Sectt. II-27—95,000

P.W I&P (~~195~~) Department.

A.d Hoc Rules

For the posts of

Publicity Assts Journalists Etc

Go ms 2602
19/7/48

[Despatch Abstract.]

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

GOVERNMENT OF MADRAS

***

Abstract

PUBLIC SERVICES - Madras General Subordinate Service - Public Works (Information and Publicity) Department - Temporary - Technical posts of 'Reporter' treated as temporary addition to Publicity Assistants.

- -

Public Works (Information and Publicity) Department

Dated 12th April 1950.

G.O.Ms.No.1642

Read the following:

G.O.Ms.No.878, Public (I&P), dated 12-4-1948
G.O.Ms.No.2602, Public Works (I&P), dated 19-7-1948
G.O.Ms.No.2061, Public Works (I&P), dated 27-5-1950

---

O R D E R:

His Excellency the Governor of Madras hereby directs that the temporary post of 'Reporter' in the Public Works (Information and Publicity) Department be considered as a temporary addition to the category of Publicity Assistants in the same Department.

T. M. S. MANI,
Secretary to Government

To
The Director of Information and Publicity, Madras
Public (Services) Department
Public Works (OP) Department
The Accountant-General, Madras
Finance Department
Legal Department.

True copy/Forwarded/By order

SUPERINTEN

GOVERNMENT OF MADRAS

***

Abstract

PUBLIC SERVICES - Madras General Subordinate Service - Public Works (Information and Publicity) Department - Temporar technical posts - Ad hoc rules - Issued.

- -

Public Works (Information & Publicity) Department.

G.O.No.2602 Dated 19th July, 1948.

Read: G.O.No.1953, Public (Services), dated 17-9-1946.
G.O.No.2043, Public (Services), dated 26-9-1946.
G.O.No.2107, Public (Services), dated 7-10-1946.
G.O.No.2118, Public (Services), dated 8-10-1946.
G.O.No.2694, Public (I&P), dated 13-12-1946
G.O.No. 356, Finance (Salaries), dated 21-5-1947
G.O.No. 77, Public (I & P) , dated 12-1-1948.

***

ORDER:

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

Notification

In exercise of the powers conferred by section 241((b) and (2)(b) of the Government of India Act, 1935, His Exce lency the Governor of Madras hereby makes the following rule

The rules hereby made shall be deemed to have come into force on the 1st August 1946.

RULES

The General and Special Rules applicable to the hol of permanent posts in the Madras General Subordinate Service shall apply to the holders of the temporary posts of --

(1) Publicity Assistants;
(2) Journalists;
(3) Translators;
(4) Photographer;
(5) Assistant Phtographer;
(6) Artist;

subject to the modifcations specified below:

2. The posts shall constitute distinct categories a distinct Class in the said service.

3. Appointments to the posts shall be made by di recruitment or for special reasons by recruitment by trans any other Service.

4. The appointing authority shall be the Director Information and Publicity, Madras.

5. No person shall be eligible for appointment osts specified in the Annexure below by direct recruitme attained the age of 40 years.

6. No person shall be eligible for appointment ecified in column (1) of the Annexure below unles ses the qualifications specified in the correspond s in columns (2) and (3) thereof.

shall be paid to the holders of th

GOVERNMENT OF M

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Abstract

PUBLIC SERVICES - Madras General Subor-
Public Works (Information and Publicity) Depa
Technical Posts - Ad Hoc Rules - Amendment iss
- -

Public Works (Information and Publicity) Depa

G.O.Ms.No.2061 Dated 27th May

Read the following:

G.O.Ms.No.2602, Public (I & P), dated 19th July 1948.

---

ORDER:

The following notification will be issued in the Fo St. George Gazette:-

NOTIFICATION

In exercise of the powers conferred by the proviso article 309 read with article 310 of the Constitution of Ind His Excellency the Governor of Madras hereby makes the follo amendment to the rules relating to the temporary posts of Publicity Assistants, Journalists and certain others, publish with the last Public (Information and Publicity) Notification No.2, dated the 19th July 1948, at page 730 of Part I of the Fort St. George Gazette, dated the 3rd August, 1948.

Amendment

In the Annexure to the said rules for each of the entries in column (2), against items 1, 2 and 3, the followin shall be substituted, namely:-

A "B.A. or B.Sc. degree of a University in the State, provided that this qualification shall not be necessary in respect of persons who are holding the posts on the 27th Ma 1950."

(By Order of His Excellency the Governor)

D. PADMANABHAN,
Secretary to Government,

To
The Superintendent, Government Press, for publicat
the notification.
The Director of Information and Publicity, Madras.
The Public Works (OP) Department
Copy to Public (Serfices) Department
" Legal Department
" Accountant-General, Madras
" Finance Department.

/True copy/Forwarded/By order/

SUPERINTEND

GOVERNMENT OF MADRAS

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Abstract

- Madras General Subordinate
nd Publicity) Department -
es - Amendment issued.
- - - - - - - - - - -
Publicity) Departmen
dated 2
Read the
dated 19.
ted 27.5

GOVERNMENT OF MADRAS

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Abstract

PUBLIC SERVICES - Madras General Subordinate
Public Works (Information and Publicity) Department -
technical posts - Ad Hoc Rules - Amendment issued.

- -

Public Works (Information and Publicity) Department

G.O.Ms.No.359 dated

Read the

G.O.Ms.No.2602, Public Works (I&P), dated 19.
G.O.Ms.No.2061, Public Works (I&P), dated 27.5

O R D E R:

The following notification will be issued i
Fort St. George Gazette:-

Notification

In exercise of the powers conferred by the
to Article 309 read with article 313 of the Consti
India, His Excellency the Governor of Madras, here
the following ~~amendment~~ amendments to the rules relating to
posts of Publicity Assistants, Journalists and cer
published with the late Public (Information and Pu
Department Notification No.2, dated the 19th July
page 730 of Part I of the Fort St. George Gazette
3rd August 1948, as subsequently amended.

The amendment hereby made shall be de
come into force on the 1st August 1946.

Amendment

In the said rules, rules 7 and 8 s be re
as rules 8 and 9 respectively, and after ru the
shall be inserted as rule 7, namely:-

"7. Every person appointed to a ion
the date on which he joins duty, be on p od of
period of two years within a continuous

Provided that service in the gory of category
Assistants will count for probation in
lists and vice versa."

M

(By order of His Exceller the Governo

T. M. S.
ecretary to

To
The Superintendent, Government Press, for
of the notification.
The Director of Information d Publicity,
Public Works (OP) Department
Copy to Public (Services) Department
" Legal Department
" Accountant-General, Madras
" Finance Department.

True copy/Forward

Urgent

Marine (1897) Department.

CURRENT No. 380

No. 187 E. d/13th March 97

D/

Telephone

~~Order~~

To Presidency Port Officer.

Please call on Acting Advocate General at his office some day next week, after giving previous notice, to discuss the subject of G.O. 72 Marine dated 26 January last — compulsory registration of licensed boats.

13/3/97

C.S.

Despd: K.P. 13/3/97

P.M

From

The Govt. Solicitor
Madras.

No. 145

Dated 10 . 3 . 97

Received 13 . 3 . 97

Enclosures 1

Spare copies .

SUBJECT.

Requesting to arrange with the Presidency Port-officer to call on the Ag: Advocate General at his office some day next week.

BACK PAPERS.

G.O.	No.	Department.	Date.
135 E & papers 26 2 97			

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[illegible]

To Presidency Port Officer
Please call on
the Advocate General at
his office some day next
week after giving previous
notice to discuss the
subject of G.O. 72 Marine
dated 26 January last

35.10

Madras, 9th March 1897.

From,

The Hon'ble Mr V. Bhashyam Iyengar, Dewan
Bahadur, C. I. E.
Acting Advocate General

To,

Ernest Barclay Esqre.
Government Solicitor,
Madras.

Sir,

In acknowledging receipt of G. O. No 72 dated 26th Januar 1897 (Marine) I have the honor to state that before expressing my opinion on the question of enforcing registration of licensed boats which ply beyond Port limits, I consider it desirable to have an inte-view with the Presidency Port Officer in view to obtain information on certain points mentioned in his letter to the Secretary to Government (Marine Department) dated 19th January 1897 No 646/16 G. and certain other matters bearing on the question. I shall therefore be much obliged by your desiring the Secretary to Government Marine Department, to request the Presidency Port Officer to see me at my office some day next week which will be convenient to that officer after giving me previous intimation.

I have the honor to be
Sir
Your most obedient servant
V. Bhashyam Iyengar
Acting Advocate General

(True Copy)
Ernest Barclay
Government Solicitor.

Endst
Mar 380/97

No. 145

Madras 10th March 1897.

From,

E st Barclay
Government Solicitor
Madras.

To,

The Chief Secretary to Government
Fort St: George.

CHIEF SECRETARY
11 MAR 1897
GOVERNMENT OF MADRAS

Sir,

With reference to the order of Government dated 26th - January 1897 No. 72 Marine, I have the honor to forward herewith copy of a letter dated 9th instant I have received from the Acting Advocate General and to request that you will be good enough to arrange with the Presidency Port Officer to call on the Acting Advocate General at his office some day next week which will be convenient to the Presidency Port Officer, after giving the Acting Advocate General previous intimation.

I have the honor to be
Sir
Your Obedient Servant
Ernest Barclay
Government Solicitor.

Statement of unregistered vessels which arrived at the Port of Cochin and which were measured under section 41 (2) of Act X of 1889. Forwarded to the Presidency Port Officer, Madras, with reference to his Memo No 646/259 P dated 12th February 1897.

6

Date of arrival		No of vessels	Tonnage	Whether registered at Cochin after arrival and name given to each.	The place where each vessel was built	Amount of Port dues collected on each vessel			The port from which each vessel arrived.	Whether a clearance from port of departure was produced on arrival	
1889 November	20th	1	59 39/130	No	Unknown	7	6	"	Maldive	Yes	
December	22d	1	42 100/130	No	— do —	2	11	"	Keti	Yes	
1890 January	14th	1	60 69/130	No	— do —	3	13	"	— do —	Yes	
1891 February	1st	1	83 92/130	No	Mandvi	5	4	"	Balasore	Yes	
1892 March	15th	1	91 120/130	No	— do —	4	5	"	Cutch x	No	x No port clearance are produced by vessels arriving from Cutch
— " —	16th	1	39 60/130	No	Maldive	4	14	"	Maldive	Yes	
1894 March	1st	1	36 3/4	No	— do —	4	10	"	— do —	Yes	
— " —	11th	1	31 58/100	No	— do —	4	"	"	— do —	Yes	
October	8th	1	60 76/100	No	Goa	2	13	9	Damaō	Yes	
November	20th	1	58 39/100	No	Unknown	2	11	6	Cutch	No	— do — do —
1895 March	25th	1	37 11/130	No	— do —	4	10	"	Maldive	Yes	
		1	55 106/130	—	Cochin	"	"	"	—	—	Belonging to the Sultan of Maldives. Not registered at Cochin but measured for Tonnage and a measurement certificate granted.

Cochin
16th February 1897

(Sd) M. Woodhouse
Port Officer

Copy

Commander, R. I. M. /
Presidency Port Officer

[illegible] 4414 (5)
[illegible] 1

No 19/7

Statement of unregistered vessels arrived at the Port of Tellicherry and measured under section 41 (2) of the Indian Ports Act for the purpose of ascertaining tonnage (submitted as per P.P.O's No. $\frac{646}{262}$ P dated 12th Febr/1897)

No	date of arrival		whether registered at Tellicherry after arrival; if so the name given	Nationality	where and when built		Tonnage	whether laden or in ballast	Port dues levied			whether a clearance from port of departure produced.	whence arrived.	Remarks.
1	1895 Jany	23	Named "Bathel Aaripasa" as per her Certificate No. 1 of Junagadh (foreign)	Kattiwar	Verawal	1895	38·03	Laden @ 1 anna	2	6	"	No	Verawal (Kattiwar)	
1	1897 Jany	10	Named "Bhoom (Bagala) Khaiseer" as per her Certificate of Kuwait written in Arabic characters	Arab	Kuwait	1896	61·81	— do — @ 2 annas	7	12	"	— " —	— do —	she has had foreign goods on board from Kuwait

/Sd/ J. M. Simpson,
Port Officer.

Copy

Tellicherry Port Office
15th February 1897.

I attest

Commander R.I.M.,
Presidency Port Officer.

Emlo2
Deri 444/17

Statement of unregistered vessels arrived at Calicut and measured under section 41 (2) of the Indian Ports act for ascertaining tonnage for levy of port dues in 1894, 95, and 96.

No.	Name of vessel	Tons	Date of arrival	Whether registered and names assigned at Calicut after arrival	Where built	Amount of Port dues collected			Ports where arrived and whether clearance from the port of departure produced on arrival	Ports to which the vessels belong	Remarks
1.	Bugala "Futha Rahimani"	141	3. 1. 94	only name assigned	Newly built at Calicut	6	9	9	Launched from shore	Arabia	Not registered but measured under Sec 41 (2) for levy of Port dues.
2.	—do— "Naoree"	97	10. 1. 94	No	Repaired				Beypore, clearance produced	Quet	This being a foreign vessel no port-dues charged being (3) port of call
3.	Batel "Alimadat"	75	15. 1. 94	No	Veravel	3	8	3	Veravel " not "	Junagadh	
4.	Gunja "Parvatipasa"	72	9. 5. 94	only name assigned	Newly built at Beypore	3	6	.	Launched from shore	Porbander	Entered at Beypore & measured for levy of Port dues.
5.	Muchwa "Rampasa"	50	10. 9. 94	No	Mandvi	2	5	6	Cutch, no clearance produced	Cutch	
6.	Gunjah "Badamis"	72	10. 9. 94	No	Porbander	3	6	.	Porbander "	Porbander	
7.	Kotia "Triconpasa"	90	10. 9. 94	No	—do—	4	3	6	—do— "	—do—	
8.	do "Alimadatt"	67	14. 9. 94	No	—do—	3	2	3	—do— "	—do—	
9.	Butela "Rooparel"	65	15. 9. 94	No	Unknown	3	.	9	Damoa "	Damoa	
10.	Muchwa "Ganeshpasa"	25.	25. 9. 94	No	—do—	1	2	9	Jaffrabad "	Mangrole	
11.	—do— "Salamaty"	39	27. 9. 94	No	Veravab	1	13	3	Veravel "	Veravel	
12.	Gunja "Padaruth"	62	3. 10. 94	No	Porbandar	2	14	6	Salaya "	Porbander	
13.	Butel "Haripassa"	30	18. 10. 94	No	Goa	1	6	6	Damoa "	Novagoa	
14.	Muchwa "Sakario"	28	8. 11. 94	No	Veravel	1	12	"	Veravel "	Junagadh	
15.	—do— "Sugalpassa"	83	23. 11. 94	No	Jodia	3	14	3	Jodia "	Nowunuger	
16.	Butela "Dowlatpasa"	41	24. 11. 94	No	Veraval	1	14	9	Veravel "	Junagarh	
17.	Cotia "Mahadevipersad"	93	5. 12. 94	No	Unknown	5	13	"	Manoa "	Jaffrabad	
18.	Muchwa "Fate Salamat"	83	21. 12. 94	No	Nowanugar	5	3	"	Jodia "	Nowunugur	
19.	Bugla "Fate Salam"	137	28. 12. 94	No	Unknown	17	2	"	Quilon, produced	Quet	
20.	Gunja "Laxmipassa"	89	12. 1. 95	No	Jodia	4	2	9	Jodia, not "	Nowunuger	
21.	Muchwa "Futhel Khair"	64	10. 9. 95	No	Mandvi	3	-	-	Cutch "	Cutch	
22.	Gunja "Kallianpassa"	88	17. 9. 95	No	Jodia	4	2	"	Jodia "	Nowunagar	
23.	Kotia — do —	72	25. 9. 95	No	Jamnagar	4	8	"	Jamnager "	Junagar	
24.	Butela "Rooparel"	56	30. 9. 95	No	Goa	2	10	"	Goa "	Goa	
25.	Gulbert "Futhe Moombark"	42	16. 10. 95	No	—do—	1	15	6	Damoa "	—do—	
26.	Cotia "Mahadevpasa"	39	21. 10. 95	No	Navibander	2	7	"	Navibander "	Porbander	
27.	Butela "Rooparel"	46	31. 10. 95	No	Damoa	2	2	6	Damoa "	Damoa	Entered at Beypore
28.	Gunja "Fute Khair"	118	1. 11. 95	No	Mandvi	7	6	"	Porbander "	Porbander	
29.	Cotia "Ganeshpersad"	70	4. 11. 95	No	Salaya	3	4	6	Bulsar, produced	Nowanager	
30.	Gunja "Jairampasa"	98	11. 11. 95	No	Porbander	4	9	6	Porbander, not "	Porbander	
31.	Cotia "Mahadevpasa"	47	13. 11. 95	No	—do—	2	15	"	do "	—do—	Entered at Beypore
32.	Butel "Ganeshpersad"	61	11. 12. 95	No	Salaya	3	13	"	Bilimorah, produced	Nowanagar	
33.	Padow "Salamatis"	32	20. 4. 96	No	Unknown	1	8	"	Bhaih, not "	Dwarkha	
34.	Butel "Fathe Kharim alias "Kharkhari"	59	5. 9. 96	No	Mandvi	2	12	3	Cutch "	Cutch	
35.	Butel "Husseini"	55	14. 9. 96	No	Jodia	3	7	"	Jodia "	Nowanagar	
36.	Gunja "Dowlatpasa"	124	16. 9. 96	No	Porbander	5	13	"	Porbander "	Porbander	
37.	Butel "Naranpasa"	56	7. 10. 96	No	—do—	3	8	"	do "	—do—	
38.	Kotia "Kallianpasa"	72	9. 10. 96	No	Mandvi	3	6	"	Cutch "	Cutch	
39.	Gunja "Husseini"	85	17. 10. 96	No	—do—	3	15	9	Mandvi "	—do—	
40.	Batel "Lal-Savoy"	58	20. 11. 96	No	Unknown	2	4	6	Damoa "	Damoa	
41.	Butela "Fute Islamo"	58	25. 11. 96	No	Damoa	2	11	6	do "	—do—	Entered at Beypore

2 No 19/3 #18

Forwarded to the Presidency Port-Officer, Madras, with reference to his No. 646/260 P dated 12 February 1897.

(Sd) A. A. W. Hamilton
Port-Officer

Calicut Port Office
20 February 1897

Copy

Commander R.I.M.,
Presy Port Officer

[illegible] 3
[illegible] 464/97

No.646/919 5 P.

Presidency Port Office,
Madras, 18 March, 1897.
Despatched 22-3-97.

From

Commander H. A. Street, R.I.M.,
Presidency Port Officer,
MADRAS.

To

The Secretary to Government,
Marine Department,
CHEPAK.

Do 82/A
5-2-97
2/3/97.

Sir,

With reference to that part of your Telephonic x Message of 6th February 1897 reading as per margin, I have the honor to forward, for the information of Government, copies of three statements affording particulars of unregistered vessels which called at Cochin, Tellicherry and Calicut, and which were measured subsequent to arrival and port dues levied thereon.

> x "are Port Dues actually levied on any of the unregistered trading vessels in question"

I have the honor to be,
Sir,
Your Obedient Servant,
H A Street
Commander, R.I.M.,
Presidency Port Officer.

Marine L. A. No 16

~~Public Works~~ (1897) Department.

CURRENT No. 588

Vide G.O. 4446 [illegible]

Vide also 710

Order

Await the opinion promised to be submitted in May

28/4/97

From

The Government Solicitor
Madras

No. 258

Dated 22-4-97

Received 26-4-97

Enclosures one

Spare copies

SUBJECT.

Boat rules

Forwarding copy of a letter from the Advocate General stating that the questions referred to him re the applicability of the — to Boats at Tuticorin will be replied to in the month of May.

140 [illegible]

[P. W. 29. / 2,000—16-11-96.]

BACK PAPERS.

No.	Date.
G.P. 444 & papers marked on the back of it	

FURTHER PAPERS.

No.	Date.

---

10 S P

Madras
19th April 1897.

From
The Honorable V. Bhashyam Iyengar
Ag: Advocate General,
Madras.

To
E. Barclay Esquire.
The Government Solicitor
Madras.

Sir,

2bij B.

Referring to the G.O. dated 26th January 1897 No. 72 Marine and the Presidency Port Officers' letter dated 13th April 1897, No. 498, I have the honor to state that in considering the questions referred to me for opinion in the aforesaid G.O., I had to refer not only to the Indian enactments bearing on those questions but also to stat 57 & 58 Vict. C. 60. entitled the Merchant Shipping Act 1894, the first part of which relating to registration of British Ships applies to the whole of Her Majesty's Dominions, and also to the Indian Merchant Shipping Bill which for more than three years has been pending in the Supreme Legislative Council, and the proceedings connected therewith. For the elucidation of certain sections of the Consolidation Merchant Shipping Act, 1894. I found it necessary to refer to the numerous British Statutes relating to Merchant Shipping

which

which had been repealed by the said Act of 1894, several of which it was with great difficulty I was able to procure. The point now referred by the Presidency Port officer with whom I had an interview some time ago with reference to the said G. O. will also be considered in connection with the questions referred for opinion in the aforesaid G. O. I shall be obliged by your informing the Government that the delay in answering the reference has been chiefly due to the above cause, and that I shall send my opinion in the early part of May. I understand that the Indian Merchant Shipping Bill which has not been taken up this session, is going to be recast entirely and taken up next session.

I have the honor to be,
Sir,
Your most obedient Servant
(Sd) V. Bhashyam Iyengar
Acting Advocate General.

Mar Genl 58/97

(True copy)
Ernest Barclay
Government Solicitor

No. 258

Madras, 22nd April 1897.

9 P

From,
Ernest Barclay,
Government Solicitor,
Madras.

To,
The Chief Secretary to Government
Ootacamund.

Sir,

With reference to the Order of Government dated 26th January 1897, No 72 Marine, I have the honor to forward herewith for your information copy of a letter dated 19th instant I have received from the Acting Advocate General.

2 ley B

I have the honor to be,
Sir,
Your Obedient Servant,
Ernest Barclay
Government Solicitor.

Marine (1897) Department.

Current No. 710

vide 444 & 588.

From

Ernest Barclay
Government Solicitor
Madras.

To

The Chief Secretary
to Government
Ootacamund.

11 P

Dated 14th May 1897
Received 17-5-97

No. 304

Forwarded with enclosures with reference to the Order of Government No. 72 dated 26th January 1897 Marine.

Hay B

Ernest Barclay
p.p. W. Morgan
Government Solicitor

Re G.O. No 72, Marine dated 26th January 1897.

12 S.P

CHIEF SECRETARY
15 MAY. 1897
GOVERNMENT OF MADRAS

OPINION.

1. The answers to the two questions referred for opinion depend chiefly upon what is to be regarded as the law now in force in British India relating to registration of ships. The licensed boats referred to are, I presume, owned by Indian British subjects and fall within the definition of the word"ship", namely "every description of vessel used in navigation not propelled by oars" (vide 57 and 58 Vict. ch 60, the Merchant Shipping Act, 1894, Section 742 and India Act V of 1883 Section 3). I understand from the Presidency Port Officer's D.O. to me dated 14th April 1897 that the average tonnage of these licensed boats is 21 tons.

2. I am of opinion that Part I of the said Merchant Shipping Act, 1894, which came into operation on the 1st of January 1895 (vide Section 748) is in full force in British India and applies to the registration of ships, though the same be built and trading within the limits of the East India Company's charter only and be owned by Her Majesty's subjects whether European or Indian. - Section 1 of the Statute which lays down the qualification for owning British Ships refers in clause (a) to natural born British - Subjects, a phrase which, no doubt, is applicable as much to Indian as to European British subjects (vide Mayne's Criminal Law of India p 268) Section 2 of the Statute provides that every - British ship shall, subject to the two exceptions specified in Section 3, be registered under that Statute, and clause (e) of Section 745 only provides that ships registered under the English Statutes therein referred to (and not under any Indian enactment) shall be deemed to have been registered under the Merchant - Shipping Act, 1894. So far as British India is concerned, the exception will be applicable only to ships not exceeding 15 tons burthen employed solely in navigation on the rivers or coasts of British India.

3. The Statute does not enforce registration of British Ships by providing directly that non-registration shall amount to an offence, but seeks to enforce registration by providing that a British Ship required by the Statute to be registered shall not be recognised as a British Ship unless registered under the Statute, and by further providing that the same may be detained until the Master of the ship, if so required, produces the certificate of the Registry of the ship. The consequences of a ship owned by a British Subject not being recognized as a British ship are such as would subject the owner and the master of such ship to serious inconveniences and in some cases to criminal prosecution. The following are some of the chief disabilities and penalties to which a British ship is clearly subject for want of registration:-

(a) Section 72 provides that a British ship which for want of registration is not recognized as a British Ship shall not be entitled to any benefits, privileges, advanteges or protection usually enjoyed by British ships, nor to use the British flag, or assume the British National character, but so far as regards the payment of dues, the liability to fines and forfeitures, and the punishment of offences committed on board such ship, or by any persons belonging to her, such ship shall be dealt with in the same manner in all respects as if she were a recognized British ship. Here it will be noted that she is prohibited from using the British flag or assuming the British National character. A reference to section 74 will show that by reason of this disability, the master of the ship will be liable to a fine not exceeding £ 100, as he cannot, by reason of the prohibition contained in Section 72, hoist the proper national flag on a signal being made to her by one of Her Majesty's ships, and if she be of 50 tons gross tonnage or upwards, on entering or leaving any British Port. Section 62 (1) of the Indian Ports Act No X of 1889 also provides that if any vessel belonging to any of Her Majesty's subjects hoists within the limits of any port, any flag or colours, the use whereof is prohibited by the Merchant Shipping Act, the Master of the vessel shall be liable to a fine of Rs 50 in addition to any other penalty that may be recoverable in respect of such offence. The important provisions of Section 74 of the Merchant Shipping Act, 1894, relating to the hoisting of proper national colours did not exist in the Merchant Shipping Act, 1854, but were for the first time introduced in the Merchant Shipping Law by Statute 52 and 53 Vict. ch 73.

(b) The provisions in regard to sale and mortgages of British ships, extending from Sections 24 to 46 (both inclusive) are applicable only to registered ships. It may be mentioned here that Section 14 of the Indian Merchant Shipping Bill now before the Viceregal Legislative Council, proposes to repeal these sections in respect of native coasting British Ships registered in British India.

(c) Part VIII (Sections 502 to 509 both inclusive) of the Merchant Shipping Act, 1894, relating to the liability of ship-owners is applicable to the whole of Her Majesty's Dominions including British India. The limited liability of ship-owners under Sections 502 and 503 in certain cases of loss of, or damage to goods, and in certain other cases of loss of life, injury or damage cannot enure to the benefit of a British Ship which is not registered under the Statute (Vide section 508).

4. The absolute power of detention of a British ship until the production of the certificate of registry which can of course be obtained only after registration, was apparently introduced for the first time in the Merchant Shipping Act, 1894, (vide Section 2 (3)) The corresponding provision in section 19 of the Merchant Shipping Act, 1854, was only to the effect that no officer of customs shall grant a clearance or transire to a British ship for the purpose of enabling her to proceed to sea as a British ship, unless the master of such ship, upon being required, produces the certificate of registry, and that if such ship proceeds to sea as a British ship without a clearance or transire, such officer may detain her until such certificate is produced. It will be observed that the power of detention

under Section 19 of the Merchant Shipping Act, 1854, can be exercised only if a ship attempts to proceed to sea as a British ship without a clearance or transire; whereas under Section 2 (3) of the Merchant Shipping Act, 1894, any ship required by the Act to be registered may be detained until the production of the certificate of the registry without any reference to her attempting to proceed to sea as a British Ship. This power can be effectually exercised to enforce registration of any British Ship which is not exempted under Section 3 from registration. The procedure for detention of a ship, the officer by whom she may be detained, and the penalty for proceeding to sea without release from detention are set forth in Section 692 of the Statute. There was no provision corresponding to this section in the Merchant Shipping Act, 1854, but it was apparently for the first time enacted by Section 34 of the Merchant Shipping Acts Amendment Act, 1876 (Statute 39 and 40 Victoria ch. 80).

5. For the foregoing reasons I am of opinion that the registration of the native boats in question except such as may fall under clause (i) of Section 3 of the Merchant Shipping Act, 1894, can be enforced in the manner indicated above. Such of the boats as fall within the exception will have to be recognized as British ships though not registered.

x with exceeding 15 tons

6. The question now to be considered is what is the effect of the Merchant Shipping Act, 1894, upon the India Acts relating to the registration of ships, namely, Act X of 1841 as amended by Act XI of 1850 and subsequent Acts and Act XIX of 1838. The last mentioned Act need not be considered here. That Act relates only to coasting vessels belonging to Her Majesty's subjects residing within the Presidency of Bombay, and registration under that Act is compulsory and enforced by the imposition of a fine. Under Act X of 1841 and the subsequent enactments amending the same, registration of ships built and trading within the limits of the East India Company's charter, namely, all places and seas eastward of the cape of Good Hope to the Straits of Magellan is only optional, and compulsory only in the sense that if not so

registered it will not be recognized as a British Ship. Act X of 1841 was passed under the powers delegated to the Governor General in Council by Sections 3 & 4 of Statute 3&4 Vict ch 56. The operation of the said statute was saved by Section 108 of the Merchant Shipping Act, 1854 (statute 17 & 18 Victoria ch 104) By virtue of this saving clause in the Merchant shipping Act, 1854, it was supposed, rightly or wrongly, that registration of ships built and trading within the limits of the East India Company's charter was regulated only by Acts X of 1841 and XI of 1850, and not by the Merchant Shipping Act 1854, Part II of which relating to the registration of British Ships was applicable to the whole of Her Majesty's dominions (vide Note 1, page 76 and Note 6, page 94 of Maclachlan's Treatise on the Law of Merchant Shipping 4th edition 1892), and page 109 of the Abstract of proceedings of the Viceregal Legislative Council for 1892). Sections I to VII of Statute 3 & 4 Victoria ch 56 were repealed by Statute Law Revision (No 2) Act, 1874, and the preamble of the said Statute was repealed by the Statute Law Revision (No 2) Act, 1888, but the India Acts passed under that Statute are in effect saved by Section 1 of the said two Statute Law Revision Acts. There is no saving clause in the Merchant Shipping Act, 1894, corresponding to section 108 of the Merchant shipping Act, 1854. Section 2 of the former statute expressly declares that every British ship which is defined in section 1 shall be registered under that Statute unless exempted from registry, and that if it be not registered under that statute, it shall not be recognized as a British Ship. It seems, therefore, impossible to recognise as a British ship even in a portion only of Her Majesty's Dominions, namely, the British Indian Possession, a ship owned by a British subject which is not registered under the Merchant Shipping Act, 1894, though she may have been registered under Act X of 1841 or Act XI of 1850, and to confer upon her the benefits, privileges, advantages or protection usually enjoyed by British ships, or to allow her to use the British flag, or assume the national character even within the limits of the charter of the East India Company, or to exonerate her from the consequences and penalties precribed under the Merchant Shipping Act, 1894, in the case of a British ship not registered under that Statute or under any of the previous English Merchant Shipping Statutes (vide Section 745 (1) clause (e)), Having regard to section 51 of Statute 3 & 4 Will IV ch 85, there can be no doubt that Acts passed by the Indian Legislature are completely subordinate to and controlled by Statutes of the British Parliament. India Acts X of 1841 and XI of 1850 in so far as they relate to ships owned by Native princes or States or the subjects of such princes or States are altogether outside the scope of the Merchant Shipping Act 1894, and are therefore in no way affected thereby. But in so far as they relate to ships owned by British subjects, they are controlled by the Merchant Shipping Act 1894. I do not say that the said Acts in so far as they relate to ships built and trading within the limits of the charter of the East India Company and owned by British subjects for whom the Governor General in Council has power to legislate, are repealed by implication by the Merchant Shipping Act, 1894; for the India Acts are not necessarily inconsistent with the Merchant Shipping Act, 1894. The India Acts and the Merchant Shipping Act, 1894, can, in law, stand together, and a ship built in India may be registered under both, though there may be nothing to be gained by registering her under the India Acts. But registration under the India Acts cannot exempt a ship from registration under the English Statute. In short registration under the India Acts is only optional but registration under the Merchant Shipping Act 1894 is practically compulsory. This is evidently the view taken in the Indian Merchant Shipping Bill which has been pending in the Viceregal Legislative Council since 1892 (vide Sections 9 and 10 of the Indian Merchant Shipping Bill published in the Supplement to the Fort St George Gazette of the 3rd of March 1896). That Bill also provides that ships registered under the India Acts shall cease to be recognized as British Ships unless re-registered under the proposed Act within one year after the date on which the chapter relating to registration of ships comes into force (vide section 8 of the Indian Merchant Shipping Bill).

7. I should here point out, that until the said Indian Merchant Shipping Bill is passed into law, and thereby several of the provisions of the Merchant Shipping Act, 1894 are repeale or modified, so far as British India is concerned, by virtue of the powers vested in the Viceregal Legislative Council by Sections 735 and 736 of the Statute, (vide the definition of "Legislature of a British Possession" in section 18 of the Interpretation Act, 1889, Statute 52 and 53 Vict, ch 56) it will be found extremely difficult to work the statute in British India in respect of registration of country craft. In the meanwhile it will be expedient to make certain regulations or rules under section 90 of the Statute providing for the issue of certificates terminable at the end of six months or any longer period from the granting thereof for ships not exceeding 60 ton burthen. With reference to the definitions of "a British Possession" and "Governor" as given in the said Interpretation Act 1889 (52 & 53 Vict ch 63) Section 18, the rules under section 90 will have to be issued by the Governor General with the approval of a Secretary of State. The simplest course will probably be to provide for the issue of such terminable certificates on the basis of a certificate of registry under the India Acts, such terminable certificates to remain in force until the expiration of one year from the date on which the chapter relating to registration of Ships in the Indian Merchant Shipping Bill, comes into operation. The advantage of this will be that country coasting vessels not exceeding 60 tons burden may continue to be registered, and the tonnage marked in accordance with the rules framed under Section 3 of Act XI of 1850. Such registration will be rendered practically compulsory in as much as the terminable certificates contemplated by section 90, which are to take the place of certificates of registry under that Statute, will be issued as proposed only on the basis of a certificate of Registry under Acts X of 1841 and XI of 1850. Registration of Ships exceeding 60 tons burthen will however have to be made only in the manner and according to the rules prescribed by the Merchant Shipping Act, 1894, until the Indian

Merchant Shipping Bill is passed into law. 18 3/52

8. In connection with the question of registration of British Ships, I may mention that native boats which are not "Ships" are not governed by the Merchant Shipping Act, 1894, though they are optionally registrable under India Acts X of 1841 and XI of 1850 which apply to ships and vessels of whatever tonnage.

9. Though I have expressed my opinion on the question of registration of ships referred to me, yet I fail to see what bearing it has upon the complaints made by Messrs Adamson, Mactaggart and Co and Messrs A & F Harvey & Co of Tuticorin as to the serious detention caused to Steamers touching that port owing to the licensed cargo boats being allowed to trade between Tuticorin and other local ports and not being always available for discharging cargo from Steamers. In para 3 of the Presidency Port Officers' letter to Government, Marine Department, dated 19th January 1897 No 646/16 G, it is stated that a boat, if registered under Acts X of 1841 and XI of 1850 could not ply for hire in a port. There is certainly no authority for this assumption. Registration of a Ship does not disqualify her to ply for hire within a port, provided she is duly licensed in accordance with the rules framed under clause k of section 6 of the Indian Ports Act, 1889. In the same para, there is a misapprehension of the ruling of the High Court dated 5th April 1893 quoted in G.O. No 188, Marine, dated 7th June 1893. That ruling does not at all lay down that any license is required for a boat plying from port to port. It only decides that a licensed boat plying for hire in a port must comply with the terms of the license as regards the number of passengers to be carried, though its destination may be another port in as much as it has to ply with the passengers within the port before going outside the limits of the port. If the cargo-boats make profit by trading from port to port, it does not seem likely that registration fee would deter their owners from registering the boats or re-registering them whenever there is a change of a tindal or master. The cargo boats if registered and their tonnage marked according to the rules framed under section 3

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3 Show proof

Licensed Cargo boats and registration of vessels

Marine ~~Public Works~~ Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

178

again

Read the following

G.O. No. 72 Marine dated 26th January 1897.

Read also

Letter from the Presy. Port Officer, Madras, No. 646/34 G., d/1st Feb. 1897.

- do - Govt. Solicitor, Madras, No. 90 dated 12th February 1897.

- do - - do - No. 145 dated 10th March 1897.

- do - Presy. Port Officer, Madras, No. 646/91 G. dated 18th March '97.

- do - Govt. Solicitor, Madras, No. 258 dated 22nd April 1897.

- do - - do - No. 304 dated 14th May 1897.

Print and Advt. [illegible]

No. 532 Marine d/ 14th June 1897

~~The Hon Mr [illegible] C.I.E.~~

In January last certain local merchants at Tuticorin complained to Government that, in consequence of licensed cargo boats being permitted to leave the port and trade beyond port limits, serious detention was caused to steamers. Inquiry has accordingly been made into the circumstances, as well as in regard to the legal aspects, of the case.

2. The Government is advised that the inconvenience complained of is in some measure due to the mercantile community leaving the supply of boats in the hands of contractors, who pay~~ing~~ much below the authorised rates of hire, and ~~that these contractors exercise family favouritism, excluding~~, ~~except~~ do not regularly supply all

Note

(1) M/s merchants to issue / Issued

(2) Return file time for press

[illegible] 16/6/97

(40—4,000—2-11-95.)

the boats in turn.

~~except on emergent occasions, boats outside the circle~~. The unemployed boats ~~thus excluded~~ are thus driven to trade beyond port limits. The higher receipts from such trading must also, it is thought, influence the action of boat owners.

3. As regards the provisions of the law, it would appear that there is no bar to ~~these~~ licensed cargo boats leaving the port and trading to other ports, and His Excellency the Governor in Council does not consider it desirable to take any steps to restrict the freedom of action of boat owners in this matter. ~~The~~ Shippers at Tuticorin and elsewhere must, if they wish to secure a regular supply of cargo boats, offer sufficient inducement to owners to keep their boats within port limits.

4. The opinion of the Advocate General will be communicated to the Presidency Port Officer, and & G. of I. in Cl. the Legislative Department. It deals minutely with the law relating to the registration of vessels, and may be of use in connection with the revised Indian Merchant Shipping Bill[x] now before the Viceregal Legislative Council.

Is this correct? Wouldn't Marine send the opinion direct to India's Leg. Dept? Please ask Mr. Forbes

9/6/97

5. Paras 10, 11 and 12 of the Advocate General's opinion will also be referred for

[x] Vide Supplement to the Fort St. George Gazette dated 3rd March 1896.

+ To The Secretary Leg: Dept.
For favour of supply of the required information. WH

---

for the remarks of the Presidency Port Officer, and the Board of Revenue (Separate Revenue).

WH 5.6.97

Note. It is not proposed to communicate the Advocate General's opinion to the local merchants, but only paras 1, 2 and 3 of the order.

Sent 17/8/97

To

Messrs. Adamson Mactaggart & Co. } with extract paras 1, 2 and 3 of
Messrs. Harvey & Co. } order only (in M/S.)
The Presy. Port Officer.
,, Revenue Department. I Reminder sent 19-8-97
II ,, 20-9-97
III ,, 4-11-97
,, Legislative Department.
,, Govt. of India Leg. Dept. with C. L. D.

No 4583 / 5.7.97

532 m

Leg. Dept

Noted
R.S.

The Adv. Gen's. opinion sh. be transmitted to the Govt. of India in the Leg. Dept. by the executive Dept. i.e. the Marine Dept. & not by this Dept.

A copy of the Marine G.O. with the A.G's opinion sh. however be ~~[illegible]~~ sent to this Dept. as I see there is a suggestion as to the repeal of a Madras Act & as it may be useful for reference in future legislation. But this can be done by including this Dept among the addressees of the G.O.*

S.K. 14/6/97

To Marine Dept. ...

* The draft order provides for this.
R.S.

The draft order can now issue, as amended.

W.H.
For M

R.S.
14-June-97.

H.M. 1.6.97 K.

Registration of vessels

Marine ~~P. W.~~ DEPARTMENT.

~~The Hon'ble Mr. Bliss C.I.E~~

READ the following:—

Endt. to the Presy. Port Officer, Madras, No. 49 E., dated 26th January '97.

Letter from - do - No. 646/34 G. dated 1st Feb. 1897.

-do - from the Govt. Solicitor, Madras, No. 90 dated 12th February 1897.

-do- - do - No. 145 dated 10th March 1897.

- do - from the Presy. Port Officer, Madras, No. 646/91 G. dated 18th Mar- 1897.

- do - from the Govt. Solicitor, Madras, No. 258 dated 22nd April 1897.

-do - - do - No. 304 dated 14th May 1897.

FOR ORDERS.

The papers recorded with G.O. ×72 Marine dated 26th January 1897 contain complaints from certain local merchants at Tuticorin in regard to the detention of steamers at that port owing to cargo boats being permitted to leave the port, and trade beyond port limits. The local Port ×Officer pointed out that the inconvenience complained of was in a great measure due to the mercantile community leaving the supply of boats in the hands of contractors who exercise family favourtism and pay much below the authorised rates of hire. Boat owners are thus driven to seek employment outside port limits which they are entitled to do under the existing law.

2. G.O. 72 Marine dated 26th January 1897 did not deal with the merits of the case, but ~~[illegible]~~ directed inquiries to be made as to its legal aspects. The Advocate

× Flag A.

× *Vide* letter from the Presy. Port Officer No. 646/16 G. dated 19th January 1897. Flag B.

I don't myself see how boats licensed at any port can be prevented from leaving that port & trading with cargo to other ports. ~~boat~~ It might of course be provided in the boat registry Rules that no boat should be registered to ply within the port which was registered as a British ship or various provisions of the Statute of 1894 or of Indian Acts might be used to worry the boatowners until they regd. boats as British ships. But this would be hardly justifiable, for these boat owners are free to ply from port to port if they find it pays them better to do so than to ply in the port in which they are regd. under the Boat Rules; and in any case any such action would only apply to boats exceeding 15 tons. I think we must let this part of the question alone. The shippers at Tuticorin & elsewhere must take care of themselves.

Then it appears that the Statute of 1894 is certainly in force here. But it would be most difficult to enforce it as regards native boats for it contains numerous provisions which are quite inapplicable to them. However, no one is bound to come in & get his vessel registered at all, so far as I can see, & the only thing that can be done is to point out to the P.P.O. that if people want vessels regd. the regn. must be under the Statute. But perhaps even this is unnecessary. The P.P.O. will see the A. G's opinion & can take his own course.

43—500-22-1-96.

FOR ORDERS.

Advocate General was called upon to state his opinion on the following points:-

(1). Whether registration can be enforced in the case of licensed boats which ply beyond port limits, and

(2) whether there is any limit as to the tonnage of boats thus liable to registration.

3 In Memo No. 49× E. of the 26th January 1897 the Presidency Port Officer was asked the following further questions:-

× Flag C.

(3) whether port dues are levied on the unregistered trading vessels in question, and if so,

(4) under what provisions of the law, and

(5) how, in the absence of registry, the tonnage of boats is arrived at.

4 Replies to (2), (3), (4) and (5) are contained in the Presidency Port Officer's letter× No. 646/34 G. dated 1st February 1897. It is stated that port dues are leviable on unregistered vessels provided such vessels exceed 15 tons burthen. Vessels of less burthen are not liable to port dues. Vide part II of the First Schedule to the Indian Ports Act X of 1889. When the tonnage is not known it is open to the conservator to determine her tonnage under the authority vested in him by Section 41(2) of Act X of 1889.

× Flag D.

5 It is clear from the statements× attached to the Presidency Port Officer's letter No. 646/91 G. dated 18th March 1897 that many of these unregistered trading vessels are above 15 tons burthen and actually pay port dues.

× Flag E.

Yes, but I don't find that any of them come from Tuticorin
HS

6 The Advocate General submits a very lengthy opinion× on the provisions of the law applicable to registration of vessels, points out several inconsistencies and makes various suggestions for legislation and the framing of new rules. It is not known whether it is desired to consider these suggestions in detail and to take steps for the amendment of the law on the lines indicated. The matter is already before the Viceregal Legislative Council and has been pending since 1892, the revised Indian Merchant Shipping Bill being published in the Supplement to the Fort St. George Gazette of the 3rd March 1896

× Flag F.

I think not – The Viceregal Leg. C. may be left to deal with the matter – We might send a copy of our G.O. ~~[illegible]~~ ~~[illegible]~~ to the Leg. Dept, however, with refce to this bill.
HS

Flag G.

7 As regards the point immediately under reference, namely, the compulsory registration of native cargo boats, it will be seen from para 5 of the Advocate General's opinion that this can be enforced by the adoption of the measures indicated in the previous paras of the opinion, i.e., so far as all boats exceeding 15 tons burthen are concerned; but as pointed out

I wd not enforce regn – No harm is done by the boats not being regd – at least, I know of none.
HS

out in the concluding portion of para 9 of the opinion, this compulsory registration is not calculated to act as a deterrent, and the boats in question are not likely in consequence to confine their operations within port limits.

8. Para 11 points out that the legality of some of the existing boat rules, especially the one* enabling Government to fix rates of hire from time to time, is questionable.

9. It is also suggested in para 12 that if new rules are framed for licensing and regulating boats they should purport to be issued not only under the Indian Ports Act but also under the Sea Customs Act of 1878. This, it is stated, would give the rules a wider scope. In Bengal, rules have been so issued, and special attention is drawn to Nos. 16 and 18 of these rules as having a bearing on the matter under consideration (Vide Appendix A, page ~~29~~ 131 of Grimley's Sea Customs Law of India).

* Vide rule 21 printed with G.O. No-334 Mar. dt 18-8-94
Flag - H.

Paras 10, 11, & 12 of the A.G.'s opinion had better be sent for the remarks of the P.P.O. & the Rev. Bd (Sep: Rev:) But print the whole of the opinion, which is interesting, & ~~make~~ may come in useful some day & let me see draft order

RS
2/6/97

* Flag K

R.S.

M. W.H.
1.6.97

No. 49 E

Government of Madras.
~~PUBLIC WORKS~~ Marine DEPARTMENT.

MEMORANDUM.

Dated Madras, 26 January 1897.

Telegram from Messrs. Adamson Mactaggart & Co, dated 15th January 1897.

Letter from —— do —— G. No 16/605, d/15th January 1897.

Letter from the Presidency Port officer, Madras, No 646/13 G., dated 16th January 1897.

Letter from Messrs. Harvey & Co, d/16 January 1897.

—— do —— Presidency Port officer, Madras, No 646/16 G., dated 19th January 1897.

Adverting to the correspondence quoted above the undersigned is directed to inquire whether port dues are levied on the unregistered trading vessels in question; and, if so, under what provisions of the law. It should also be stated how, in the absence of registry, the tonnage of the boats is arrived at.

Removed from V.
No. 532 Mar
16-6-97

25/1/97
M

The Presidency Port officer. 26/1/97

R.S.

[P. W. 41 / 500—27-8-96.]

Vide 72 Mar of 26.1.97

X 202 (97)

Marine (1897) Department.

urgent

Telephone messages
To} Presidency Port officer.
from}
Vide separate Sheet.

CURRENT No. 140

From,

The Presidency Port Officer,
Madras

No. 646/34 G.

~~Order~~

Dated 1st February 1897.
Received 3.2.97
Registered — . —
Enclosures
Spare copies

SUBJECT.

stating that Port Dues would, in the usual course, be levied on unregistered Vessels also, provided such a vessel is of 15 tons burthen or upwards.

492

BACK PAPERS.

No.	Date.
188 Mis.	Mar. 7-6-93
299 Mis.	19-8-93.
49 E.	26-1-97
72 O.F.	26-1-97
369 Coby	23-8-96
222 Coby	31-3-96
334 Coby	18-5-94
223. Coby	14-6-94
[illegible]	

FURTHER PAPERS.

No.	Date.
7202/97	

No.646/34 G

Presidency Port Office,
Madras, 1st February, 1897.

From

Commander H. A. Street, R.I.M.,
Presidency Port Officer,
Madras,

To

The Secretary to Government,
Marine Department,
Chepak.

Sir,

In reply to Marine Department Memorandum, No.49 E dated 26th January 1897, I have the honour to state that Port Dues would, in the usual course, be levied on unregistered vessels also, provided such a vessel is of 15 tons burthen or upwards. Vessels of a less burthen are not liable to Port Dues--see Part II of the Schedule to the Indian Ports Act X of 1889. Where the tonnage is not known, it would be open to the Conservator to measure the vessel and determine her tonnage under the authority vested in him by Section 41 (2) of the Act above cited.

I have the honour to be,
Sir,
Your Obedient Servant,

H A Street
Commdr:, R.I.M.,
Presidency Port Officer.