. Hitherto the ship has borne the cost, if any, so as to obtain pratique as soon as possible.

2. I am also of opinion that the Act should be amended so as to give the Health Officer of the Port power to deal with vessels and cargo which although free from certain infectious diseases may be in such an insanitary condition on arrival, or become so while in port, as to be a danger to the health of the crew, passengers or others. This is most important.

3. With reference to the question as to who is to bear the cost of infected cargo, goods or food stuffs which may be destroyed in the interests of the community or shipping, I wish to note that cargo may be divided into Outward and Inward which may be further subdivided into food stuffs and non-food stuffs. At present rotten and decomposed cargo can be landed in Bombay and the Municipal Health Officer has reported that he has no control over such goods unless they are actually exposed for sale as human food.

JOHN CRIMMIN, V.C., Surg.-Major,
Acting Health Officer of the Port.

No. 5286 of 1894.

To

The Collector of Land Revenue,
Customs and Opium,
Bombay.

Poona, 26*th October* 1894.

Sir,

I have the honour to return the papers received with your memorandum No. C-10790, dated 22nd ultimo, regarding the amendment of Section 6 of the Indian Ports Act, in order that you and the Commissioner of Police, Bombay, may consider and favour me at your *earliest convenience* with your opinions on the proposals contained in paragraphs 2 and 3 of the Port Health Officer's memorandum No. 458, dated 22nd instant. It is unfortunate that Dr. Crimmin did not send his report through you so that this further reference might have been saved.

2. I have to-day asked you by telegraph to be good enough to return the accompaniments to my demi-official letter to you, dated 30th October 1893, on the same subject. They are not on my file, and presumably they have through oversight been retained on your record. The P. S. to my demi-official letter runs :—" I send you all the papers which I sent to Batty. Please return them with your reply."

I have, &c.,

(Signed) T. D. MACKENZIE,
Commissioner of Customs, Salt,
Opium and A'bkári.

No. C-13433 of 1894.

FROM

J. M. CAMPBELL, ESQUIRE, I. C. S., C.I.E.,
Collector of Customs and Opium ;

To

THE COMMISSIONER OF CUSTOMS, SALT,
OPIUM AND A'BKA'RI,
Bombay.

Bombay Customs House,
17th November 1894.

SIR,

In returning herewith the papers received with your No. 5286 of October 26th last, I have the honour to make the following remarks.

2. The Health Officer of the Port of Bombay, in the remarks made by him under his No. 458 of October 22nd, appears to be under some misconception of the precise points to which this correspondence refers. It is perhaps hardly necessary to state that the present papers deal with the question of amending Section 6 (*p*) of the Indian Ports Act, so as to legalize the rules which were published thereunder by the Government of Bombay on September 1889.

3. The Remembrancer of Legal Affairs, in his letter No. 1269 of August 30th last, made proposals for amending the Act, so as to attain the object in view. In my endorsement No. C-10790 of September 22nd, 1894, I approved his suggestions, but pointed out that they were not quite sufficient to cover certain portions of the rules dealing with the disinfection and destruction of clothing, property and cargo. I then explained how a few additional words would legalize the rules made by Government on these points. The Commissioner of Police agreed with my proposals.

4. In paragraph 4 of my endorsement above referred to, I drew attention to a point which was connected with the subject-matter of this correspondence, *viz.*, the question of liability for the value of property destroyed. No rules have as yet been framed by Government on the point, and, as stated above, this correspondence was originally intended only to lead to such amendments on the Act as would suffice to legalize the rules already published. Hence the question of liability was more or less foreign to the exact issue under discussion. Being a question of importance, however, I thought it well to refer to it, so that the attention of the Legal Remembrancer might be called to the state of the law, and that he might suggest further amendments of the Act or rules if it seemed to him desirable.

5. The Port Health Officer has now, in paragraphs 2 and 3 of his letter, made remarks to the effect that additional powers should be conferred on him to enable " insanitary ships " to be dealt with under certain circumstances. He further suggests four divisions into which cargo may be divided, presumably for the purpose of apportioning the liability for the value of cargo destroyed.

Both points are beside the original object of the correspondence. A special amendment of the Act or of the rules under Section 6 (*p*) of the Act would be necessary to enable provision to be made for dealing with the two questions. I am ready to submit, if it is considered desirable at this period of the correspondence, my views on the questions of dealing with " insanitary ships " and the liability for property destroyed. But it seems to me advisable to make such points the subject of a separate report. The object of the present correspondence has been gained when a way has been discovered to amend the Indian Ports Act, so as to legalize rules already issued thereunder. If further amendments and additions are to be made to the Act and rules thereunder for special purposes much confusion would be avoided by dealing with such further proposals separately.

6. I am forwarding this report through the Commissioner of Police, in order that he may express his opinion on the views which I have given above.

7. In reply to your telegram of October 26th, I have the honour to state that the papers therein referred to are not forthcoming in this office. It appears that they were returned to you with my demi-official of November 3rd, 1893.

I have the honour to be,

Sir,
Your most obedient Servant,
J. M. CAMPBELL,
Collector of Customs and Opium.

Through the Commissioner of Police, Bombay.

No. $\frac{7922}{6}$ of 1894.

POLICE COMMISSIONER'S OFFICE,
Bombay, 22nd November 1894.

Forwarded with compliments to the Commissioner of Customs, Salt, Opium and A'bkári. The undersigned concurs with Mr. Campbell in the views expressed by him.

H. G. GELL,
Acting Commissioner of Police.

No. 5811 of 1894.

Camp Mehmadabad,
26th November 1894.

Forwarded to the Honourable the Remembrancer of Legal Affairs with compliments.

2. The Commissioner of Customs, Salt, Opium and A'bkári has the honour to state that, in his opinion, the draft Act prepared by the Honourable Mr. Batty will serve fully the purpose of legalising such Quarantine Rules as Government may propose to issue under the Indian Ports Act.

3 He, however, concurs with Messrs. Campbell and Vincent that it is desirable at the same time to take the present opportunity of providing for the disinfection or destruction, if necessary, of the infected clothing and property of passengers as well as infected cargo, and this might be done by the addition of the words entered by Mr. Campbell in paragraph 3 of his memorandum No. 10790, dated 22nd September last.

4. It will be seen that in paragraph 4 of the above memorandum, in the memorandum No. 458, dated 22nd October 1894, by the Port Health Officer, and in paragraphs 4—6 of Mr. Campbell's subsequent memorandum No. 13433, dated 17th instant, reference is made to the questions of liability on account of the

value of property destroyed under the rules, the classes into which cargo to be destroyed should be divided, and the power, which, in the opinion of the Port Health Officer, should be bestowed on him to enable him to deal with "insanitary ships."

5. As to the first of these points the Honourable the Remembrancer of Legal Affairs is probably more able than the undersigned to say whether any change in present practice is possible, but, subject to correction, the undersigned believes that if property has to be destroyed under these rules, Government cannot be made liable to pay compensation. The destruction of the infected property is a measure directed by Government in the interests of the public safety.

6. As to the other two points raised by the Port Health Officer, they seem to be irrelevant to the present question, and if they are to form the subject of legislation, it would, as Mr. Campbell points out, be advisable to consider them separately altogether so as to avoid confusion.

T. D. MACKENZIE,
Commissioner of Customs, Salt, Opium and Abkári.

For clause (*p*) of sub-section (1) of Section 6 of the Indian Ports Act, 1889, so far as it affects the Presidency of Bombay, there shall be substituted the following, *viz.*:—

For (*i*) regulating the action to be taken by a Master in any such port where there is, or during the voyage at the end, or in the course of which he arrives at any such port, there has been disease or sickness or a dead body on board his vessel; and

For (*ii*) regulating and enforcing the disinfection or destruction of infected cargo on board such vessel.

1895
Mar Dept.
Enclos. No. 1
to
C. No. 406

CURRENT No. 406

No. 135.

FROM

J. P. HEWETT, Esq., C.I.E.,
Offg. Secretary to the Government of India,

TO

The Chief Secretary to the Govt of Mad[illegible]

CHIEF SECRETARY
27 MAY 1895
GOVERNMENT OF MADRAS

Home Department.
Sanitary.

Simla, the 21 May 1895.

SIR,

I AM directed to forward a copy of a letter from the Government of Bombay, No. 446, dated the 5th February 1895 (and enclosures), forwarding a draft Bill having for its object the amplification of clause (*p*) of sub-section (1) of section 6 of the Indian Ports Act, 1889, in order to give legal validity to those sections of the Medical Inspection Rules, already acted on in that Presidency, which purport to deal with the enforcement of precautions when death or disease has occurred on a vessel before its arrival in Port, and also to regulate and enforce the disinfection and, where necessary, the destruction of infected bedding, clothes and cargo.

2. It has been suggested by the Government of Bombay, in paragraphs 3 and 4 of their letter, that the necessary legal steps might with advantage be taken to enable that Government to provide, in the Medical Inspection Rules in force in that Province, clauses to the following effect:—

(i) to empower the health officer to deal with vessels and cargo which, although free from certain infectious diseases, may be in such an insanitary condition on arrival, or may become so while in Port, as to be a danger to the health of the crew, passengers or others;

(ii) to establish and regulate places to be used as sanitaria for the segregation of persons among whom infectious diseases dangerous to life exist or have existed on boardship.

3. Before deciding whether it is necessary to undertake legislation the Governor General in Council will be glad to be furnished with the views of the Govt of Madras upon the matters referred to. His Excellency in Council would at the same time desire to learn the opinion of the Madras Government as to how the rules which are at present in force for the medical inspection in the Ports situate in Madras have been found to work, and is prepared to receive and consider any suggestions which His Excellency the Governor in Council may wish to make as to their scope and

extent. His Excellency in Council would wish specially for the opinion of the Madras Government as to whether it is necessary or not that the authorities should have power to order the destruction of cargo.

I have the honour to be,

SIR,

Your most obedient Servant,

J P. Grant

Offg. Secretary to the Govt. of India.

CURRENT No. 406

Marine Dept.

From The Govt. of India
Home

No 135

Dated 21
Recd 27 } May/95
Dep 29

Encls 1 and 7 S.C. of this dt.
4 Boy Encls

PORT OFFICE
15 JUN 95
MADRAS

Encl No. 1177 A

Referred to the Presidency Port officer for early remarks.

Fredrick Price
Chief Secretary.

F.D.B.
30/V/95.

Ordered accordingly
1st May/June 1895

TO BE RETURNED WITH REPLY.

To the Presidency Port officer
with 1 spare copy of the letter and enc.

CHIEF SECRETARY'S GOVERNMENT OF MADRAS
7 JUL 1895

Subject

Forwarding for opinion copy of draft Bill proposing to give legal validity to certain sections of the Medical Inspection Rules.

INSTRUCTIONS

TO

COMMANDERS OF VESSELS.

PORT OF MADRAS.

Note.—The attention of the Commander is drawn to clause (*c*) at page 5 of these instructions.

(NOTE.—*In the following Instructions the clauses, sections, &c., quoted from Act XII of* 1875 *should be read with the corresponding clauses, sections, &c., in Act X of* 1889.)

INSTRUCTIONS TO COMMANDERS.

PORT LIMITS.

The following have been declared under section 4 of the Indian Ports Act, No. X of 1889, to be the limits of the Port of Madras :—

To the North.—A line running due east from the pillar which marks the extreme north-western limit of the said port to (10) ten fathoms water ;

To the South.—A line running due east from the pillar which marks the extreme south-western limit of the said port to (10) ten fathoms water ;

To the East.—A line running from north to south and connecting the easternmost points of the two before-mentioned lines, defining the northern and southern limits of the said port ; and

To the West.—So much of the sea-shore between the northern and southern limits of the said port as is within (50) fifty yards of the high water-mark, spring tides, and within the limits of the artificial harbour the space from the water's edge to the junction with the municipal road, the line of which will be marked by boundary stones.

NOTE.—All vessels anchoring inside of ten fathoms water will be consequently within port limits and liable to port-dues.

For the purposes of the Madras Harbour Trust Act II of 1886, the limits of the port are as above, except in regard to the western limit, which is as follows :—

To the West.—Within the limits of the artificial harbour a line marked by boundary pillars running from north to south and connecting the shore ends of the harbour groynes abutting on the municipal road, and without the limits of the artificial harbour a line running parallel to the water's edge between the northern and southern limits at 50 yards above high water-mark, spring tides ; provided that, between a line running due east from the military boundary pillar near Messrs. Parry and Co.'s office on the north and the mouth of the Cooum river on the south, the western limit shall be the water's edge itself.

PORT DUES.

(Sections 33 and 34 of the Indian Ports Act X of 1889. Notification in *Fort St. George Gazette*, 18th June 1889.)

NOTIFICATION A.

From and after the 1st September 1889, the rate of Port Dues to be levied on vessels entering the Port of Madras shall be that laid down in the third column of the schedule hereto annexed :—

Name of port.	Vessels chargeable (sea-going vessels of 15 tons and upwards).	Rates of port dues per ton.	Due how often chargeable in respect of the same vessel.
1	2	3	4
Madras	FOREIGN VESSELS.		
	(*a*) Vessels engaged in trade with the Straits Settlements or Ceylon—		
	(i) Ships	2 annas ...	The payment of the due at the port will exempt the ship or steamer for a period of 60 days from liability to pay the due again.
	(ii) Steamers ...	3 „ ...	
	(*b*) Other vessels—		
	(i) Ships	2 annas ...	The due is payable on each entry into the port.
	(ii) Steamers ..	2½ „ ...	
	COASTING VESSELS.		
	(*c*) Ships	1½ annas	The payment of the due at the port will exempt the ship for a period of 60 days from liability to pay the due again.
	(*d*) Steamers	1¾ „	The due is payable once in 30 days.

Explanation.—In this part of the schedule—

(*a*) "ship" means a sailing vessel, and "steamer" a steam vessel :

(*b*) "coasting ship" or "coasting steamer" means respectively a ship or steamer which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port in the island of Ceylon or in any part of India between the westernmost part of Sind and the south-easternmost part of Burma ; and "coasting steamer" includes a coasting steam vessel having a general pass under Section 164 of the Sea Customs Act, 1878 :

(*c*) "foreign ship" or "foreign steamer" means respectively a ship or steamer not being a coasting ship or coasting steamer.

NOTIFICATION B.

In exercise of the powers conferred by section 46 of the Indian Ports Act (X of 1889), His Excellency the Governor in Council is pleased to direct that the rates of port dues chargeable on any vessel entering a port in ballast and not carrying passengers shall be three-fourths of the rate laid down in Notification A above.

NOTIFICATION C.

In exercise of the powers conferred by section 47 of the Indian Ports Act (X of 1889), His Excellency the Governor in Council is pleased to direct that when a vessel enters a port, but does not discharge or take in any cargo or passengers therein (with the exception of such unshipment and re-shipment as may be necessary for purposes of repair), she shall be charged with a port due at half the rate specified in Notification A above.

(HARBOUR TRUST BOARD APPOINTED CONSERVATOR OF THE PORT, &c.)

In exercise of the powers conferred on him by sections 8 and 47 of the Indian Ports Act (XII of 1875), His Excellency the Governor in Council is pleased to appoint the Madras Harbour Trust Board to be Conservators of the Port of Madras under section 8 for the purposes of the said Act, and to keep the accounts of the Port Fund of the port aforesaid under section 47. And this order shall have effect from and after the 1st July 1888.

(PORT AND MARINE SURGEON APPOINTED HEALTH OFFICER.)

Fort St. George, January 8, 1884.

NOTIFICATION.

No. 1.—Under section 18-A of the Indian Ports Act, the Governor in Council has appointed the Port and Marine Surgeon, Madras, to be the Health Officer at that port, to exercise the powers conferred on him by the said section.

PILOTAGE FEES (Section 35, Act X of 1889.)

In accordance with Government Notification, No. 28, dated 13th May 1890, vessels entering the artificial harbour shall be liable to the payment of Harbour Masters' fees as per undermentioned scale:—

					RS.
On vessels up to	100 tons register			...	4
Do.	from 100 to	150 tons register	...	...	7
Do.	from 150 to	200	do.	...	10
Do.	from 200 to	300	do.	...	14
Do.	from 300 to	400	do.	...	17
Do.	from 400 to	600	do.	...	20
Do.	from 600 to	1,000	do.	...	24
Do.	from 1,000 to	1,500	do.	...	27
Do.	from 1,500 tons and upwards			...	34

Pending the completion of the said harbour, the rates specified above will include both inward and outward pilotage.

REMISSION OF SECOND PILOTAGE FEES.

Vessels re-entering the artificial harbour after discharging timber are exempted from pilotage fees.

OVERTIME FEES TO HARBOUR MASTERS.

(Sanctioned in Notification, No. 12, dated 2nd May 1883.)

"On Sundays and close holidays the Harbour Master and Assistant Harbour Master shall be entitled to a fee, by way of personal allowance, of (10) ten rupees for each vessel moved in or out of the harbour, and a similar fee for each vessel conducted in or out on week-days between the hours of 6 P.M. and 6 A.M."

HOISTING SHIP'S NUMBER.

(Sections 51 to 53 of the Indian Ports Act X of 1889.)

"51. (1) The master of every inward or outward bound vessel, on arriving within signal distance of any signal-station established within the limits of the river Hughli, or within the limits of any part of a river or channel subject to this Act, shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.

"(2) If the master of a vessel arriving as aforesaid offends against sub-section (1), he shall be punished for every such offence with a fine which may extend to one thousand rupees.

"52. (1) Every pilot in charge of a vessel shall require the number of the vessel of which he is in charge to be duly signalled as provided by the last foregoing section.

"(2) When on such requisition from the pilot to that effect, the master of a vessel refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the pilot may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.

"53. Any pilot in charge of a vessel who disobeys, or abets, within the meaning of the Indian Penal Code, disobedience to, any of the provisions of this chapter, shall be liable to a penalty not exceeding five hundred rupees, for each instance of such disobedience or abetment, and, in addition, shall be liable to dismissal from his appointment."

TIME SIGNALS.

(*a*) The semaphore on the Port Officer's flagstaff is dropped at 1 o'clock P.M., corresponding to 19 hours 39 minutes 00·6 second. Greenwich mean time. A gun is fired at noon and 8 P.M. (Madras mean time).

(*b*) When the semaphore fails to drop or is not dropped correctly signal C. V. N. J. of the Commercial Code will be hoisted immediately and kept flying for half an hour in which case the semaphore will be dropped again at 2 P.M., corresponding to 20 hours 39 minutes 00·6 second. Greenwich mean time.

ADMISSION TO GENERAL HOSPITAL.

Sick Seamen.

Sick seamen and others are admitted into the General hospital at Madras for treatment under an order from the Deputy Conservator of the Port.

MATTERS RELATING TO HARBOUR MASTERS.

Gratifications to Harbour Masters.

Harbour Masters are forbidden to receive any gratification from masters of vessels or others with whom they are brought in contact while in the execution of their duty; any gratuity given to a pilot will, if brought to notice, lead to his instant dismissal.

Applications for Services of a Harbour Master.

(*a*) Applications for the service of a Harbour Master should be sent to the Deputy Conservator's office between the hours of 10 o'clock A.M. and 5 o'clock P.M. and the words "Application for a Harbour Master" should be written on the cover.

(*b*) The application for a Harbour Master from a vessel intending to proceed to sea on a Sunday or on any of the closed holidays authorized by Government, should be sent to the Deputy Conservator's office the day previous.

(*c*) A vessel requiring a Harbour Master after dark should burn a blue light.

Delay in sending Harbour Master.

In the event of any delay having occurred in a Harbour Master being supplied to a vessel, an inquiry into the circumstances will be instituted on a report respecting the same being made to the Deputy Conservator of the Port.

FOR REGULATING THE ENTRY AND DEPARTURE OF VESSELS.

Vessels about to leave the Harbour shall hoist Flag N of the Commercial Code at the Fore.

Vessels about to enter the Harbour shall hoist Flag F of the Commercial Code at the Fore.

When a Harbour Master on board a vessel outside the Harbour intending to enter sees the N of the Universal Code at the mast head of a vessel inside, he must wait outside until the vessel flying the N has left the Harbour, if the N is lowered to half mast he may then enter.

Vessels taking in or discharging any other particular kind of cargo not hereinbefore mentioned shall take up such berths as may be assigned to them by the Deputy Conservator.

For keeping the Harbour Entrance clear.

Vessels remaining outside the harbour within the limits of the port are required to take up such a position that, whichever way they may swing, they will be quite clear of the entrance of the harbour.

For Sailing Vessels other than Dhonies.

Sailing vessels other than dhonies shall, in taking up a berth between the 1st January and the 14th April and between the 16th June and the 30th September within the limits of the port, anchor in not less than 8 fathoms of water.

From the 15th of April to the 15th of June and from the 1st of October to the 31st of December, no vessel which is not propelled by steam shall anchor in less than 9 fathoms of water.

Striking Yards and Masts.

From the 15th of April to the 15th of June and from the 1st of October to the 31st of December, sailing vessels anchored within the limits of the port shall keep their top-gallant-masts struck.

Anchoring and Mooring.

Between the 1st January and the 14th April and between the 16th June and the 30th September and also during the prevalence of strong land winds and "north-westers," vessels inside the harbour shall be moored with not less than 40 fathoms of chain on the riding cable.

In the event of a vessel parting her riding cable, it is necessary for vessels inside the harbour to have a third anchor ready for letting go without delay, and to have all arrangements made for meeting such an emergency with readiness and despatch, as the consequences attending the parting of the riding chain may be most disastrous.

Stern Fasts.

When a vessel is placed in moorings with a stern-fast, the commander of such vessel shall be prepared to slack away, without waiting for orders to do so, such stern-fast, *in time*, so as to allow the vessel to ride with her head to the wind whenever the strength of the wind is such as to render the same necessary, and he shall also cause a careful watch to be kept on the stern-fast at all times and especially at night. In slacking away the stern-fast, care must be taken to avoid colliding with any other vessel using a stern-fast.

Discharging Ashes, &c.

Ashes, clinkers and sweepings shall not be thrown overboard from vessels while in the harbour.

Fires and Lights.

All spirits, oil, paints and spirits of turpentine or other inflammable substances on board vessels within the port shall be stored in a place of security.

Discharging or taking in Gunpowder or other Explosives.

In loading or discharging gunpowder, ammunition or other explosives in excess of 100 lb. in weight, the master or other person in charge of the vessel shall be responsible that tanned hides or wadmiltilts are laid over all portions of the vessel over which the barrels or cases pass, and also over all projections and on the platform in the hold : that a cushion (stuffed with white oakum) covered w
deck : tha
over each
gunpowd
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For

for landing all barrels or cases upon, whether in the hold or on the
and are on no account rolled

W
wear b
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Explosives.

Ammunition and manufactured fire-works may be freely landed and shipped inside the Harbour. Gunpowder may remain on board a ship in the Harbour if secured in a properly constructed magazine approved by the Deputy Conservator or by an officer deputed by him, and may be landed and shipped under *special* sanction.

All other explosives are excluded from the Harbour entirely.

however, where combustible stores of an exceptionally safe description are forwarded with proper precaution as to their stowage and security, this restriction may be omitted.

Smoking and carrying lucifer matches on board lighters or boats conveying such gunpowder are strictly prohibited, and no fire will be allowed on board on any pretence whatever.

No fire is to be permitted in the barges, lighters or boats having on board or receiving such gunpowder or explosives.

Vessels, barges and boats having or taking on board such explosives are to be kept scrupulously clean and free from loose gunpowder.

No percussion caps, fuzes or other priming, by which gunpowder or other explosives may be exploded, shall be carried in a boat having such gunpowder or other explosives on board.

Discharging of Guns in Port.

(Section 27 of the Indian Ports Act X of 1889.)

Whoever, without lawful excuse, discharges any "fire-arm" in any port subject to this Act, or on or from any landing place, pier, wharf, or quay, thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose, as may be allowed by the Local Government, shall, for every such offence, be punished with fine which may extend to fifty rupees.

Report of Casualties to Shipping.

(To be made in writing to the Conservator through the Deputy Conservator by the Master.)

Extract from Act V of 1883 (the Indian Merchant Shipping Act, 1883).

"Whenever any Magistrate, or any officer appointed by the Local Government in this behalf, receives credible information that—

(*a*) any ship has been lost, abandoned, stranded or materially damaged on or near the coasts of British India ; or

(*b*) by reason of any casualty happening to, or on board of, any ship on or near those coasts, loss of life has ensued ; or

(*c*) any ship has caused loss or material damage to any other ship on or near those coasts ; or

(*d*) any such loss, abandonment, stranding, damage or casualty has happened elsewhere to, or on board of, any British ship, and any competent witnesses thereof have arrived or are to be found at any place in British India ; or

(*e*) any British ship is supposed to have been lost, and any evidence can be obtained in British India as to the circumstances under which she proceeded to sea or was last heard of ;

he shall forthwith report in writing the information to the Local Government.

"In the cases mentioned in clauses (*a*), (*b*) and (*c*) the master, pilot, harbour master, or other person in charge of the ship, or (where two ships are concerned) in charge of each ship, at the time of the loss, abandonment, stranding, damage, or casualty, and

in cases under clause (*d*), where the Master of the ship concerned, or (except in the case of a loss) where the ship concerned, proceeds to any place in British India from the place where the loss, abandonment, stranding, damage or casualty has occurred, the master of the ship

shall, on arriving in British India, give immediate notice of the loss, abandonment, stranding, damage or casualty to the nearest Magistrate, or, when he arrives at a port in British India, to the officer appointed as aforesaid at that port.

"Any person bound to give notice under this section and wilfully failing to give the same shall be punished with fine which may extend to five hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to three months."

Extinguishment of Fires.

(Section 28 of the Indian Ports Act X of 1889.)

If the Master of any vessel in which fire takes place while lying in any such port, wilfully omits to take order to extinguish fire, or obstructs the Conservator or the Port Officer, or any person acting under the authority of the Conservator or Port Officer, in extinguishing or attempting to extinguish the fire, he shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Vessel to be provided with Force Pump.

(Section 32 of the Indian Ports Act X of 1889.)

"(1) Every vessel exceeding the burden of two hundred tons and lying in any port to which this section has been specially extended shall be provided with a proper force-pump and hose and appurtenances, for the purpose of extinguishing any fire which may occur on board."

"(2) The Master of every such vessel who, having been required by the Conservator to comply with the provisions of sub-section (1), neglects or refuses, without lawful excuse, so to do for the space of seven days after such requisition, shall be punished with fine which may extend to five hundred rupees."

Searching for Lost Stores.

(Section 29 of the Indian Ports Act X of 1889.)

"(1) No person, without the permission of the Conservator, shall in any port subject to this Act creep or sweep for anchors, cables or other stores lost or supposed to be lost therein."

"(2) If any person offends against the provisions of sub-section (1), he shall be punished with fine which may extend to one hundred rupees."

Removing Stones, &c.

(Section 30 of the Indian Ports Act X of 1889.)

"(1) No person, without the permission of the Conservator, shall in any port subject to this Act remove or carry away any rock, stones, shingle, gravel, or soil, or any artificial protection from any part of the bank or shore of the port; and no person shall sink or bury in any part of such bank or shore, whether the same be public or private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure, or to be used so as to injure, such bank or shore, except with the permission of the said Conservator, and with the aid or under the inspection of such person, if any, as he may appoint to take part in, or overlook the performance of, such work."

"(2) If any person offends against sub-section (1), he shall for every such offence be punished with fine which may extend to one hundred rupees, and shall pay the expenses of repairing the injury (if any) done by him to such bank or shore."

Regulations respecting Lights.

All vessels of whatever rig or denomination, when under weigh or at anchor, shall at night exhibit the lights ordered under the order of Her Majesty in Council, dated August 11th, 1884, and, when moored in the harbour, shall further exhibit "where it can best be seen, but at a height not exceeding 20 feet above the hull, a bright white light, in a globular lantern not less than 8 inches in diameter, and so constructed as to show a clear, uniform and unbroken light, visible all round the horizon at a distance of at least one mile."

Bad Weather Arrangements.

During the prevalence of suspicious or threatening weather, the Commander of every vessel within the limits of the port is required to attend to the following directions:—

(*a*) Not to be absent from his vessel between sunset and sunrise.

(*b*) To keep his vessel prepared in every respect to proceed to sea at short notice.

(*c*) To leave the harbour without waiting for instructions to do so, should he deem such a course prudent.

(*d*) On the hoisting of the Danger Signal, to take such other measures for securing the safety of his vessel as he may consider requisite, as no further instructions on that point will be furnished by the Port authorities. Should his vessel be inside the harbour, he is to proceed outside at once on this signal being hoisted without waiting for the special signal to do so.

(*e*) In the event of wreck occurring, should it be observed that the rocket apparatus is not at once forthcoming, a line should be *immediately* sent on shore from the vessel by some kind of buoy, or other handy means, to which the tail block and double line will be attached by those on shore or signals made, if possible, as to what other steps must be carried out.

Inattention to Directions of the Conservator.

(Clause (2), Section 8 of the Indian Ports Act X of 1889.)

"If any person wilfully and without lawful excuse refuses or neglects to obey any lawful direction of the Conservator after notice thereof has been given to him, he shall, for every such offence, be punished with fine which may extend to one hundred rupees, and with further fines which may extend to one hundred rupees for every day on which, after such notice as aforesaid, he wilfully and without lawful excuse continues to disobey the direction."

SCHEDULE OF BOAT HIRE.

APPENDIX I.

Cargo Boats.

The maximum rates of boat and catamaran hire, and the amount of goods and number of passengers which constitute a boat-load, as sanctioned by Government under Act 10 of 1889 are specified in the annexed Schedules A and B.

Note.—In this connection attention is drawn to para. 17 of the Boat Rules passed by the Madras Government under provisions of section 6, clause (K) of Act 10 of 1889, which runs as follows:—

"No registered boat shall ply in fine weather if loaded with passengers or cargo beyond the number or quantity specified in the license granted in respect of such boat, or in rough weather with a greater number or quantity than that authorized for the occasion by the Registering officer; all persons shall, on being required so to do by the tindal or owner of a registered boat, leave the boat, or, as the case may be, remove therefrom such quantity of cargo which such person shall have placed, or shall have caused to be placed, in such boat as the tindal or owner shall require him to remove if the number of passengers or quantity of cargo then in such boat shall exceed the number or quantity, as the case may be, allowed by this rule."

Large pier boats shall not carry more than the ascertained quantity of goods according to their size and measurement as expressed in the licenses granted under Act 10 of 1889.

Passengers may be carried in the pier boats only in cases of emergency and then in such numbers as the Deputy Conservator may decide.

No boats shall remain alongside a ship after 6 P.M. if ordered to return by the Deputy Conservator, and commanders of vessels are prohibited from forcibly detaining boats after that hour.

Boatmen and catamaranmen shall not be compelled nor permitted either to work on board any vessel within the port or to receive more passengers or cargo than is laid down as a boat-load in the accompanying schedule.

Any irregular practices among the crew of boats or catamarans shall be brought to the notice of the Deputy Conservator.

Communication with the shore through the surf in a ship's boat is prohibited.

Under the provisions of Boat Rules sanctioned by the Madras Government on the 16th November 1891, the number of passengers and the quantities of goods which shall constitute a boat-load within the meaning of section 6, clause (K) of Act 10 of 1889, are declared to be as follows:—

SCHEDULE A.

Inside the Harbour.

Maximum Masula Boat-load.

Dead weight, 3 tons, not damageable by water.
Rice, sugar, grain and ginger, 30 bags.
General cargo, 2 tons, by measurement of 50 cubic feet per ton.*

Outside the Harbour.

Maximum Masula Boat-load.

Dead weight, 2 tons, not damageable by water.
Rice, sugar, grain and ginger, 25 bags.
General cargo, 2 tons, by measurement of 50 cubic feet per ton.

Number of Adult Passengers composing a Masula Boat-load.

Europeans	12 persons.
Natives	15 do.

N.B.—Two children to be considered equal to one adult.

Number of Adult Passengers comprising a Jolly Boat-load.

Europeans	5 persons.
Natives	8 do.

Goods.—Large Pier Boats shall carry the ascertained practicable quantity of goods according to their size and measurement, as expressed in the licenses granted under Act 10 of 1889.

Passengers.—Passengers are not to be carried in the Pier Boats excepting in cases of emergency, and then only in the proportion of one adult to a ton.

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* *N.B.*—During foul weather or rough surf 25% less to be carried in the case of general cargo: and during fine weather and smooth sea an addition of 50% may be carried with permission from the Deputy Port Conservator.

Under the provisions of Boat Rules, the following maximum rates have been prescribed for the hire of boats and catamarans employed in the Madras Port :—

SCHEDULE B.

MAXIMUM Rate of Boat and Catamaran Hire for the Port of Madras to and from ships of all descriptions lying at anchor in the outer roadstead of the Port of Madras.

Accommodation Boat.

	RS.	A.	P.
Ordinary trip	3	8	0
Trip beyond 9 fathoms	5	0	0
Trip in foul weather	6	0	0
Transhipment	1	0	0

Common Boats.

	To vessels in 4 fathoms or upwards. RS.	A.	P.	To Native Craft under 4 fathoms. RS.	A.	P.
Ordinary trip*	2	8	0	1	8	0
Trip beyond 9 fathoms*	3	8	0	..		
Transhipment	1	8	0	1	8	0
Trip in strong current or foul weather* ..	3	8	0	2	8	0
Do. beyond 9 fathoms* ..	5	0	0	..		
Ballast trip*	2	12	0	1	10	0
Do. beyond 9 fathoms*	3	12	0	..		
Water trip (from the beach)	3	8	0	2	0	0
Do. beyond 9 fathoms	5	8	0	..		

Large Pier Boats.

	RS.	A.	P.	
Ordinary trip, at the rate of	1	0	0	per ton.
Trip beyond 9 fathoms, additional	0	8	0	do.
Transhipment, additional	0	12	0	do.
Trip in strong current or foul weather	1	8	0	do.
Trip beyond 9 fathoms	2	4	0	do.
Water trip	1	8	0	do.
Do. beyond 9 fathoms	2	4	0	do.

Sundry Charges.

	RS.	A.	P.
Coolies employed for weighing anchors, each man	1	0	0
For tarpaulin, each trip	0	4	0
Hire of four casks to contain 500 gallons of water (2 tons) for one trip	0	9	5
For filling casks at the water's edge	0	9	0

NOTE.—A Government charge of 2 annas a ton for water is likewise levied.

If supplied from the Pier end.

	RS.	A.	P.
Boat hire	2	8	0
Hire of four casks, at three annas each	0	12	0
Water, 2 tons, at 8 annas per ton	1	0	0
	4	4	0

Jolly Boats.

	RS.	A.	P.
Ordinary trip	2	0	0

Small Catamarans.

	RS.	A.	P.
Ordinary trip	0	8	0
Trip in foul weather or beyond 9 fathoms	1	0	0
Catamaran for rafting timber for one day	1	8	0

* 8 annas less if proceeding to or from the pier.

Large Catamarans.

	RS.	A.	P.
Raft, or Large Catamaran hire, to land boilers or heavy weight ..	15	0	0
Do. coolies per trip, for each man ..	0	8	0

The above rates to apply to boats working to and from the Beach, between Clive's Battery and Parry and Co.'s office.

Extra Hire.

	Accommodation Boat. RS.	A.	P.	Common Boat. RS.	A.	P.	Catamaran. RS.	A.	P.	Large Catamaran. RS.	A.	P.
Trip between 6 and 8 P.M.	1	12	0	0	12	0	0	2	6	..		
Do. 8 P.M. and 5 A.M. ..	3	8	0	1	8	0	0	5	0	..		
Do. Parry and Co.'s and Marine Villa	1	8	0	1	8	0	0	5	0	..		
Do. Marine Villa and Adyar..	2	0	0	2	0	0	0	8	0	..		
Trip north of Rayapuram	1	8	0	1	8	0	0	5	0	..		
For every hour, or portion of an hour beyond the first, a boat or catamaran is detained alongside, or on shore night or day	0	12	0	0	12	0	0	5	0	..		
Detention for each hour	..			..			..			2	0	0
For the coolies for every hour, each man	..			..			..			0	2	0

TO AND FROM SHIPS OF ALL DESCRIPTIONS LYING AT ANCHOR WITHIN THE MADRAS HARBOUR.

Accommodation Boats.

	RS.	A.	P.
Ordinary trip	2	8	0
Transhipment	0	12	0

Common Boats.

	RS.	A.	P.
Ordinary trip*	1	8	0
Transhipment	1	0	0
Ballast trip*	1	12	0
Water trip (from the Beach)	2	0	0

Large Pier Boats.

	RS.	A.	P.
Ordinary trip per ton	0	10	0
Transhipment do.	0	8	0
Water trip	1	0	0

Water if supplied from the Pier by Common Boats.

	RS.	A.	P.
Boat hire	1	8	0

Jolly Boats.

	RS.	A.	P.
Ordinary trip	1	0	0

Small Catamarans.

	RS.	A.	P.
Ordinary trip	0	5	0

* 8 annas less if proceeding to or from the pier.

TO AND FROM SHIPS OF ALL DESCRIPTIONS LYING AT ANCHOR WITHIN THE MADRAS HARBOUR.

Accommodation Boats

	RS.	A.	P.
Ordinary trip	2	8	0
Transhipment	0	12	0

Common Boats.

	RS.	A.	P.
Ordinary trip *	1	8	0
Transhipment	1	0	0
Ballast trip *	1	12	0
Water trip (from the Beach)	2	0	0

Large Pier Boats.

	RS.	A.	P.
Ordinary trip per ton	0	10	0
Transhipment do.	0	8	0
Water trip	1	0	0

Water if supplied from the Pier by Common Boats.

	RS.	A.	P.
Boat hire	1	8	0

Jolly Boats.

	RS.	A.	P.
Ordinary trip	1	0	0

Small Catamarans.

	RS.	A.	P.
Ordinary trip	0	5	0

* 8 annas less if proceeding to or from the pier.

APPENDIX II.

Bye-laws made by the Harbour Trust Board.

The following Bye-laws made by the Harbour Trust Board, Madras, under Section 70 of Madras Act II of 1886, and approved by the Governor in Council, are published for general information * :—

1. Landing and shipping of cargo shall be carried on on the days and within the hours allowed and appointed under Section 72, Act VII of 1878, or on other days and at other hours with the permission of the Collector of Sea Customs.

2. Harbour dues on goods shipped or landed, together with all cooly hire and charges for carrying, packing and storing, and all godown or ground rent payable under these bye-laws, shall be charged at the rates fixed by the Board under the provisions of Act II of 1886, and such dues on all goods, whether exports or imports, shall be paid previous to the removal of the goods from the harbour premises to such person as the Board may depute to receive and grant receipts for the same. All applications for export or import of goods must be on, or must be accompanied by, forms approved by the Board, and in use for the time being, and such forms must in all cases be correctly filled in and signed by the owner, exporter or consignee of the goods or his agents.

3. All goods landed at the Port of Madras shall be moved from the place or places where the same may be landed to the place or places set apart for the reception thereof by some person or persons authorized in that behalf by the Board, who shall in due course deliver the same to the consignees upon payment by the consignees of all costs and charges of receiving and of so moving such goods and of delivering the same, including all costs, charges and expenses of counting, sorting and weighing, and other costs, charges and expenses whatsoever incurred or payable under the directions, and with the sanction of the Board.

4. All coolies or porters employed under the Trust for the purpose of working cargo on the pier or beach, or in the Custom House or elsewhere wheresoever within the precincts of the harbour premises, shall wear a distinctive badge, and no such person shall be allowed to work as a cooly or porter within such precincts without such badge.

5. All necessary documents must be produced by shippers or consignees or their agents at the time of the shipping or landing of goods to the person or persons authorized by the Board to call for and inspect the same whenever required by him or them.

6. Three days' grace from date of landing will be allowed for the removal of all cargo free of godown or ground rent; after that, godown or ground rent, as the case may be, will be charged at the rates fixed by the Board under the provisions of Act II of 1886.

7. Coal and patent fuel shall be landed only at such place or places as may be approved by the Board for that purpose from time to time. Importers desiring to store the same within the limits of the Harbour Trust premises must apply to the Secretary of the Board for such space as may be required for that purpose, and such applications will be granted by the Board at their discretion, when ground is available for that purpose, on such terms as the Board shall see fit, and rent will be payabe for the plot so assigned at the rate fixed by the Board under the provisions of Act II of 1886.

8. Timber or firewood shall not be discharged from any vessel lying inside the harbour, except into boats or lighters, without the special sanction of the Deputy Port Conservator previously obtained, under a penalty upon conviction before a Magistrate not exceeding Rs. 50 for each offence.

9. Timber of all descriptions and firewood shall be landed only at such places as may from time to time be assigned or set apart by the Board for that purpose, under a penalty upon conviction before a Magistrate not exceeding Rs. 50 for each offence.

10. Whoever deposits goods within the Harbour premises, except at such place or places as may be set apart for the purpose by the Harbour Trust Board, should be liable on conviction before a Magistrate to a fine of Rs. 20.

11. Excepting ships' boats, no boat, lighter, raft, catamaran, or other vessel whatsoever for the conveyance by water of human beings or property, will be allowed to approach or lie alongside of the beach, or any wharf, pier or dock within the limits of the harbour premises, without a license from the Harbour Trust Board in that behalf, under a penalty upon conviction before a Magistrate not exceeding Rs. 20 for each offence; applications for such licenses shall be made to the Secretary of the Board.

* *Vide* Notifications in the *Fort St. George Gazette*, dated Ootacamund, 5th August and 26th August 1887.

12. Smoking, or the use of fire or naked lights on the pier or any jetties, or in or near any godown or enclosure or open space used for the time being for the storage of goods within the precincts of the harbour premises, is strictly prohibited; and any employé of the Harbour Trust Board is empowered to stop any person so smoking or put out such fire or naked lights, and all persons so smoking or lighting or using such fire or naked lights shall be liable to a fine not exceeding rupees one hundred for each offence.

13. The pier ladders will be available for the use of passengers and others, weather permitting, from 5 A.M. to 9 P.M.

14. All boats and other craft must lie clear of the pier ladders, under a penalty upon conviction before a Magistrate not exceeding Rs. 20 for each offence.

15. No boats, lighters, or rafts will be permitted to lie alongside of, or make fast to, the pier except when loading or unloading or for the purpose of taking off or landing passengers or baggage, under a penalty upon conviction before a Magistrate not exceeding Rs. 20 for each offence.

16. Crews must remain in their respective boats and lighters when alongside the pier, and must obey the orders and directions of the Traffic Manager or his Deputy, under a penalty upon conviction before a Magistrate not exceeding Rs. 20 for each offence.

17. Mooring buoys will be provided and maintained off the pier, and all boats, lighters and other craft must make fast thereto when ordered to do so by the Traffic Manager or his Deputy, and not approach the pier or pier ladders until permitted to do so under a penalty not exceeding Rs. 20 in each instance.

18. Lighters, boats and rafts must be securely moored at a distance of not less than one hundred yards from the pier when afloat and unemployed, and will not be permitted to make use of the Harbour Trust mooring buoys around the pier except with the permission and under the direction of the Traffic Manager or his Deputies, under a penalty upon conviction before a Magistrate not exceeding Rs. 20 for each office.

19. No lighters, boats or other craft shall be brought ashore or beached for the purpose of repair except at such place or places as may be assigned and pointed out by the Traffic Manager or his Deputies for that purpose, under a penalty upon conviction before a Magistrate not exceeding Rs. 20 for each office.

20. The public will be admitted to the pier when no traffic or work is going on. At all other times the Board reserve to themselves the right of excluding the public, and only those persons will be allowed upon the pier who have business to transact on the pier or require to pass over it for purposes of embarking or landing.

21. No package containing gunpowder or other explosive shall be landed within the limits of the Port of Madras without permission first obtained from the Collector of Sea Customs and from the Chairman, Harbour Trust Board, or, in his absence, from the Secretary of the Board, and no gunpowder or other explosive shall be landed within five hours of such application being so made to the said Chairman or Secretary if made between the hours of 6 A.M. and 11 A.M., or within two hours of such application being made, if made between the hours of 11 A.M. and 4 P.M., or within fifteen hours of such application being made if made after 4 P.M., except and unless the said Chairman or Secretary shall have first expressly sanctioned the earlier landing thereof, and in the landing thereof all rules or directions from time to time made or given by the Board or by the said Chairman or Secretary to ensure safety shall be rigidly adhered to and observed, under a penalty upon conviction before a Magistrate not exceeding Rs. 100 for each offence.

APPENDIX III.

Port Signals.

The following are the established signals of the Port Department of Madras (Section 70, Act X of 1889) :—

[The Flags specified belong to the Commercial Code.]

Ordinary Day and Night Signals.

(*a*) Boat Muster Flag	A square blue Flag with four parallel red bars running acrosswise.
(*b*) Quarantine Flag	R.
(*c*) When the state of the surf renders communication with the shore dangerous.	Flag M.
(*d*) When the surf is impassable ...	Flag K.
(*e*) In case of fire (by ship) ...	By day—The red Ensign hoisted *union* downwards at the *Main*. By night—One *red* light at *Main*.
(*f*) In case of parting riding cable (by ship).	By day—Flag B hoisted *over* the red Ensign *union downwards* at *Main*. By night—Two *red* lights at *Main* hoisted vertically.
(*g*) In case of stern fast (by ship).	By day—Flag J *under* the red Ensign at peak. By night—One red over one white light at peak.
(*h*) In case of any other emergency or duties (by ship).	By day—Red Ensign union *downwards* at peak. By night—One white light over one red light at peak.
(*i*) For a doctor (by ship).	By day—Flag H at *Main*. By night—One white light—one red light—one white light hoisted vertically at *Main*.
(*j*) For a police boat (by ship). See G.O., No. 568, dated 23rd Nov. 1883.	By day—The Union Jack hoisted under the red Ensign at peak. By night—Three white lights hoisted *vertically* at peak.
(*k*) For an accommodation boat (by ship).	By day—Flag D at *Main*. By night—Three white lights hoisted *horizontally* 4 feet apart at peak.
(*l*) For a catamaran (by ship) ...	By day—Flag G at Main. By night—Two white lights hoisted *horizontally* 4 feet apart at peak.
(*m*) General recall for boats	Flag S at Port Office Flagstaff.
(*n*) Vessels about to leave the harbour.	To hoist Flag N at the Fore.
(*o*) Vessels about to enter the harbour.	To hoist Flag F at the Fore.
(*p*) To signify a death having occurred on board and while a dead body remains on board.	The ship's Ensign and House Flag half-mast between sunrise and sunset. One red light at the Ensign staff at night *hoisted half-way*.

Storm Signals.

Flag L of the Commercial Code.

(*a*) when hoisted at the Northern arm of the Port Office Flagstaff signifies that cyclonic weather prevails on the coast between Masulipatam and Gopalpore.

(*b*) when hoisted at the Southern arm signifies that cyclonic weather prevails in the vicinity of Negapatam.

Bad Weather or Warning Signal.

Day.—A ball.
Night.—Three white lights arranged in a vertical line.

Note.—The signal indicates that a cyclonic storm has formed which would probably advance to the part of the coast on which the port is situated, but is still at a considerable distance from it.

Danger Signal.

Day.—A drum.
Night.—Two white lights arranged in a vertical line.

Note.—This signal indicates that a storm is approaching that part of the coast on which the port is situated and will shortly cross it; on it being hoisted, seven guns will be fired from the Salient of the North-East Demi-Bastion of Fort St. George, with an interval of five minutes between each gun.

Direction of the Storm.

(*a*) Will be indicated by the warning or danger signal being hoisted at the northern or southern arm of the Port Flagstaff according as the storm is expected to strike the coast to the north or south of the port.

(*b*) When the storm is expected to pass over the port, these signals will be hoisted at a gaff attached to the Flagstaff.

Intensity of the Storm.

Will be indicated during daylight by additional balls of half the size of the ball used as a warning signal being hoisted to the same yard-arm as the warning or danger signal, but between it and the flagstaff, in the case of a storm to the north or south of the port, and by these balls being hoisted *over* the warning or danger signal when the storm is expected to pass over the port; thus one small ball will indicate a storm of slight intensity, two balls a storm of considerable intensity.

Signal to leave the Harbour.

A small ball hoisted under the day warning or danger signals, and a red light at night at the opposite yard-arm to that at which the warning or danger signal may be displayed, will indicate that vessels are to leave the harbour at once.

Wreck Signals.

From Port Office Flagstaff—
By day.—A cone apex downwards.
By night.—A red light at the mast head of the Flagstaff.
By Fort—
Two guns fired in quick succession from St. George's Bastion, which will be twice repeated at intervals of three minutes.

PORT RULES

OF

THE PORT OF MADRAS.

(These Rules have effect from and after the 1st September 1889 under Notification of Government in "Fort St. George Gazette," dated 18th June 1889.)

I.—Entering or Leaving Port—Clause (*a*).

(*a*) All sea-going vessels, on entering or leaving the port between sunrise and sunset, shall fly their national flag, and, when entering port, each vessel shall show her number.

(*b*) No vessel shall enter or leave the harbour between the hours of 6 P.M. and 6 A.M. without special authority from the Deputy Conservator of the Port; and no vessel shall enter or leave the harbour at any time without having on board a Harbour Master, unless authority in writing so to do has been obtained from the Deputy Conservator.

(*c*) Not more than one vessel shall enter or leave the harbour at the same time.

II.—Berths of Vessels—Clause (*b*).

All vessels within the port shall take up such berths as may be assigned them by the Deputy Conservator, and shall change their berth, or remove, when required by him.

III.—Striking Yards and Masts—Clause (*c*).

All vessels within the port shall strike their yards and top-masts on being required to do so by the Deputy Conservator whether by signal or otherwise.

IV.—Removal and placing of Anchors, &c.—Clause (*d*).

Anchors shall not be allowed to remain cock-billed, nor spare spars be allowed to hang alongside or astern of any vessel.

V.—Taking in or discharging Passengers, Ballast or any particular kind of Cargo, and the stations to be occupied by vessels whilst so engaged—Clause (*e*).

(*a*) Ammunition or other explosives, kerosine-oil and timber shall be taken in and discharged only at such stations as may be set apart from time to time by the Conservator to be occupied by vessels whilst so engaged.

(*b*) Ballast and rubbish shall not be thrown overboard within the limits of the port without the special permission of the Deputy Conservator.

VI.—Keeping Free Passages, &c.—Clause (*f*).

The entrance to the harbour, the spaces between the different moorings within the harbour, the spaces in the vicinity of the pier and the harbour walls, shall be kept clear to the extent that may be required by the Deputy Conservator.

VII.—Anchoring and Mooring—Clause (*g*).

(*a*) Vessels within the port lying at single anchor shall have a second anchor ready to be let go.

(*b*) Vessels when moored or at single anchor shall have ranges of both cables on deck ready to be veered immediately.

(*c*) All vessels within the harbour should be moored in such a manner as may be directed by the Deputy Conservator and with or without stern-fasts at his

(*e*) When a steam vessel entering the harbour is provided with stockless anchors only or with anchors and chains which, in the opinion of the Deputy Conservator of the Port, are unsuitable for mooring such vessel inside the harbour, the Master shall, unless permission to the contrary is given by the Deputy Conservator in writing, keep sufficient steam at all times available in the main boilers of such vessel for moving her from her berth within one hour from receiving notice, either written or verbal, so to do from either the Deputy Conservator of the Port or the Senior Harbour Master on his behalf.

charge of the vessel moving.

IX.—Cargo Boats—Clause (*k*).

The plying of catamarans, flats, cargo, passenger and other boats, whether for hire or not and whether regularly or only occasionally in, or partly within and partly without, the port, and the quantity of cargo or number of passengers to be carried by any such vessel, shall be subject to such regulations as may be laid down from time to time by the Conservator.

X.—Fires and Lights—Clause (*l*).

(*a*) No vessel shall be fumigated except at a place appointed by the Deputy Conservator for the purpose.

(*b*) Pitch or dammer shall not be heated on board vessels within the port, but in a boat alongside or astern; nor shall spirits be drawn off on board such vessels by candle or other unprotected artificial lights.

(*c*) Vessels while loading cotton shall not have any unprotected lights in the hold or orlop.

(*d*) When gunpowder, ammunition or other explosives in excess of 100 lb. weight are being shipped on board, or being discharged from any vessel within the limits of the port, neither fires, lights nor smoking are under any circumstances to be permitted on board.

XI.—Signal Lights—Clause (*m*).

The master of any vessel arriving within the port with ammunition, explosives, or over 100 lb. in weight of gunpowder on board as cargo, shall display a red flag B of the Commercial Code at the fore during day-light, and between sunset and sunrise shall exhibit, when at anchor, a red light over the usual anchor light for such time as the ammunition, explosives or gunpowder may be on board within port limits.

XII.—Number of Crew—Clause (*n*).

All vessels within the port shall have on board a sufficient number of crew to perform any duties which may become necessary for the safety of the vessel in regard to veering or heaving in cable, bracing up the yards, striking masts and yards, &c., in case of emergency arising.

XIII.—Employment of Persons engaged in Cleaning or Painting Vessels, &c.—Clause (*o*).

No person shall be employed in cleaning or painting a vessel or in working in the bilges, boilers or double bottom of a vessel in the port either before or after the hours which may be fixed from time to time by the Conservator for such purposes.

H. B. SIMPSON, Capt., R.I.M.,
Deputy Conservator of the Port.

Additional Rule under XI, Clause (m).

SIGNALS.

THE use of "sound signals" for attracting attention is prohibited on board vessels while within the limits of the port, except for the purposes specified in Articles 12 and 19 of the Board of Trade "Regulations respecting lights and fog-signals and steering and sailing rules" republished below, and in case of emergency where assistance from the shore is urgently required in the interests of the safety of the vessel.

* * * * * *

Article 12.—A steam ship shall be provided with a steam whistle or other efficient steam sound signal, so placed that the sound may not be intercepted by any obstructions, and with an efficient fog-horn to be sounded by a bellows or other mechanical means, and also with an efficient bell. A sailing ship shall be provided with a similar fog-horn and bell.

In fog, mist, or falling snow, whether by day or night, the signals described in this article shall be used as follows; that is to say,

(*a*) A steam ship under way shall make with her steam whistle, or other steam sound signal at intervals of not more than two minutes, a prolonged blast.

(*b*) A sailing ship under way shall make with her fog-horn, at intervals of not more than two minutes, when on the star board tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

(*c*) A steam ship and a sailing ship, when not under way, shall at intervals of not more than two minutes ring the bell.

* * * * * *

Article 19.—In taking any course authorised or required by these Regulations, a steam ship under way may indicate that course to any other ship which she has in sight by the following signals on her steam whistle, viz.:—

One short blast to mean "I am directing my course to starboard;"
Two short blasts to mean "I am directing my course to port;"
Three short blasts to mean "I am going full speed astern."

The use of these signals is optional; but if they are used, the course of the ship must be in accordance with the signal made.

H. B. SIMPSON, Capt., R.I.M.,
Deputy Conservator of the Port.

NOTE.—The foregoing rule has effect from and after the 1st October 1889, under notification of Government in *Fort St. George Gazette*, dated 13th August 1889.

NCTIFICATION.

Ootacamund, October 14, 1893.

No. 67.—Under the provisions of section 6 (2) of Act X of 1889—the Indian Ports Act—and in supersession of the rules published in Marine Department Notification No. 97 at page 742 of the *Fort St. George Gazette* of the 29th October 1889, the Governor in Council has been pleased to make the following additional rules for the Port of Madras:—

XIV. Action to be taken by the Master when there is disease or sickness, or a dead body on board his vessel, while such vessel is within the limits of the port, clause (*p*).

PART I.—REGULATIONS IN CASES OF CHOLERA, SMALL-POX, OR OTHER EPIDEMIC DISEASES COMMON IN INDIA.

(*a*) The Master of every vessel on board of which there is, either among the passengers or crew, any case of cholera, small-pox, or other epidemic disease common in India, shall report every such case to the Pilot or other boarding officer at the earliest opportunity, or in the absence of a pilot or other boarding officer, or if the vessel be at anchor within port limits when such disease first breaks out, shall hoist a signal, which shall be, during the day, Flag R of the Commercial Code at the main, and during the night, two white lights, one over the other, at the fore.

This is a square red flag with a yellow St. George's Cross.

(*b*) The Master of every such vessel shall not allow any passenger suspected of having any such disease to depart from such vessel before such vessel has been inspected by the Health officer, but where the disease or diseases in question is or are limited to two cases, the vessel will not be prohibited from taking up the usual place of anchorage in the harbour, and passengers not suspected of having any such disease need not be detained on board pending the inspection of the Health officer. Where, however, cases of any such disease have been more numerous than two, or when from their occurring on pilgrim or emigrant ships or, for other special reasons, further precautions may be deemed advisable, the Master shall anchor the vessel in the place appointed for the purpose; and shall not allow any of the passengers to leave the vessel until the Health officer has made his inspection, and the Master of such vessels shall, moreover, cause her to be thoroughly cleansed and fumigated under the directions of the Health officer.

The anchorage in the south-west monsoon shall be in 9½ fathoms within the northern boundary pillar bearing W. ¼ N. and in the north-east monsoon in 9½ fathoms with the South Beach Ice-house bearing W.S.W. Or such other position as may be ordered by the Deputy Port Conservator.

PART II.—REGULATIONS WHERE A DEATH HAS OCCURRED.

(*a*) On a death occurring during the day on board of a vessel in the port, the ensign and house flag are to be immediately lowered half-mast and kept in such position from sunrise to sunset as long as the body remains on board. Should a death occur between sunset and sunrise, one red light is to be hoisted at the peak, half-mast.

(*b*) The Master of the vessel will cause the death of any person on board to be made known at once to the Deputy Commissioner of Police, either by letter or otherwise, and shall also forward to the Deputy Conservator of the Port a written report as soon as possible after the occurrence in which all the circumstances attending the death are to be fully detailed.

(*c*) No dead body is to be removed from the ship without the permission of the Police authorities. Unless the special permission of the Commissioner of Police to its interment on shore shall have been obtained, a dead body shall be buried in the sea, outside the harbour, in not less than 9 fathoms water, in such manner as shall ensure its sinking at once and remaining below water.

J. F. PRICE,
Chief Secretary.

MADRAS: PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

SPECIAL NOTICE

TO

COMMANDERS OF VESSELS,

VISITING

THE PORT OF MADRAS.

THE following arrangements have been made for acquainting by signal the Commanders of vessels in port, with the "daily weather report" supplied to the Presidency Port Officer by the Meteorological Reporter to the Government of Bengal, viz.:—

I. Immediately after the one o'clock P.M. "*time signal*" has been made, flag W of the Commercial Code will be exhibited at the mast head of the Port Office Flagstaff, and will denote that the flags which may be hoisted at the yard arm of the Flagstaff while it remains in position have a meteorological meaning.

II. When the signal has been completed, its meaning will be found on referring to the accompanying copy of the Meteorological Code and the General Chart of the Bay of Bengal.

III. The ordinary Commercial Code Signal flags (B to W inclusive) will be used in making the signal.

IV. Four flags will be used, and will be hoisted singly at one of the yard arms of the Flagstaff.

V. Each flag will have a special signification as to the weather in the Bay, as indicated in the Code, viz.:—

(*a*) The first flag will refer to section 1 of the Bay (*i.e.*) off Burmah and Arakan Coasts to longitude 90° E.

(*b*) The second flag to section 2 of the Bay (*i.e.*) at the head of the Bay north of latitude 19° 30′ N.

(*c*) The third flag to section 3 of the Bay (*i.e.*) off Ganjam, Circars, Coromandel Coast to longitude 90° E.

(*d*) The fourth flag to section 4 of the Bay (*i.e.*) the southern part of the Bay off the South Madras Coast, south of latitude 13° 30′ N.

VI. As the different flags are hoisted, the answering pennant of each vessel should be hoisted, and as each flag is *hauled down*, the answering pennant should be *dipped* and not lowered altogether until the signal has been completed.

VII. Each flag will be kept hoisted five minutes unless answered by all vessels in harbour before that time, in which case it will be hauled down before the expiration of five minutes.

DEPUTY CONSERVATOR'S OFFICE,
Madras, 189 .

Deputy Conservator
of the Port of Madras.

EXTRA REPORT OF WEATHER

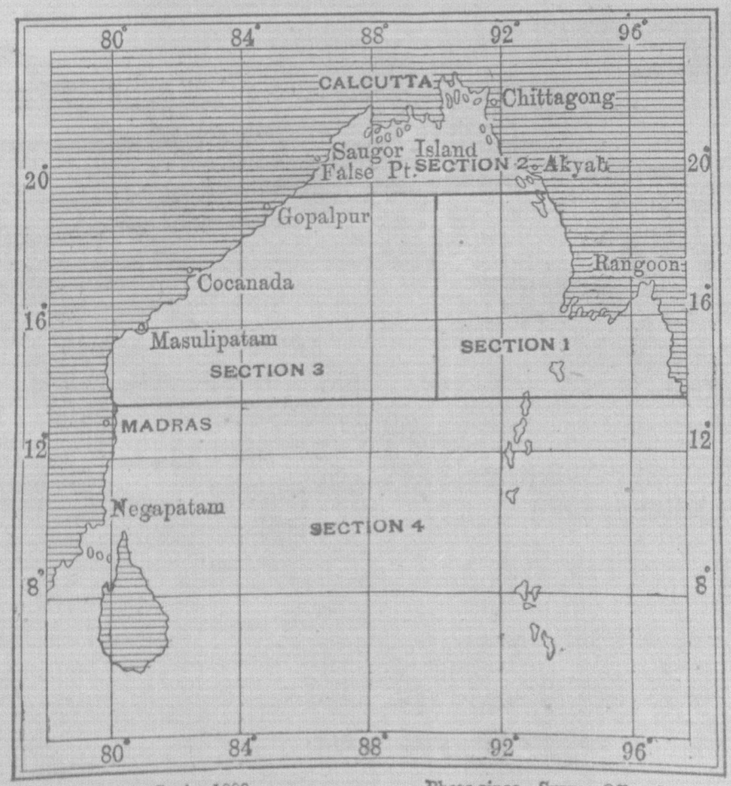
IN THE

BAY OF BENGAL

AT 8 A. M., TO-DAY

CHART OF THE BAY SHOWING SECTIONS REFERRED TO

IN THIS CODE



Reg. No. 1844—Copies 1000

Photo-zinco., Survey Office, Madras

1895

Meteorological meaning of the Commercial Code Flag.

Flag.	Weather.	Winds.	Sea.
B	Fine weather	Light or moderate winds, of direction about usual for the season	Calm or slight sea.
C	Fine weather	Moderate to strong winds, of direction about usual for the season	Probably slight to moderate sea.
D	Fine weather	Strong winds, of direction about usual for the season	Probably moderate to rough sea.
F	Fine weather	Light or moderate winds, of rather abnormal direction	Calm or slight sea.
G	Fine weather	Moderate to strong winds, of rather abnormal direction	Probably slight to moderate sea.
H	Fine weather	Strong winds, of rather abnormal direction	Probably moderate to rough sea.
J	Fine weather	Light or moderate winds, which apparently form part of a whirl or cyclonic circulation of winds.	Calm or slight sea.
K	Fine weather	Moderate to strong winds, which apparently form part of a whirl or cyclonic circulation of winds.	Probably slight to moderate sea.
L	Doubtful weather	Strong winds, which apparently form part of a whirl or cyclonic circulation of winds	Probably moderate to rough sea.
M	Unsettled and suspicious weather	Light or moderate winds, of rather abnormal direction	Calm or slight sea.
N	Unsettled and suspicious weather	Moderate to strong winds, of rather abnormal direction	Probably slight to moderate sea.
P	Unsettled, suspicious, and probably squally weather	Strong winds, of rather abnormal direction	Probably moderate to rough sea.
Q	Unsettled and suspicious weather	Light or moderate winds, which apparently form part of a whirl or cyclonic circulation of winds.	Calm or slight sea.
R	Unsettled and suspicious weather	Moderate to strong winds, which apparently form part of a whirl or cyclonic circulation of winds.	Probably slight to moderate sea.
S	Unsettled, suspicious and probably squally weather	Strong winds, which apparently form part of a whirl or cyclonic circulation of winds	Probably moderate to rough sea.
T	Unsettled and suspicious weather, which it is expected may lead to the formation of a cyclonic storm or stormy weather in the section of the Bay referred to.	Moderate or strong winds	,, ,,
V	Conditions indicate that a small storm at present of slight intensity has formed or is forming in the section of the Bay referred to.	Strong winds	,, ,,
W	Conditions indicate that a cyclonic storm has formed in the section of the Bay referred to, and has commenced to move from the place of formation.	Strong winds	,, ,,

500—18 8-93.

No 70

Ingest

From

Madras 19th July 1895

1324

The Port and Marine Surgeon
Madras

To

The Presidency Post Officer
Madras.

Sir.

In reply to your No. 473/660 M. dated 17th July 1895. I have the honor to remark that in his No. 240 Marine of 1st July 1890. His Excellency the Governor in Council ordered the republication of the rules in appendix A for the Medical Inspection of vessels in H. A. Marine, dated 24th May 1879. These have been found to work satisfactorily

2. My own experience as Health Officer in the Marine department is short having only assumed charge in June last, but in consulting my assistant Surgeon, his report confirms your statement in your para 3 of your No. 473/171 G. 5th July 1895. in regard to the care exercised by Masters of ships trading to this port in the sanitation of their vessels. At the same time I think it would be advisable to empower the Health Officer to order the destruction of imported food stuffs which from decomposition or other cause are found unfit for human consumption. The necessity for such a procedure would very rarely arise here but the matter is so important, that should the

Letter file

1895
Marine Dept.
Endst. No. 2
To
Dated 26

the necessity arise, the requisite powers should be at the disposal of the Health Officer. This matter is referred to by the Health Officer Port of Bombay in his No 458 of 1894. and appears to me to be one of considerable importance.

3. In your para 2 I concur provided (which I presume is the case) that by sickness you mean epidemic contagious disease. I am entirely of opinion that masters of ships should be required to notify such an occurrence on arrival at the Port, and that the vessel should be forthwith inspected by the Marine Health department, and such steps taken in regard to the sanitation of the vessel as the Health Officer may advise.

4. The legislation proposed in the Government of India letter para 2 (ii) is I think quite unnecessary so far as Madras is concerned. The only epidemic contagious diseases of practical importance to us here are small-pox and cholera, and for the prevention of these sanitary such as are proposed are of very doubtful value. Compulsory vaccination in the case of the former disease seems to me the proper procedure in reference to those who may have come in contact with contagion, and who deem vaccination by the Health department to be insufficiently protected. In regard to cholera I should remove all the sick at once to hospital, and then keep the ships in quarantine for a week, during which time no persons who had arrived by the ships should be allowed to land and persons going aboard should not be allowed to use any food or water aboard. During this time any fresh cases that might occur should be sent to hospital, and the Health Officer should take the necessary steps for the purification of the ships. This should possibly include fumigation, the destruction of all food stuffs taken on board at the port where the cholera was exported, the emptying and thorough disinfection of the water tanks and their refilling with a supply of good water &c. These precautions I advocate for Madras instead of sanitaria. Such cases very seldom occur here, and the establishment & maintenance of a sanitarium would entail expense in no way commensurate with the benefits derivable from it. In Bombay the case is no doubt quite different, where, as you remark a large pilgrim traffic is carried on. a sanitarium would no doubt be useful under such circumstances.—

I have the honor to be

Sir

Your most obedt. Servant

J. McDonnell. Lt. Col

Surgeon Major

Port & Marine Surgeon

& Health Officer in the Port

& Marine Department Madras

IOR
Marine Dept.
Enclos. No 1
To
O. No 5 of 5th

No. 473/171 G.

Heading.

CURRENT No. 521

PRESIDENCY PORT OFFICE,

Madras, 5th July 1895.

From

Commander W. J. Powell R.I.M.,

PRESIDENCY PORT OFFICER,

Madras,

Enclosures 2 per pocket post.

To

THE CHIEF SECRETARY TO GOVERNMENT,

MARINE DEPARTMENT,

Fort Saint George.

SIR,

In reply to endorsement No. 1177 A of 1st June 1895, on Marine current No. 406 (herewith returned) I have the honor to state as follows:

2. The regulations in force at Madras for the guidance of ship-masters when there is disease or sickness or a dead body on board while their vessels are within the limits of the port are contained in Rule XIV of the Madras Port Rules printed at page 21 of the accompanying pamphlet. These have so far been

been found sufficient to meet requirements here, and being framed under Section 6 (h) of the Indian Ports Act (No. X of 1889) are legally valid.

3. Infectious diseases may be expected to break out in passenger steamers more frequently than in any other but the vessels that carry passengers on this coast come mostly under the operation of the Native Passengers Ships Act (No. X of 1887) and the provisions of that Act in regard to cleanliness &c are so carefully enforced and so strictly observed by the vessels concerned that up to the present time there has been no ground to apprehend the breaking out of such diseases from

from insanitary causes. It seems unnecessary therefore, so far as this Presidency is concerned, to make any provision as is contemplated in para 2 (i) of the Government of India's letter.

4. With reference to para 2 (ii) of that letter I would observe that Part I (h) of Rule XIV of the Madras Port Rules provides for all that is required.

5. This Rule, however, applies only to cases of sickness &c. occurring in vessels while they are in port. I think it advisible that vessels in which sickness &c has occurred on the voyage or before their arrival in port should also be subjected to inspection by the Health Officer and to the adoption of any precautionary measures that

that

that Officer might suggest. —
But there is no law under which
the master of a vessel can be
compelled to report <u>past</u> sickness.
Section 6 (p) might, therefore,
be amplified to meet the case.

6. I do not think the power
to order destruction of cargo is
necessary at any of the Madras
Ports.

7. In Bombay more extensive
provisions than those contained
in the Regulations in force at
Madras are, no doubt, necessary
in view particularly of the
large pilgrim traffic carried
on there.

I have the honor to be,
Sir,
Your most Obedient Servant,

<u>Walter Bowden</u>
Commander R. I. M.
Presidency Port Officer

CURRENT No. 521

Marine (1895) Department.

From

The Presidency Port Officer,

Madras,

To

The Chief Secy. to Government,

Marine Department,

Fort St. George.

No. 473 / 191 G.

Dated 5th July 1895.

Received 7th

Regd 8th

Enc: CN. 406 with Endt. ref.

No.

Subject.

Returning with remarks copy of the draft Bill proposing to give legal validity to certain Sections of the Medical Inspection Rules.

Mar. for. No 3292 11-9-93 Sc

9355

2nd Endt. No 1610

Returned to the Presidency Port Officer with the request that a report from the Port Surgeon on the subject may be obtained and submitted at an Early date.

Fredrick Rice
Chief Secretary

F. & B.
12/7/95

Recommend
12 July 1895

No 473 / 191 G.

Marine Dept.

The Port Surgeon's report is herewith sent. I agree with his views as regards destruction of imported food stuffs when necessary. By sickness (in para 5 of my letter) epidemic contagious disease was meant.

Walter Bruce
Commander R.N.
Presidency Port Officer

Madras
19 July 1895

Pencil: Reg 22-7-95

mm.

Pencil: Enclosure

Marine Department

Current Nos 406, 521 & 575.

Letter dt 3rd August 1895 No 235

To

The Secretary to the Govt. of India

Home Department.

DESPATCHED
10 AUG 95

Sir,

In reply to your No. 185, M.S dated 21st May 1895, I am directed to inform you that the regulations in force at Madras for the guidance of shipmasters when there is disease or sickness or a dead body on board apply only when the vessel is actually within the limits of the port. These regulations have been found to work satisfactorily.

2. The circumstances of the trade of the port of Madras are of course very different to those at Bombay where a large pilgrim traffic is carried on.

P. 2. ..... The Marine Health Officer at Madras reports that there is no necessity for the establishment of sanitaria for the segregation of persons infected with dangerous diseases. But he considers that powers should be given to Health Officers to order the destruction of imported food stuffs which from decomposition

* vide notification No. 67, at page 1198 of the Fort St. George Gazette dated 7th October 1898

W
Lay

decomposition or other causes are found unfit for human consumption. The necessity ~~for~~ of such a procedure would very rarely arise; but the matter is so important that the Govt. ~~considers~~ agrees that the special power should be given to the Health Officers.

8. In regard to the question of precautions to be enforced when death or disease has occurred on a vessel before its arrival in port, the Govt agrees with the Health Officer, Madras, that all masters of ships should be required to notify such an occurrence on arrival at port and that the vessel should be forthwith inspected by the Marine Health Dept.

Such steps taken in regard to the ~~the vessel~~ it as the Health Officer might advise. The precautions advocated by the Health Officer at Madras are compulsory vaccination in the case of small-pox in reference to those who may have come in contact with contagion and who seem on examination to be insufficiently protected. All persons affected with cholera should be at once removed to a hospital and the ship kept in quarantine for a week during which time ~~any~~ no person

person who had arrived by her should b allowed to land and persons going on bo should not be allowed to use any food o water there. Any fresh cases that ~~may~~ might occur should be sent to hospital; the ship should be fumigated, ~~of~~ all food stuffs taken on board at the port whence the cholera was exported should be destroyed the water tanks should be emptied and thoroughly disinfected etc.

4. I am to say that the Govt. agrees in the suggestions of the Health Officer and recommends them for adoption.

3857/95

3857
26/7/95.

Fort Regulations

Mis

H. E. the Governor