

Marine (1896) Department.

G.O., No. 740 Mar

DATED 29th October 1896

[Despatch Abstract.]

Port Clearance Certificate: Letter to the Consul
for Japan, Bombay explaining that there has
been no departure from the ordinary & usual
usage of the port of Tuticorin when the grant of
a - 6th Steamer "Osborne" was declined
on the night of 21st March last

40—300—5-3-96.

as follows. Messrs A & F.
Harvey, the Inticorin Agents
of the S.S. "Osborne" applied
on the 21st March 1906 to the
local port officer to keep
his office open after the
usual office hour - viz
5 P.M. for the purpose of
"entering" and "clearing"
that vessel, but without
specifying any particular
time. The Port officer ar-
ranged accordingly; and,
as at 9.30 P.M., the papers
necessary to be produced
before him to enable the
vessel to obtain her Port
Clearance at the Customs
House, had not been pre-
sented, he left the office.
In ^{thus} closing his office, at
9 P.M. the Port officer at
Inticorin followed the
established practice in
Madras, the principal port
of the Presidency, where
port clearance is not
granted

with reference to the Statute
of the local agent, mentioned by
you, that "the treatment in question
would not be given to the vessel
was she under a different flag,"
I am to say

^{in such cases}
granted after ^{9 P.M.} that hour.
The action of the Port
officer in this case does
not thus seem to H. E.
the Governor-in-Council
to have been unreasonable.
2. H. E. the Governor-in-
Council regrets to find
that it has ^{been} thought neces-
sary to introduce a poli-
tical aspect into this
merely commercial trans-
action. It is ^{in Council} ~~excellent~~ ^{advised} that there are no
grounds whatever for
assuming that ^a Foreign
^{vessel} ~~steamers~~ of other nationa-
lity ^{would} have received
more favourable treatment;
^{to point out} and that as a matter of
fact the S.S. "Osborne" ^{which is} ~~was~~ ^{the} ~~occasion~~ in question
was a British Registered
^{vessel} ~~steamers~~, flying the British
flag, and commanded,
officered, and manned, by
British subjects; and ^{that} be-
yond the fact that she
was

was chartered by the Japan
mail steam ship Company,
there was nothing to attach
to her the character of a
foreign nationality.

3. A.C. the Governor-in-
-council trusts it has thus
been made clear that in
this case, there has been
no departure from ^{the} ordi-
-nary ^{and reasonable} usages of the port.

I have &c

[Signature]
24/10/96

M.

Marine (1896) Department.

CURRENT No. 1124

Order

From,

The Presidency Post Office,
Madras

No. $\frac{1445}{331}$ 9

Dated 16 October 1896

Received 20. 10. 96

Enclosures 2

Spare copies

SUBJECT.

Returning with remarks
papers regarding the
complaint from the
Consul for Japan in
connection with Post
clearance to S.S. "Osborne".

267
30-8-96

BACK PAPERS.

G.O.	No.	Department.	Date.
267	507 E	Mar.	2-10-76 ✓
	499 E	So.	30-9-76 ✓
	6-1	So.	30-8-75 ✓

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Heading.

No. 1445
331 4

PRESIDENCY PORT OFFICE,

Madras, 16th October 1896.

From

Commander H. A. Skelton R. I. M.

PRESIDENCY PORT OFFICER,

Madras,

To

THE ~~CHIEF~~ SECRETARY TO GOVERNMENT,

MARINE DEPARTMENT,

Fort Saint George.

SIR,

Chepak

With reference to Marine Department Endorsement No. 499 E, dated 30th September 1896, (enclosure herewith returned) I have the honor to report as follows.

2. Messrs A. & H. Harvey, the Indicozin Agents of the S.S. "Osborne" applied to the local Port Officer to keep his office open, after office hours, on the 21st March 1896, for the purpose of "entering" and "clearing" that vessel, but without specifying any particular time. The Port Officer arranged accordingly, and as at 9.30 P.M. the papers necessary

2

necessary, to be produced before him to enable the vessel to obtain her Port Clearance at the Custom House, had not been presented, he left the Office.

3. In the case of Coast ports, there appears to be no definite ruling as regards the time up to which, after office hours, a Port Officer is required to be in attendance, in connection with the entering and clearing of a vessel, but at Madras the matter is regulated by the Rules issued in accordance with Section 66 of Act VIII of 1878, under which, and under G. O. Marine No. 267, dated 30 August 1895, Port Clearance is granted only up to 9 P.M., and as I hardly think that it was intended to make more liberal concession to ports smaller than Madras, I submit that the Port Officer, Tuticorin, remained in office late enough for the occasion. I would also bring to notice that the Collector of Tinnevely, as Chief Customs Officer of the District, has, in connection with this matter, informed the

* Vide Pamphlet forwarded herewith for ready reference and return.

3

the Port Officer that, for future guidance, 9 P.M. is a sufficiently late hour for keeping the Port and Customs offices open for entering and clearing vessels on payment of Special fees.

4. The usual fee was levied and retained for entering and clearing the S.S. "Osborne" on the date in question - Rule 5 of the Rules at page 45 of the Pamphlet referred to in Para 1 of this letter provides that the fee is payable even if a vessel does not work - and I submit, therefore, that there is sufficient justification in retaining a fee that was levied in the case of a vessel that actually did work but failed to present her papers at the Port Office within a reasonable hour of the night.

5. The Political aspect that has been introduced into this matter by the

the

4
the Consul for Japan at Bombay
(vide concluding portion of his letter)
is much to be regretted. As a matter
of fact, the S.S. "Osborne" on the occasion
in question was a British Registered Steamer,
flying the British flag and commanded,
officered, and manned by British Subjects,
and, beyond the fact that she was
chartered by the Japan Mail Steam
Ship Company, there was nothing to
attach to her the character of a
foreign nationality. On the
other hand, I cannot reconcile
the assertion in the Japanese Consul's
letter that "the treatment in question
would not be given to the vessel,
were she under a different flag" (that
is other than Japanese) with the fact
that only as recently as in February
last, a Steamer, the "Edzumi Maru",
flying

5
flying the Japanese flag, went aground
in Inticorin Roadstead, and the local
Port Officer on hearing of the accident
at once offered all the assistance in his
power, and it was mainly due to such
assistance that the vessel was success-
fully floated. For rendering this
assistance nothing was demanded beyond
the expenses incurred in using the
Steamer "Margarieta" for laying out anchor &c.

vide para 11
page 83 of
pamphlet

6. In conclusion I would observe
that the Master of the Steamer "Osborne"
committed a breach of the Sea Customs Act
by leaving the port without a clearance.

I have the honor to be,
Sir,

Yours Obedient Servant,
H. A. Street
Commander R.M.
Presidency Port Officer

L

Marine (1896) Department.

CURRENT No. 1065

Order Endd.

No. 4992. 230 Sept 1896

Referred to the
Presidency Port office for
early and full report.

From

The Consul for Japan
Bombay.

No. ✓

30/8/96
W

The P.P.O. in original to be
returned. D. W. 20/9/96
C.S.

Dated 22nd September 1896

Received 29. 9-96

Enclosures -

Spare copies -

SUBJECT.

Port Clearance Certificate

Bringing to notice the actions
of the Port officers at Tuticorin
in refusing a — to the
Japanese steamer "Osborne"
on the 21st March 1896

Bombay the 22nd Sept. 1896



Dear

I have the honour to inform you that the agent for the Nippon Yusen Kaisha (Japan mail steamship company) at this port has reported to this office on the matter of the Port clearance being refused, by the Port Officer of the Port Tuticorin to the steamship "Osborne" chartered by the said company and of her having in consequence left that Port without the clearance in the Honourable the Chief Secretary to the Government of Madras.

the night of Saturday the 21st March last

From the report it appears that the local agent of the company applied, with view to despatching the said vessel during the night, for the special permit to load beyond the usual office hours which was duly granted and when everything had been attended to by the authorities and the signature only to the port clearance was required and applied to, the Port Officer refused to give effect to the document stating, as the reason the lateness of the hour applied which according to the local agent's statement, seems to have been between half past nine and ten o'clock in the evening and further that he remained half
Past

past nine o'clock. The agent protests against this limitation of the official hour as unwarranted and arbitrary on the part of the collector because firstly the special fee was paid and accepted secondly, no hour is prescribed officially up to which an application for a Port clearance has to be forwarded in case of special permit granted, and thirdly no notice of whatever kind was given to the agent to understand that the collector on that particular occasion intended to entertain no application after half past nine o'clock. The agent under the circumstance, considering

Considering that the officer failed in his duty advised the master to proceed without the Port Clearance which was however afterwards sent by the officer to the agent. He further considering that the telegraphic expenses incurred in advising the company his principal, of the occurrence should be compensated by the officer asked on one hand for the instruction of the company and on the other addressed to the Madras Presidency Port officer on the subject, who replied to the agent that he could not instruct the Port officer of Tuticorin to compensate the claim and added that the said officer remained until

until half past nine and "it is" "not apparent that the urgency of" "the occasion necessitated his" "remaining after that hour" — an admission, that a port officer is sometimes required to transact the business beyond the hour in question. Further, that such urgency as above referred to, did exist at the time is evident, in the agent's opinion, as the day being Saturday no further application to work the vessel on Saturday was available, ^{as} the regulations require such application in order to be effective, to be sent some hours before the close of usual office hours and as a day's delay will

Cause

cause a heavy loss to the vessel especially in the case of a chartered one.

Meanwhile the company in Japan instructed the agent to waive the claim in case the question be not further proceeded against. It also seems that some correspondence passed between the local agent and the port officer of Pinnevelly on this question. There are details which I do not find it necessary to state herein for the present purpose.

While the occurrence of such nature is to be discountenanced by all means, I beg to call your attention to the circumstance that notwithstanding the Port officer's

contention

contention about the lateness of the hour all the officers of the same service were apparently attending to the business after ^{the} hour in question and that therefore the officers limitation of special duty to half past nine o'clock seems to be inconsistent nor it seems unlikely that the collector was uninformed of the agent's intention of despatching the vessel during the night in question for which special purpose, the arrangement was granted to work the vessel beyond the regulation hours. There is another point to which I respectfully invite your attention and which in my opinion, involves

considering
involves a question of very
important, if not serious, nature.

The local agent wrote among
other things in his letter to the
Port officer of Trincovelly, to the
effect that the treatment in question
would not be given to the vessel
were she under a different flag.

While I persuade myself
that such cannot be the intention
of your Government and admit
that the above statement remains
yet to be confirmed, I shall be
failing in my duty if I do not
state in this connection that all
the vessels under Japanese flags
are entitled to enjoy the ^{same} advantages
and

and facilities as are extended to
those of other nationalities and con-
sequently any misapprehension on
the part of the port and customs
officers with regard to the treatment
of vessels under Japanese flags if
such exist is extremely to be
regretted.

Under the circumstances, I
have the honour to request you
to be good enough to cause a due
inquiry to be made into the case
and inform me of the circumstances
under which the Port-clearance
was refused to the vessel in question
as well as the view of the case
taken by your government as it
may

may become my duty to report the
matter to my Government and His
Majesty's minister in London in
case further proceedings are taken
by the authorities in this matter.

I have the honour to be,

Sir,

Your obedient servant

F. Hamada

Consul for Japan.

Marine Department.

No 507 E. 22 October 1896

To

The Consul for Japan,
Bombay.

Sir,

I am directed to
acknowledge the receipt
of your letter dated
22 September 1896 on the
subject of the refusal
of the Port officer, Inti-
cosin, to grant a Port
clearance certificate
to the Japanese steamer
"Osborne" on the night
of the 21st March 1896,
and to inform you
in reply that the
complaint will be
duly enquired into,
and the result com-
municated to you in
due course.

I have &c

1/10/96

M

507 E. 20 96

Encls 1
Per 11/24/96

M

This is a case of
~~urgent~~ importance
 which, under the new
 order, should be sub-
 mitted to His Excellency
 for perusal before being
 sent into the office.

But it is also a case
 of urgency - His Excellency
 is away - it is a
 Marine Dept. paper
 which does not fall
 to His Excellency in
 ordinary course - and
 the preliminary dis-
 posal is obvious - no
 orders can be passed
 until the Port Officer's
 version of the trans-
 action is before for.

Orders are accordingly
 issued as to the
 disposal of the paper.

N.S.

30 Sep 96.

Better done & sent
 to Mr. Blair

in
 Enclosed accord

30/9/96

J. Blair

P.S.O. but as the Hon.
Mr. Blair objects to formal
disposals being submitted
to him, the Endorsements
may, perhaps, issue at
once?

N.S.

30 Sept 96