

Marine Department

IRRIGATION.

Government { 1897 } of Madras.
PUBLIC WORKS.

Recd.

Regd.

} 1897.

Enclosures

Spare copies

G.O., No. 212 I., 1st March 1897.

Order thereon No 245 Mar. 16 March 97

Communicated to the

Presidency Port Officer -

MARCH.

(True extract)

H. J. D. H. C.

m

To

The Presidency Port Officer

Fees for using the Buckingham Canal

Declining to exempt the top-boat maintained for the use of the Armeghon
Lighthouse establishment from paying —.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.

READ—the following papers :—

From Commander H. A. STREET, R.I.M., Presidency Port Officer, Madras, to the Secretary to Government, Marine Department, dated 18th December 1896, No. 417 G.

I have the honour to acquaint you, for the information of Government, that the Executive Engineer, Buckingham Canal division, has charged a license fee of Rs. 12 per annum on the "top-boat" maintained for the use of the Armeghon Lighthouse establishment and sanctioned in G.O., No. 447, Marine, dated 28th December 1893. On his being asked why a boat maintained in the interests of Government service should have been charged a license fee, he forwarded a copy of the Navigation rules (herewith submitted for perusal and return). It was pointed out to the Executive Engineer that, as rule 10 thereof which regulates the license fee of Rs. 12 bears reference to vessels which are "private property," it cannot be held to apply to Government boats. In reply, that officer states (*vide* his letter, dated 2nd December 1896, No. 1972, copy enclosed) that rule 10 referred to cannot exempt the Armeghon Lighthouse boat as it simply draws a distinction between boats licensed by the owners for their own private use and boats licensed for the conveyance of passengers or cargo for hire. In my opinion, boats maintained for Government service should not be subject to payment of license fees in the same way as boats maintained for port purposes, and I beg the orders of Government in the matter.

ENCLOSURE.

From Captain J. LALOR, Officiating Executive Engineer, Buckingham Canal Division, to the Presidency Port Officer, Madras, dated Egmore, 2nd December 1896, No. 1972.

In reply to your letter, No. 204 P.W., dated 26th November 1896, I have the honour to refer you to rule 1 of the Navigation rules, from which it will be seen that all boats without exception are liable to license or toll fees. Rule 10 quoted by you cannot be acted upon by me as an authority for exemption of Government boats as it simply draws a distinction between boats licensed by the owners for their own private use and boats licensed for the conveyance of passengers or cargo for hire. If you still think that the boat at the Armeghon Lighthouse should be exempted from the payment of the usual fees, you might refer the matter to Government. Boats belonging to Government in the Salt and Forest departments pay all license and toll fees and are not exempted.

Endorsement of the Secretary to Government, Marine Department, dated 9th January 1897, No. 13 E.

From the Joint Secretary to Government, Irrigation Branch, to the Presidency Port Officer, dated 20th January 1897, No. 39 M.

With reference to your letter, No. 407 G., dated 18th December 1896, to the Secretary to Government, Marine Department, transferred to me for disposal, I have the honour to inform you that I consider the registration fee of Rs. 12 was correctly charged according to the rules in force.

* P.S.—The rules will be published in the Gazette prior to being brought into force. As new draft rules* are about to be published, I would suggest that you should see them and consider their bearing on the interests of your department before making any proposals for exemption.

From Commander H. A. STREET, R.I.M., Presidency Port Officer, Madras, to the Chief Engineer for Irrigation, dated 5th February 1897, No. 17 P.W.

With reference to your letter, No. 39 M., dated 29th January 1897, I have the honour to state that I am still of opinion that no charge should be made for the boat attached to the lighthouse at Armeghon as it is not used for private purposes and is maintained from Port funds.

ORDER—No. 212 I., dated 1st March 1897.

The Government sees no reason to exempt the top-boat maintained for the use of the Armeghon Lighthouse establishment from paying fees for using the Buckingham Canal.

(True Extract.)

(Signed) W. HUGHES,
Joint Secy. to Government,
Irrigation Branch.

To the Superintending Engineer, II Circle.
" Presidency Port Officer, Madras.
" Chief Engineer for Irrigation.
" Examiner, Public Works Accounts.
" Marine Department.

Exd. T. K. Narayana Aiyangar.

Marine (1897) Department.

G.O., No. 246 Mar

DATED 16. March 1897.

[Despatch Abstract.]

Rounders of the British Barge "Colonel Dyke".
Stating with remarks that H.E. the Governor in
Council does not consider it desirable to summon
a Court of further enquiry in the case of the
off. Nancomby in July last.

18/3/97

Marine
P. W. DEPARTMENT.

FURTHER PAPERS.

The Barque "Colonel Sytche."

READ the following:—

Letter from the Presidency Post office, Madras,
No. 1261/17 G., dated 21st January
1897.

The Huntw. Phos C.S. 2

FOR ORDERS.

I don't think it worth
while to hold another Court
of Inquiring, even if it would
be legal to do so, seeing
how small the chance is
that evidence will be obtained
to warrant a prosecution

AS
9/3/97

This letter came up while the report of the Court of Enquiry into the circumstances of the foundering of the barque "Henrietta Elizabeth" was before Government. This report was then being referred to the Presidency Port officer for remarks, and, as the circumstances were similar in both cases, it was thought advisable to await the Presidency Port officer's report on the Court's recommendations. This report has now come in, and is dealt with in the draft order in the linked file.

The fact seems to be established that most

if these native crafts are in an unseaworthy condition, and if the measures recommended by the Presidency Port officers and approved in the draft order are adopted, the risk of foundering will be greatly reduced.

It remains to be considered whether a Special Court of Inquiry should be assembled to collect evidence as to the seaworthiness of this particular vessel, the "Colonel Fyche", when she left Negapatnam for the Nicobars in July last.

8/3/89
M

His Excellency the Governor in Council does not consider it desirable to summon a Court for further inquiry in this case. The general question as to the measures necessary to prevent ships putting to sea in an unsafe condition is being separately considered.

12/3/89
M

I. The P. S. O. 17 (3/89)
R. S.

FOR ORDERS.

P-246 Nov 16.3.97

Chw 1044 Cho 93
M (Re: the "Colonel Fyche")

The President of the Marine Court of Inquiry into the loss of the "Henrietta Elizabeth" makes some recommendations on the subject of the unseaworthiness of these European ships in native ownership and these recommendations are going to the P. S. O. for remarks (C. No 113). It is suggested that Comdr.

Stead's report be awaited. A Court of Inquiry in this case will probably establish the fact that the "Colonel Fyche" was as unseaworthy as the "Henrietta Elizabeth". This would not advance the general question any further than it has already gone viz that many of these ships are in a bad state. The practical issue is what steps shall be

This is the
the P. S. O.
for to consider
recommendation

2-113. (Quinn file).
 The present file may,
 therefore, perhaps, be over
 bearing the P.P.O's report.

N.B.
 28 Jan 97

65-2329-1-97
 with CN 304
 1st checked file 24
 57/2/97

Let it be over

28/1/97

Note

CN 113 removed &
 being issued. Rm 20/1/97

add vif of 60
 & add of 69
 with CP 150/97
 with CN 304/97.

Marine (1897)

Telephone

From the Secretary Marine Dept
 To the P.P.O.

CN-93
 8/97

Your letter of the 21st
 regarding the Barque
 "Colonel Fyche". Please
 send a copy of your
 letter there quoted of
 the 25 September 1896 -
 the original having been
 sent to the Megapolitan
 Court of Inquiry -

26/1/97

W

N.B.

Recd
 his
 26/1/97

WPC

Order

2028
Marine (1897) Department.

CURRENT No. 93

Vide 185 + 384

Order

From,

The Presidency Office,
Madras

No. $\frac{1261}{17}$ G

Dated 21st January 1897

Received 23.1.97

Enclosures one.

Spare copies

SUBJECT.

Forwarding with remarks
a copy of the proceedings
of a Court of Enquiry held
at Rangoon touching the
foundering of the Barge
"Colonel Fytche" near
Rancoury in July last.

FURTHER PAPERS.

[illegible]

G.O.	No.	Department.	Date.
93	697		

WITH reference to your Commerce Department letter No. 867-1S.—28, dated the 30th September 1896, I have the honour to nominate the following



gentlemen to sit as members in the Court of Enquiry in question and to request you will be good enough to move the Chief Commissioner to appoint them, namely :—

- (1) Captain Burnett, S.S. *Shropshire*.
- (2) Captain Erskine, S.S. *Vortigern*.
- (3) Mr. Wegener, Merchant.

From the Officiating Secretary to the Chief Commissioner, Burma, to the District Magistrate, Rangoon Town,—No. 34-1S.—28, dated the 3rd October 1896.

IN reply to your letter No. 769-128M., dated the 2nd October 1896, I am directed to say that, under section 7 of the Indian Merchant Shipping Act, V of 1883, the Chief Commissioner appoints the undermentioned gentlemen to be members of the Court of Enquiry to be held regarding the foundering of the British Barque *Colonel Fytche* at South point off Nancowry on the 29th July 1896 :—

- (1) Captain Burnett, S.S. *Shropshire*.
- (2) Captain Erskine, S.S. *Vortigern*.
- (3) Mr. Wegener, Merchant.

From HARRY L. TILLY, Esq., District Magistrate, Rangoon Town, to the Secretary to the Chief Commissioner, Burma,—No. 782-5, dated the 6th October 1896.

WITH reference to your Commerce Department letter No. 867-1S.—28, dated the 30th ultimo, I have the honour to submit for orders of the Chief Commissioner, the proceedings in Criminal Miscellaneous No. 128 of 1896 relative to the enquiry into the foundering of the British Barque *Colonel Fytche*.

IN THE COURT OF THE DISTRICT MAGISTRATE, RANGOON TOWN DISTRICT.

CRIMINAL MISCELLANEOUS NO. 128 OF 1896.

Dated Rangoon, the 5th October 1896.

Proceedings of a Special Court of Enquiry assembled by order of the Chief Commissioner, Burma, under section 7 of the Indian Merchant Shipping Act, V of 1883, regarding the foundering of the British Barque "Colonel Fytche" from Negapatam on the 29th July 1896, at South point off Nancowry.

PRESENT.

- | | |
|---|-------------------|
| (1) Harry L. Tilly, Esq., District Magistrate, <i>President</i> . | |
| (2) Captain Burnett, Master, S.S. <i>Shropshire</i> , | } <i>Members.</i> |
| (3) Captain Erskine, Master, S.S. <i>Vortigern</i> , | |
| (4) Mr. F. Wegener, Merchant, | |

READ—

Letter and its enclosures from the Secretary to the Chief Commissioner, Burma, to the District Magistrate, Rangoon Town,—No. 867-1S.—28, dated the 30th September 1896.

THE Court now proceeds to hear the evidence.

Deposition of S. Puckeer Malim, age 45, 1st witness, race Chuliah, religion Musalman, father's name, Shaib Allabe, resident of Nagur, occupation Nacoda of Barque "Colonel Fytche," affirms.—I have a certificate which I left at home, but I have telegraphed for it. It was given me by the Master-Attendant at Madras in 1882. The *Colonel Fytche* was 31 years old and the register was left in the ship. We left Nagur at 1 A.M. on 24th July and sailed to the Nicobars. We steered straight across with a south-west wind. Our course was south-east. It is not a straight course, but we had to steer that course because of the wind. On the 25th at 9 A.M. we had bad weather. We had the two lower topsails on the ship. She did not make water then, but we usually pumped her out twice a day. On the 29th she began to make water badly. The weather was not so bad as it was before. The wind was half as strong as it was before. I do not know why we made so much water then. It was in the fore part of the ship. I went to see, but could not find the exact place. The water came in at the cut-water. We sighted Nicobar Island at 1 A.M. on the 30th July. It was clear weather and we sighted the island when about 5 or

6 miles off. The ship foundered at about 11 A.M. on the 29th. We had sighted the Island the night before. We got into the boats and about a quarter of an hour afterwards she went down. We were picked up by the *Sharwool Hameed*, a barque, at 5 P.M. on that day. The *Sharwool Hameed* was at anchor taking in a cargo of cocoanuts at a place called Kachal which is about 9 or 10 miles from Nancowry. When we left the *Colonel Fytche* we could see the other vessel. When we left the ship Kachal was north-west of us. During the night I had sailed round the Island of Kachal. I did not run the vessel ashore because the surf was heavy and the shore rocky and the ship would have gone to pieces. At 6 A.M. on the 29th July we were in latitude $7^{\circ} 40'$ and longitude $91^{\circ} 30'$. I tried to run ashore at Kachal, but the wind was against me. I was at the north point of Kachal at 5 A.M. There was tide, not very strong. No lives were lost.

By Court.—I tried to stop the leak by stuffing rice and tar from the inside.
Read and acknowledged correct.

HARRY L. TILLY,
District Magistrate.

Deposition of C. Sahib Malim, age 27, 2nd witness, race Chuliah, religion Mussalman, father's name, Gulam Kader, resident of Nagur, occupation Mate, affirms.—This is my certificate. The vessel began to leak on the 25th and the pump was broken. We mended it and it was in working order, but we could not stop the water from gaining on us. We left the ship on the 29th July at about 11 A.M. About a quarter of an hour after we got into the boats she sank. We tried to save the vessel but could not find the exact place of leakage and put rice and tar. I was not ordered to run her ashore, but the wind was against us.

Read and acknowledged correct.

HARRY L. TILLY,
District Magistrate.

The 5th October 1896.

OPINION.

THE Court is of opinion that Nacoda S. Puckeer Malim did all in his power to save his vessel and was not to blame for the loss of the *Colonel Fytche* which had been owned by natives for 25 years.

HARRY L. TILLY,
District Magistrate.

The 5th October 1896.

F. WEGENER,
E. W. BURNETT, } *Members.*
A. ERSKINE,

From the Officiating Secretary to the Chief Commissioner, Burma, to the District Magistrate, Rangoon Town,—No. 642-1S.—28, dated the 19th October 1896.

I AM directed to acknowledge the receipt of your letter No. 782-5, dated the 6th October 1896, submitting the proceedings of the Special Court of Enquiry held to investigate the cause of the foundering of the British Barque *Colonel Fytche* on the 29th July 1896 at South point off Nancowry, and to say that the Chief Commissioner concurs in the finding of the Court that the master, S. Puckeer Malim, was not to blame for the loss of the vessel.

2. The original record of the case will be returned later on.

No. 1261/179

Heading.

PRESIDENCY PORT OFFICE,
Madras, 21 January 1897.

From
Commander H. A. Stuart R. I. N.
PRESIDENCY PORT OFFICER,
Madras,

To
THE SECRETARY TO GOVERNMENT,
MARINE DEPARTMENT,
Chennai.

SIR,

I have the honor to enclose, for the information of Government, (to be returned) a copy of the proceedings of a Court of Enquiry held at Rangoon, touching the foundering of the Barque "Colonel Dyer" near Vancouver, in July last. The "Colonel Dyer" was one of those vessels of European build, owned by natives to which reference was made in para 2 of my letter No. 1261 G. of 25 September 1896. From the Proceedings, it does not appear that any information was elicited as to the seaworthiness of the vessel when she left.

x Encl to Court of Enquiry - vide P 690 2. 10 96 Hay D

Copy subsequently called for from P. P. O. vide CN 108. below this paper

Encls 1
Mar 93/97

left Negapatam and as she was 31 years
old during 25 of which she was owned by
a native, I think it would be advisable if a
further enquiry is ordered to be held at Nega-
patam in view to obtaining evidence, if possible,
as to whether the vessel was in a seaworthy condi-
tion when she sailed from Negapatam
for the Nicobars.

I have the honor to be
Sir,
Your obedient Servant

H. A. Theet

Commander R. I. M.
Presidency Port Officer

Marine (1897) Department.

CURRENT No. 108

Order

From,

The Presidency Port Office,
Madras

No. $\frac{1261}{22}$ G

Dated 26th January 1897

Received 27.1.97

Enclosures "

Spare copies

SUBJECT.

This letter was called for
by telephone and was
quarried in the P. P. O.
letter re: the loss of the
"Colonel Sylve" (CN. 93)

Forwarding true copy of
letter No. $\frac{1261}{323}$ G of 25 Sept 96
regarding the foundering
of the barque Henrietta
Elizabeth of Negapatam.

BACK PAPERS.

FURTHER PAPERS.

G.O.	No.	Department.	Date.
863		Marine	15-12-96
distinctions to communicate			
of vessels.			
6192		"	30-1-97
4322		"	16-6-96
3052		"	9-6-96
404		"	8-6-96
872-3		"	27-5-96
304		"	4-5-96
235		"	6-4-96
1752		"	26-2-96
157		"	9-3-96
124		"	3-3-96
131		"	2-3-96
250		"	16-8-96
285		"	18-7-96
R 1107		"	15-1-96
- 2		"	8-1-96
95		"	22-3-92
45		"	3-2-92
R 1107		"	26-7-96

[illegible]

No. $\frac{1261}{323}$ g

Presidency Port Office,
Madras, 25th September 1896.

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

To
The Secretary to Government
Marine Department,
Chepak

Sir,
With reference to the foundering
of the barque "Henrietta Elizabeth" of
Kegapataun at sea while on a voyage
from Kegapataun to Saucowry - vide
account in the Madras Times of this date
- I have the honor to enquire whether
Government considers that a prose-
cution should be instituted against
the owner and the master of the vessel
under Section 5 of Act No. VIII of 1880.

2. It seems to me that a prosecution is necessary in view of preventing native owned vessels from being sent to sea in an unseaworthy condition. There are a number of old sailing vessels of European build owned by natives engaged in the coasting trade and from their age and appearance I am inclined to think that very few are really in a seaworthy condition.

3. The "Henrietta Elizabeth" appears
to have been surveyed at Singapore
on the 18th September 1895.

I have to
1501 A. A. Street,
Comdr: R. I. M.
Presy: Port Officer

(True Copy)

H. A. Street

Commander, R. I. M.
Presy: Port Officer.

No. $\frac{1261}{22}$ G

9.

The Secretary to Government,
Marine Department, with reference to
telephonic message of 26th Instant.

26 Jan'y 1897