

DEPARTMENT

~~Press~~
Miscellaneous No.
~~Routine~~

dated

190

Survey of Foreign Ships, starting with remarks that the question raised by the P.P. Office in regard to the adequacy of the provisions ^{of law} relating to the — is not one that has been overlooked by the Legislature.

<i>Recd.</i>	} 1897.	<i>Enclosures</i>
<i>Regd.</i>		<i>Spare copies</i>

G.O., No. 807, 16th September 1897.

SEPTEMBER.

Survey of Foreign Ships

Stating, with remarks, that the question raised by the Presidency Port Officer in regard to the adequacy of the provisions of law relating to the —, is not one that has been overlooked by the legislature.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following paper :—

From Commander H. A. STREET, R.I.M., Presidency Port Officer, Madras, to the Secretary to Government, Marine Department, dated 13th July 1897, No. 498/263 G.

The Tuticorin agents of the "Nippon Yusen Kaisha" line of steamers having informed the Port officer at that port that, at Bombay, their steamers do not require any certificate of survey under Act No. VII of 1884 to carry more than twelve passengers to or from any port in British India, to or from any port out of British India, and enquired whether at Tuticorin a survey certificate would be required, the Port officer referred the question to me, and in reply was acquainted that, under section 4 of Act VII of 1884, it would seem that a steam ship other than a British steam ship may, without having a certificate, carry more than twelve passengers from a port in British India to any port out of British India. This, I may add, is the view of the Solicitor to Government, to whom the question was referred.

2. I bring the matter to notice, as it appears to me where the safety of passengers is concerned a foreign steam ship should be placed under the same restrictions as a British steam ship, and I find, on reference to the draft of the Indian Merchant Shipping Bill now under consideration, that a foreign steam ship, as at present, is only to be required to obtain a certificate of survey when carrying passengers between ports in British India.

ORDER—No. 807, Marine, dated 16th September 1897.

His Excellency the Governor in Council observes that a steam ship surveyed in England is, equally with a foreign steam ship, exempted from resurvey under Act VII of 1884 when carrying more than twelve passengers to or from British India.

* *Vide* section 8 of the English Merchant Shipping Act, 1872, and section 271 of the English Merchant Shipping Act, 1894.

Vessels of the former class are subject to an annual survey under the English Merchant Shipping Acts,* while those of the latter have been excluded for reasons affecting international relations which were fully explained in the Viceroy's Council when Act VII of 1884 was under consideration.

2. It is further remarked that a foreign passenger steamer comes under the provisions of section 363 as limited by section 267 of the English Merchant Shipping Act of 1894, in accordance with which a survey certificate is essential only when the vessel is carrying passengers between places in the United Kingdom. Section 4 of Act VII of 1884 contains a corresponding provision in regard to places in British India.

3. Moreover, the provisions of the Indian Merchant Shipping Act (VII of 1880) for the prevention of the overloading and improper loading of British ships have been extended* to foreign ships also

* *Vide* section 5 of Act XVII of 1891.

when in ports of British India unless such foreign ships, if in ports of the United Kingdom, would be entitled to the benefit of an order of Her Majesty in Council under the provisions of the English Merchant Shipping Act, 1890, † section 4.

† *Vide* section 445 of Act of 1894.

4. The question raised is thus not one that has been overlooked by the legislature, and it should have been more carefully considered by the Presidency Port Officer before making his present proposal.

(True Extract.)

Under Secretary to Government.

To the Presidency Port Officer.

Edw. A. F. Eccleston.

Survey of Foreign Ships
En Henry Philip H.C. J.E.

40
500

Marine DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated	189 , No.
Again G.O., dated	189 , No.
Current No. 978	of 189 7, dated 15th July '97, from the Presy. Port Offi-
" "	" 189 , " , " cer.
" "	" 189 , " : " 2 P

Survey of Foreign Ships

ORDER. 807 Marine 8 16 September 1897

His Excellency the Governor in Council observes that a steam ship surveyed in England is, equally with a foreign steam ship, exempted from re-survey under Act VII. of 1834 when carrying more than 12 passengers to or from British India. Vessels of the former class are subject to an annual survey under the English Merchant Shipping Acts, while those of the latter have been excluded for reasons affecting international relations which were fully explained in the Viceroy's Council when Act VII. of 1834 was under consideration.

*
Vide Section 8 of the English Merchant Shipping Act, 1872.
and Section 271 - do - , 1894.

2. It is further remarked that a foreign passenger steamer comes in to the port of Bombay to land passengers to depart the passenger-traffic between India and foreign ports to

is carrying passengers between places in the United Kingdom. Section 4 of Act VII of 1884 contains a corresponding provision in regard to places in British India.

3. Moreover, the provisions of the Indian Merchant Shipping Act VII of 1880 for the prevention of the overloading and improper loading of British ships have been extended to foreign ships also when in ports of British India unless such foreign ships, if in ports of the United Kingdom, would be entitled to the benefit of an order of Her Majesty in Council under the provisions of the English Merchant Shipping Act, 1890, Sec. 4.

4. The question raised is thus not one that has been overlooked by the legislature and it should have been more carefully considered by the Presidency Port Officer before making his present proposal.

Vide Section 5 of Act XVII of 1891.

Vide Section 445 of Act of 1891.

Survey of Foreign Ships

*The Hon. Mr. Henry Phipps
Ac. 28*

807 m

Marine Department.

C. No. 978 of 1897.

Note for the Honourable Member.

Honourable Member's note dated 21st July 1897.

(1). A steam ship surveyed in England is exempted from resurvey under Act VII of 1884 when carrying more than 12 passengers to or from British India, because, apparently, such ship has already been surveyed under ^{Section} 271 of the English Merchant Shipping Act of 1894. A foreign steam ship is also similarly exempted, but for other reasons which will be found stated on page 116 of the Abstract Proceedings of the Governor General's Council, Volume XXIII, 1884. The following are Mr. Ilbert's remarks in introducing the Bill which was afterwards passed as Act VII of 1884:-

"In the first place it has been said that, by requiring our own steamers to be surveyed once a year, and by not imposing a similar requirement on foreign steamers, except when carrying passengers between places in British India, we place our own steamers at a disadvantage and tend to divert the passenger-traffic between India and foreign ports to

foreign bottoms. Now, even if I admitted, which I do not, that the requirement of periodical survey placed a ship at a disadvantage, it is perfectly obvious that in legislating for foreign vessels we cannot go a step further than is warranted by international law. In the provisions which we have made for their survey we have gone precisely as far as Parliament has considered itself justified in going; and, if we attempted to go any further, we should expose ourselves to the risk of international complications of a serious kind. However, we have amended that Bill by making it clear that the term "British steam-ship" includes ships owned by Natives of India."

(2). A foreign passenger steamer in British waters comes under the provisions of section 363 as limited by section 267 from which it will be seen that it is only when carrying passengers between places in the United Kingdom that a survey certificate is essential.

(3). As regards overloading and improper loading of foreign ships, please see section 445 of the English Merchant Shipping Act, 1894. Such ship is liable to detention if she does not comply with the provisions of the English Act, or some "equally effective" regulations in force in her own country. This

would

would seem to afford protection to passengers leaving British ports in foreign ships. Vide also section 462 as to power of detention of foreign ships.

Section 734 of the English Act of 1894 allows the extension of the provisions of that Act to the ships of any foreign country which is desirous of such extension.

From the foregoing it would appear that the P.P. Officer's suggestion is inadmissible

8/8/97
YLO - Might be
BD pointed out to
9/9/97 him that he
might have
worked all
this out previously

978
H.C.

Please help the
Attender to get up the
information indicated
by the Hon. Member.

N.S.

22 July 97

H.C.

Please see the Act
Submitted

to
20/8/97

N.B. Please refer
to by Hon. Member
before.

C.A.W.

I regret that the Phoenix
act referred to by the H.M.C. cannot
be traced and no one in the
Chief Secretariat is able to
throw any light on the subject.

May
10/9/97

in the Abstract Proc. of
the 'Govt. Genl. Council
for the years 1888 & 1889
(Vols ~~XII~~ + ~~XVII~~) copies
of which are available
at the Chief Secretariat
Library, Ootacamund.

Khajur
for S. G. R.

12/8/97

H.C.

H.C.

Please see above,
all the information
required by the H.M.
can be obtained at
only - ~~under~~ all
the main Act &
are there.

H.C.

13/8/97

maine
978

R.R.

H.M. writes as
follows.

I observe that the
restriction imposed
by Section 4 of Act
vii of 1884 & by addition
to "British steam ships"
as defined in that act,
thus (see also Section
5(a)) a steam ship
surveyed in England is
as much exempt as a
foreign steam ship.

Better look at the debates
which preceded the
passing of act vii of 84
and see if any reason
can be found for their
difference of treatment
also make sure whether
foreign ships sailing
from British ports
are anywhere subject
to the Phoenix act.

R.R.

I wrote to you on
the 2-8-97 to send up
papers required by H.M.
in connection with 978.

Please look at the debates
on which preceded the
passing of act vii of 1884

R.R.
10/8/97

H.C.

13-8-97

H.C.

Recd
16/10/97

I replied to you
some days ago.
I could not get the
information here. The
Chief Secy: (here) said
that the debates
would be found in
certain bound Vols
of Proceedings of the
R.G. Council, which
are in the Chief Secy
Library at Ootacamund.

note for the Supl. General
Record Dept.

Please see the attached
note received here from the
Port Office and kindly
let me know if you can
give the ~~any~~ information
required by the Amble
member. We have not
got the Gazette of India here
for 1884 here - It will I
think give the debate etc
which preceded the passing
of Act VII of 1884.

J.R. James
Record Keeper
P.W. Secy

The British may discuss.
This will be found
P.T.O.

and other acts designed
to promote the safety
of vessels & mariners
I fancy not. For ~~instance~~
instance, do the ~~as~~
as to ~~ask~~ ~~to~~ ~~do~~
ask to Foreign vessels
leaving British ports?
I fancy not.

RE

Please look up ~~British~~
I ~~sent~~ ~~up~~ ~~some~~ ~~the~~ ~~details~~
are not available here.

be

2-8-97

1897

The rest of the information
required by the Hon.
must be forthcoming
at ~~once~~ ~~as~~ ~~all~~ ~~the~~
British Acts ~~are~~ ~~not~~
there.

99

10/1/97

Y. C. S. assistant Secy of the Govt of India XXIII of 1883

I wrote to you twice or thrice about this book. you have not as yet complied with our requisition. Will you please say why you are delaying. I told you personally that the matter is very urgent. If you have not got the book in the Library please remove from the Council Chamber & send it at once.

I think you must account for the delay.

19.8.97 I have asked the Secy to refer to the Secy of the Govt of India.

Marine (1897) Department.

The Hon. Sir Henry B. K. C. S. E. CURRENT No. 978

For orders whether the Presidency Port officers view should be endorsed and laid before the Govt of India for consideration in connection with the new Order Shipping Bill now before the Legislative Council.

From

The Presidency Post office Madras

No. 498 263 4

Dated 13 July 1897.

Received

Registered

Enclosures

Spare copies

SUBJECT.

Bringing to notice that a foreign Steam Ship should be placed under the same restrictions as a British steam ship with respect to Certificate of Survey under Act No. VII of 1884.

R. S.

20/7/97

To observe that the restriction imposed by S. 4 of Act VII of 1884 only applies to "British Steamships" as defined in that Act. Thus [see also S. 5(a)] a steamship owned in England is exempted as a foreign steamship. (1) When look up the definition of steamship. (2) Also make sure whether foreign ships sailing from British ports are anywhere subject to the Harbours Act & other Acts designed to promote the safety of vessels & mariners. (3) For instance do the rules as to deck loads apply to foreign vessels having British ports? & any other.

R. S. 21/7/97

BACK PAPERS.

No.	Date.
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act vii of 1884
supplement G
- Act of George IV
- from June 1886
page 29

FURTHER PAPERS.

No.	Date.
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No. 498/2639

Presidency Port Office,
Madras, 13th July, 1897.

From

Commander H. A. Street, R.I.M.,

Presidency Port Officer,

M A D R A S,

To

The Secretary to Government,

Marine Department,

C H E P A K.

Sir,

The Tuticorin Agents of the "Nippon Yusen Kaisha" line of Steamers having informed the Port Officer at that port that, at Bombay their Steamers do not require any certificate of Survey under Act No. VII of 1884 to carry more than 12 passengers to or from any port in British India, to or from any port out of British India, and enquired whether at Tuticorin a Survey Certificate would be required, the Port Officer referred the question to me, and in reply was acquainted that under section 4 of Act VII of 1884 it would seem that a Steam Ship other than a British Steam Ship may without having a certificate carry more than 12 passengers from a port in British India to any port out of British India. This, I may add, is the view of the Solicitor to Government to whom the question was referred.

2. I bring the matter to notice, as it appears to me where the safety of passengers is concerned a foreign Steam Ship should be placed under the same restrictions as a British Steam Ship, and I find on reference to the draft of the Indian Merchant Shipping Bill now under consideration that a foreign Steam Ship, as at present, is

only

May 7.

May 9.
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new

RACE DAWG

to be a
only required to obtain a Certificate of Survey when
carrying passengers between ports in British India.

Sec: 180 on p 39 of
gazette 1887

I have the honor to be,

Sir,

Your Obedient Servant,

H. A. Theet

Commander, R.I.M.;

Presidency Port Officer.