Marine (1897) Department.

G.O., No. 726-27 Mar

DATED 16. August 1897

70 70 copies

80/2 copies

[Despatch Abstract.]

Registry ports. Directing with remarks that the Govt of India be moved to approve certain ~~[illegible]~~ outports to be — under the English Merchant Shipping Act, 1894.

Registry ports, suggesting ~~that~~ certain ports be declared — under Section 4 Clause (e) of the English Merchant Shipping Act 1894

D.C.
18/8

18/8/97

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	468	Ma.	20-7-97				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
-	668	Ma.	16-11-97				

Government (1897) of Madras.

MARINE.

Recd. } 1897. Enclosures

Regd. } Spare copies

Letter, No. 727, 16th August 1897.

AUGUST.

Registry Ports

Suggesting that certain ports be declared — under section 4, clause (*e*) of the English Merchant Shipping Act, 1894.

No. 727, MARINE, 16TH AUGUST 1897.

MARINE DEPARTMENT.

LETTER—from

THE HON'BLE COLONEL D. McNEIL CAMPBELL, R.E.,
Secretary to the Government of Madras,
Marine Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
DEPARTMENT OF FINANCE AND COMMERCE.

SIR,

In forwarding for the information of the Government of India the accompanying copy of Proceedings of this Government, No. 726, Marine, dated 16th August 1897, embodying an opinion by the Acting Advocate-General, Madras, on the subject of the appointment of Registrars of ships under the English Merchant Shipping Act, 1894, I am to bring to notice that the only officer of this Presidency who now has the powers of a Registrar of ships under that Act is the Port officer, and that the exercise of his powers is limited to the port of Madras. It is desirable that provision should also be made for the registry of ships under the English statute at outports of this Presidency. I am accordingly to suggest that the following ports be declared registry ports under section 4, clause (*e*) of the statute, viz.:—

Mangalore.
Gopalpur.
Masulipatam.
Vizagapatam.
Bimlipatam.

2. The Port officers at those ports, who are also Collectors of Customs under the Sea Customs Act (VIII of 1878), would then, under section 4 (1) (*e*) of the statute, become Registrars of ships in accordance with the provisions thereof. The Customs officers at other ports are not considered qualified to exercise such functions.

I have the honour to be,
Sir,
Your most obedient servant,

Colonel, R.E.,
Secretary to Government.

OOTACAMUND,
16th August 1897.

Exd. T. K. Narayana Aiyangar.

Government (1897) of Madras.

MARINE.

Recd. } 1897. *Enclosures*

Regd. *Spare copies*

G.O., No. 726, 16th August 1897.

AUGUST.

Registry Ports

Directing, with remarks, that the Government of India be moved to approve certain outports to be — under the English Merchant Shipping Act, 1894.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

Read—the following papers :—

From Commander H. A. STREET, R.I.M., Presidency Port Officer, Madras, to the Secretary to Government, Marine Department, dated 15th May 1897, No. 498/175 G.

No. 818, Marine, dated 25th November 1896.
„ 339, „ „ 4th April 1897.

With reference to the orders of Government quoted in the margin, I have the honour to acquaint you, for the information of Government, that I considered it necessary to obtain the opinion of the Advocate-General on the point as to whether it is necessary for the Port officers of Coast ports who have been appointed Registrars of Shipping under the Indian Acts X of 1841 and XI of 1850 (*vide* page 639 of *Fort St. George Gazette*, 29th May 1894, Part I), to be re-appointed Registrars of Shipping under section 4 of the English Merchant Shipping Act of 1894, and I submit herewith, for consideration and orders, a copy of the opinion obtained. With reference thereto, I have to point out that Madras is the only port in the Presidency declared a port of registry, and the Port officer, Madras (Presidency Port Officer), the only Registrar under the Merchant Shipping Act of 1854.

Enclosure.

OPINION.

[*Re* Port officer's letter to the Government Solicitor, dated 13th April 1897, No. 498/468 M.]

1. Under section 4, clause (*d*) of the Merchant Shipping Act, 1894, the Port officers at Calcutta, Madras and Bombay are constituted Registrars of British ships under that statute. Under clause (*e*) of the same section, other ports in British India for the registry of ships under the said statute will have to be approved by the Governor-General, and if there is at any of such ports a Chief officer of Customs, such officer is constituted Registrar of ships under the statute. But if there is no such officer resident at any such port, the Governor-General will have to appoint an officer as Registrar of British ships under the statute. Under section 18 (6) of the statute 52 and 53 Vic. ch. 63 (The Interpretation Act, 1889), the word "Governor" occurring in English statutes passed after 1st of January 1890, shall, as respects India, mean the "Governor-General."

2. I should, however, add that under section 745 (*b*) of the Merchant Shipping Act, 1894, if officers had been appointed as Registrars of British ships under any of the previous English statutes repealed by the Merchant Shipping Act, 1894, such officers will be deemed to have been appointed under the statute of 1894. Under sections 30 and 31 of statute 17 and 18 Vic. ch. 104 (The Merchant Shipping Act, 1854), corresponding to sections 4 and 89 of the Merchant Shipping Act, 1894, *ports* for the registry of ships in British India under that statute were to be approved and Registrars appointed by the Local Government concerned. If this had been done by the Local Government under the Merchant Shipping Act, 1854, it may possibly be regarded as duly done under the Consolidation Merchant Shipping Act, 1894.

3. The Presidency Port Officer refers only to the appointment in May 1894 by the Local Government of Registrars of ships under India Acts X of 1841 and XI of 1850. But that will not amount to appointment of Registrars of British ships under section 30 of the Merchant Shipping Acts, 1854 to 1892, which were then in force.

4. Without, however, full information as to the approval of ports for registration of ships and appointment of Registrars under the Merchant Shipping Act, 1854, I cannot express a definite opinion on the question raised in the Pesidency Port Officer's letter. Having regard, however, to the divergence between sections 30 (5) [as modified by Merchant Shipping (Colonial) Act, 1869 (32, Vic. ch. 11), section 6] and 31 of the Merchant Shipping Act, 1854, and the corresponding sections 4 (*d*) and (*e*) and 89 of the Merchant Shipping Act, 1894, the safest course will be for the Governor-General to approve ports for registry of ships under the statute of 1894, and to appoint in the case of ports where there is no Chief officer of Customs, Registrars of ships under the Merchant Shipping Act, 1894.

5. In the Indian Merchant Shipping Bill (published in the Supplement to the *Fort St. George Gazette* of the 3rd of March 1896) which has been pending in the Viceregal Legislative Council since 1892, it is proposed by section 11 to repeal clauses (*d*) and (*e*) of section 4 of the Merchant Shipping Act, 1894, and to provide in lieu thereof that the Local Government itself is to appoint Registrars of British ships in British India, and by section 12, to amend section 89 of the said statute by substituting "Local Government" for "Governor of a British Possession"; so as to authorize the Local Government itself to approve ports for the registry of British ships in British India under the Merchant Shipping Act, 1894.

(Signed) V. BASHYAM AIYANGAR,
Acting Advocate-General.

From Commander H. A. STREET, R.I.M., Presidency Port Officer, Madras, to the Secretary to Government, Marine Department, dated 15th June 1897, No. 498/225 G.

In reply to Marine Department memo., No. 382 E., dated 3rd June 1897, I have the honour to state that, as already pointed out in the concluding portion of my letter No. 498/175 G., dated 15th May 1897, Madras is the only port in this Presidency which appears to have been declared a port of registry under the English Merchant Shipping Act of 1854, and the Master Attendant, Madras (at present Presidency Port Officer), the Registrar of Shipping for that port under the same Act—*vide* section 30 (5).

2. To meet the rare case of a British ship requiring to be registered under the Merchant Shipping Act, 1894, at any of the other principal ports in the Presidency, it seems to me necessary that the Government of India should be moved to approve such ports for registry and to appoint Registrars therefor under the new statute. These principal ports are Mangalore, Tellicherry, Calicut, Cochin, Tuticorin, Pámban, Negapatam, Masulipatam, Cocanada, Vizagapatam, Bimlipatam and Gopalpur, and the officers to be approved as Registrars would be the Port officers of the respective ports.

From Commander H. A. STREET, R.I.M., Presidency Port Officer, Madras, to the Secretary to Government, Marine Department, dated 26th July 1897, No. 498/283 G.

With reference to paragraph 2 of Marine Department memo., No. 468 E., dated 20th July 1897, I have the honour to acquaint you, for the information of Government, that the Sea Customs Superintendents of the ports therein mentioned are not, in my opinion, fit persons to exercise the powers of Registrar of Shipping, as it is a post which the clauses of section 4 of Merchant Shipping Act of 1894 imply should be held by an officer of superior position, and to which, I consider, that no person not a gazetted officer should be appointed.

2. With respect to the question contained in the concluding portion of paragraph 2 of the memorandum under reply, I have to state that it would seriously inconvenience the vessels employed in coasting trade between Pámban and Mangalore, should there be no ports of registry on the West Coast.

ORDER—No. 726, Marine, dated 16th August 1897.

Ordered that the Government of India be moved to approve the following outports to be registry ports under the English Merchant Shipping Act, 1894:—

Mangalore.
Gopalpur.
Masulipatam.
Vizagapatam.
Bimlipatam.

2. It is observed that the Port officers at these ports are also Collectors of Customs under the Sea Customs Act (VIII of 1878), and would thus under section 4, clause (*e*) of the statute of 1894, become Registrars of ships under that statute immediately on the ports being declared registry ports.

[Here enter No. 727, Marine, dated 16th August 1897.]

(True Extract.)

Under Secretary to Government.

To the Presidency Port Officer.

Exd. T. K. Narayana Aiyangar.

Marine DEPARTMENT.

[ ]
1,000—14—97.

Papers to be read in proceedings :—

Again G.O., No. dated 189 .
Again G.O., No. dated 189 .
Current No. 723 of 1897, dated 19th May 1897, from the Presy. Port Officer.
" " 877 " 1897, " 23rd June 1897 " - do -
" " 1043 " 1897, " 28th July 1897 " - do -

SP

Registration of Ships under the English Statute.

~~The Hon Sir Henry Bliss K.C.I.E.~~

ORDER. 726 Mar of 16 Aug. 1897

Ordered that the Government of India be moved to approve the following outports to be registry ports under the English Merchant Shipping Act, 1894:-

Mangalore
Gopalpore
Masulipatam
Vizagapatam
Bimilipatam.

2. It is observed that the port officers at these ports are also Collectors of Customs under the Sea Customs Act VIII of 1878, and would thus under Section 4 clause (e) of the Statute of 1894 become Registrar of Ships under that Statute immediately on the ports being declared registry ports.

HB 9/8/97

To
The P.P.O.

To

Hda 6.8.97 R 10.8.97

H.E. No. 727 Marine dated 16 August 1897.

To

The Secretary to the
Government of India,
Dept. of Finance & Commerce.

Sir,

In forwarding for the information of the Government of India the accompanying copy of Proceedings of this Government No. 726 Marine dated 16th August 1897 embodying an opinion by the Acting Advocate General Madras on the subject of the appointment of Registrars of Ships under the English Merchant Shipping Act, 1894, I am to bring to notice that the only officer of this Presidency who now has the powers of a Registrar of Ships under that Act is the ~~Presidency~~ Port Officer, and that the exercise of his powers is limited to the port of Madras. It is desirable that provision should also be made for the registry of ships under the English Statute at outports of this Presidency. I am accordingly to suggest that the following ports be declared registry ports under Section 4 Clause (c) of the Statute-Viz.

Mangalore
Gopalpore
Masulipatam
Vizagapatam
Bimilipatam.

Is this so? The H.P.O. is not the Port officer of Madras, so far as I know. The Dy Comr. is that, I believe –

HP
9/8/97

2. The port officers at those ports, who are also Collectors of Customs under the Sea Customs Act VIII of 1878 would then, ~~it is understood, be empowered to exercise the functions~~ under S. 4 (1)(e) of the Statute become ~~of~~ Registrars of Ships in accordance with the provisions ~~of the Act~~ thereof. The Customs officers at other ports are not considered qualified to exercise such ~~the~~ functions ~~of Registrars of Ships~~.

I have &c.

6/8/97

M.

R.S.

Registry of British Ships

Marine DEPARTMENT

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

From the Presy. Port Officer, Madras, No. 498/175 G. dated 15th May 1897.

- do - No. 498/225 G. dated 15th June 1897.

The Hon Sir Henry Bliss KCIE

According to the Adv.-Genl., the Chf. officer of customs, if there is one at the port, is constituted by the Statute Regr. of Shipping, & it is only if there is no such officer that another person can be appd. Now at Mangalore, Calicut, Masm., Cocanada, ~~[illegible]~~ and Vizi. there is a resdt. chf. officer of customs (the Collr., *vide* s. 3(6) of the Sea Cust. Act VIII of 1878). How then can the Port officer be appd. Regr.?

Please get the Statute of 1894 from H.E. [illegible] - I can't dispose of difficult questions without the Statute to refer to

HB
10/7/97

Ordered that the Government of India be moved accordingly to approve the coast ports named by the Presidency Port Officer as ports of registry, and to appoint the Port Officers of these ports to be Registrars under the English Merchant Shipping Act, 1894.

To

The P.P.O.

H.E. No. Marine dated 1897.

To

The Secretary to the
Government of India,
Finance & Commerce Dept.

Sir,

In forwarding for the information of the Government of India, the accompanying copy of Proceedings of this Government No. Marine dated 1897, embodying an opinion by the Acting Advocate General, Madras, on the subject of the appointment of Registrars of Shipping under the English Merchant Shipping Act, 1894,

P. W. 40.
1,000—26-2-97.

A.M. 9.7.97 l 10/7/97
[illegible] 14.7.97 [illegible]

1894, I am to bring to notice that the only officer in this Presidency who has been appointed a Registrar of Shipping under the Act of 1854, and whose powers are thus validated under the Act of 1894, is the Presidency Port Officer, and that the exercise of his powers is limited to the port of Madras. It seems necessary that the Port Officers at the undermentioned ports should be similarly appointed under the Act of 1894 for their respective ports-viz., Mangalore, Tellicherry, Calicut, Cochin, Tuticorin, Pamban, Negapatam, Masulipatam, Cocanada, Vizagapatam, Bimilipatam and Gopalpore.

2. I am accordingly to request that these officers may be appointed by His Excellency the Governor General as Registrars of Shipping under Section 4 clause (2) of the last mentioned Act, and that the ports named be constituted as registry ports under clause (c) of the same Section.

I have &c.

5/7/97

M.

Ch 0723

Marine Department

Note for the Honourable Member

The ordinary Sea Customs Supts are not in my opinion, fit persons to exercise the powers of Regrs of Shipping under the Statute, nor is it necessary that there shd be so many Regrs. I think it will suffice to ask India to notify as registering ports those ports where the ~~[illegible]~~ Port officer is also Customs officer. These are Mangalore, Gopalpore, Masm, Vm & Bimli — But first ask the P.P.O. what he has to say & whether the S. C. Supts at the other places are fit to be regd officers

HS
16/7/97

The English Merchant Shipping Act 1894 has now been returned by His Excellency and is submitted together with the previo Act of 1854.

As regards Registrars of Shippin at outports it was thought that the Governor General had power under section 4 (2) of the Act of 1894 to appoint "any officer" vide las clause, and ~~the~~ Port Officers were therefore nominated in the draft letter. The Presidency Port Office apparently read the Act in the same way. But if this interpretation is incorrect and the "Chief Officer of Customs" is the Registrar unde the Statute, no action would appear to be necessary beyond approval by the Governor General of ports of registry, as a "Chief Officer o Customs" is said in the definitions* to include "the Collector, Superintendent, Principal Coast Officer, or th Chief Officer of Customs at ea port"

* vide definition on page 316 of the Act

Marine 15/7/97 R 17/7/97
H. Dec 14-7-97 R 15-7-97

port." There is such an officer at every port.

12/7/97

M

R.S.

~~The Hon Sir Henry Bliss K.C.I.E~~

Registration of Ships

Note for the Honourable Member.

With reference to the Honourable Member's inquiry against para 1 of the draft letter to India, it is submitted that the statement there* made is based on the information given by the Presy. Port Officer himself.

* Vide concluding sentence of his letter No. 498/175 G. dated 15th May 1897. (Flag-E.) and para 1 of letter No. 498/225 G. dated 15th June 1897. (Flag - H.)

2. In section 30(5) of the English Act of 1854 the "master attendant" is declared to be the Registry Officer at Madras, and as the Presy. Port Officer is the successor of the master attendant, he apparently considers that the registration duties of that officer devolve on him, although in the later Act of 1894, the "Port Officer" at Madras is declared to be the Registrar. The Honourable Member is, however, probably right, as the later Act must supersede the earlier one. The word "Presidency" before "Port Officer" may thus perhaps be omitted from the draft letter.

11/8/97

M.

11/8/97

R.S.

Draft to issue as amended.

16/8/97

M

H.W. 11.8.97 R 11.8.97

Marine (1897) Department.

The Hon Sir Henry Bliss K.C.I.E. **CURRENT No.** 1043

For orders

The only difficulty is on the West Coast. Ships could be registered at Mangalore, where the Port officer is also Customs Supt, but nowhere south. If, however, the Port officer at Tellicherry were invested with the powers of a Customs Collector the difficulty would be removed. If approved, the question might be referred to the Revenue Department.

~~Order~~

2/8/97

M

R.S. I think it will suffice for the 5 ports named in para 1 of Mem.m No 468 E d/ 20/7/97 to be declared registry ports under the Statute.

The P.P.O.'s para 2 is practically contradictory of para 2 of his $\frac{498}{225}$ G d/ 15/6/97 in which he speaks of the "rare case" of a British ship requiring registry under the Statute of 1894. The vessels employed in the coasting trade between Paumben & Mangalore don't need to be registered under the Statute at all I take it. They would be regd. under Act X of 1841 as amended by Act XI of 1850. But the P.P.O. doesn't seem to see the differen

H.B.
4/8/97

H.M. 2-8-97 R 4-8-97

From

The Presidency Port office

Madras

No. $\frac{498}{283}$ G

Dated 26 July 1897

Received } 28-7-97
Registered }

Enclosures — "

Spare copies —

SUBJECT.

Informing that the Sea Customs Superintendents of the ports are not fit persons to exercise the powers of Registrar of Shipping

Registration under the English Statute is in all cases compulsory except for ships of [illegible] tons → 60 * vide opinion of the adv: genl printed with G.O. 532. Marine. of 14 June 1897

R.S.

6/8/97

BACK PAPERS.

No.	Date.
465E of	20-7-97
& Papers on the back	

FURTHER PAPERS.

No.	Date.

Heading.

No. 498/283 G

PRESIDENCY PORT OFFICE,
Madras, 26 July 1897.

From

Commander A. A. Street, R.I.M.,
PRESIDENCY PORT OFFICER,
Madras,

7 P

To

THE SECRETARY TO GOVERNMENT,
MARINE DEPARTMENT,
Chepak.

SIR,

With reference to para 2 of Marine Department Memorandum, No 468 E., dated 20 July 1897, I have the honor to acquaint you, for the information of Government, that, the Sea Customs Superintendents of the ports therein mentioned are not, in my opinion, fit persons to exercise the powers of Registrar of Shipping, as it is a post which the clauses of section 4 of Merchant Shipping Act of 1894 imply should be held by an Officer of Superior position, and, to which I consider that no person not a gazetted Officer should be appointed.

Hay P.

2

2. With respect to the question contained in the concluding portion of para 2 of the Memorandum under reply, I have to state that it would seriously inconvenience the vessels employed in coasting trade between Pamban and Mangalore should there be + no ports of registry on the West Coast.

+ Mangalore comes to be a registry port vide para 1 of the memo replied to by the P.P.O.
N.S.

I have the honor to be,
Sir,
Your obdt. servant,
H. A. Street
Commander, R.I.M.
Presy: Port Officer

GJK

Marine (1897) Department.

CURRENT No. 877

3

From

~~Order~~

The Presidency Port Office,
Madras

No. 498/225 9

Dated 15 June 1897
Received
Registered 23.6.97
Enclosures "
Spare copies

SUBJECT.

Replying to Memo No. 382E dated 3rd June 1897 respecting the principal ports of the Madras Presidency being declared as ports of registry under Merchant Shipping Act of 1894.

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

Heading. No. 498/225 G

PRESIDENCY PORT OFFICE,
Madras, 15th June 1897.

68

From

Commander A. A. Street, R.I.M.,
PRESIDENCY PORT OFFICER,
Madras,

To

THE SECRETARY TO GOVERNMENT,
MARINE DEPARTMENT,
Chepak.

382 E / 3.6.97.

SIR,

In reply to Marine Department Memorandum No. 382, E, dated 3rd June 1897, I have the honor to state that, as already pointed out in the concluding portion of my letter No. 498/175, G, dated 15th May 1897, Madras is the only port in this Presidency which appears to have been declared a port of registry under the English Merchant Shipping Act of 1854 and the Master Attendant, Madras, (at present Presidency Port Officer) the Registrar of Shipping for that port under the same Act [vide Section 30(5)].

2. To meet the rare case of a British Ship requiring to be registered under the

the Merchant Shipping Act 1894, at any of the other principal ports in the Presidency it seems to me necessary that the Government of India should be moved to approve such ports for registry and to appoint Registrars therefor under the new Statute. These principal ports are Mangalore Tellicherry, Calicut, Cochin, Tuticorin Pamban, Negapatam, Masulipatam, Cocanada, Vizagapatam, Bimlipatam and Gopalpur, and the Officers to be approved as Registrars would be the Port Officers of the respective ports.

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

C/
mm.

Marine (1897) Department.

CURRENT No. 723

Order

From

The Presidency Port Officer,
Madras

No. 498/175 G.

Dated 15th May 1897
Received }
Registered } 15-5-97
Enclosures 1.
Spare copies

SUBJECT.

Enquiring whether the Registrars of shipping at Coast ports are to be reappointed as such under section 4 of the English Merchant Shipping Act of 1894.

BACK PAPERS.

No.	Date.
339 Eq	2-4-97
199 Eq	17-3-97
818 Eq	25-11-96.
Im 32 Emd	24-1-96.
Im 76 Md	10-12-95
" 44 Md	7-12-95
" 21 Md	21-11-95
" 11 Md	15-11-95
Go 5 Md	8-1-95
" 327 Md	17-8-94
" 183 Md	22-5-94
Copy of the notification from the Ft. St. Geo. Gazette page 639	29-5-94
Go. 118 Md	5-4-94
" 61 Md	20-2-94
" 48 Md	8-2-94
Acts X of 1841 & XI of 1850	
Collection of Statutes re: India vol. I	

FURTHER PAPERS.

No.	Date.
Freuzley	

3 S.P

Opinion.

Re Port Officer's letter to the Government Solicitor dated 13th April 1897, No. 498/468 M.

1. Under section 4 clause (d) of the Merchant Shipping Act, 1894, the Port officers at Calcutta, Madras and Bombay are constituted Registrars of British Ships under that Statute. Under clause (e) of the same section, other ports in British India for the registry of ships under the said statute will have to be approved by the Governor-General and if there is at any of such ports, a chief Officer of Customs such officer is constituted Registrar of ships under the Statute. But if there is no such Officer resident at any such port, the Governor-General will have to appoint an Officer as Registrar of British Ships under the Statute. Under Section 18 (6) of the Statute 52 and 53 Victoria Ch 63 (the Interpretation Act, 1889) the word "Governor" occurring in English Statutes passed after 1st of January 1890, shall, as respects India

not available in the Chief Secretariat Library for the present

India mean the Governor-General.

2. I should however add that under section 745(b) of the Merchant Shipping Act, 1894, if officers had been appointed as Registrars of British ships under any of the previous English Statutes repealed by the Merchant Shipping Act, 1894, such officers will be deemed to have been appointed under the statute of 1894. Under sections 30, and 31 of Statute 17 and 18 Victoria Ch 104, (the Merchant Shipping Act 1854) corresponding to sections 4 and 89 of the Merchant Shipping Act, 1894, ports for the registry of ships in British India under that Statute were to be approved and Registrars appointed by the Local Government concerned. If this had been done by the Local Government under the Merchant Shipping Act, 1854, it may possibly be regarded as duly done under the Consolidation Merchant Shipping Act, 1894.

No appointments have been made under the English Acts. The present officers have been appointed under the Indian Acts X of 1841 and XI of 1850

Copy

3. The Presidency Port Officer refers only to the appointment in May 1894 by the Local Government of Registrars of Ships under India Acts X of 1841 and XI of 1850. But that will not amount to appointment of Registrars of British ships under section 30, of the Merchant Shipping Acts 1854 to 1892 which were then in force.

4. Without however full information as to the approval of ports for registration of ships and appointment of Registrars under the Merchant Shipping Act 1854, I cannot express a definite opinion on the question raised in the Presidency Port officer's letter. Having regard however to the divergence between sections 30(5) {as modified by Merchant Shipping (colonial) Act 1869, (32, Vic Ch 11) section 6} and 31 of the Merchant Shipping Act, 1854, and the corresponding sections 4 (d) and (e) and 89 of the Merchant Shipping Act, 1894, the safest course will be for the Governor-General to approve ports for registry of ships under the statute of 1894, and to appoint in the case of ports where there is no Chief Officer of

of Customs, Registrars of Ships under the Merchant Shipping Act, 1894.

5. In the Indian Merchant Shipping Bill (published in the Supplement+ to the Fort Saint George Gazette of the 3d of March 1896) which has been pending in the Viceregal Legislative Council since 1892, it is proposed by section 11 to repeal clauses (d) and (e) of section 4 of the Merchant Shipping Act 1894, and to provide in lieu thereof that the Local Government itself is to appoint Registrars of British Ships in British India, and by section 12, to amend section 89 of the said Statute by substituting "Local Government" for "Governor of a British possession"; so as to authorise the Local Government itself to approve ports for the registry of British Ships in British India, under the Merchant Shipping Act 1894.

+ Contained in a very bulky volume which is not appended as it may not be wanted for reference.

This will be set right when the Bill becomes law - but this will take time [illegible]

Mar Encl / 72 3/7/97

/sd/ V. Bhashyam Ayyangar,
Ag. Advocate General.

(True Copy)
/sd/ Ernest Barclay
p.p. Wm Morgan
Government Solicitor

(True Copy)
H A Street
Commander, R.I.M.,
Presidency Port Officer

28

No. 498 G
175

Heading.

PRESIDENCY PORT OFFICE,
Madras, 15 May 1897.

From

Commander H. A. Street, R.I.M.,
PRESIDENCY PORT OFFICER,
Madras,

To

THE SECRETARY TO GOVERNMENT,
MARINE DEPARTMENT,
Chepak

SIR,

No. 818 Marine, 25th November 1896.
" 339 Marine, 4th April 1897.

With reference to the orders of Government quoted in the margin, I have the honor to acquaint you, for the information of Government, that I considered it necessary to obtain the opinion of the Advocate General on the point as to whether it is necessary for the Port officers of Coast ports who have been appointed Registrars of Shipping under the Indian Acts X of 1841, and XI of 1850 (vide page 639 of Fort St. George Gazette, 29th May 1894, Part I) to be reappointed Registrars of Shipping under

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under section 4 of the English Merchant Shipping Act of 1894, and I submit herewith, for consideration and orders, a copy of the opinion obtained. With reference hereto, I have to point out that Madras is the only port in the Presidency declared a port of Registry, and the Port-Officer, Madras, (Presidency Port-Officer) the only Registrar under the Merchant Shipping Act of 1854.

I have the honor to be,
Sir,
Your obdt. servant,
H. O. Street
Commander, R.I.M.,
Presy Port-officer.

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