

12-6-06-5

Marine (1898) Department.

G.O., No. 152 Mar

DATED 3rd March 1898

Special

4/3/98

[Despatch Abstract.]

Side lights for Open boats: The opinion of the Advocate General as regards the applicability of the Regulations ^{with respect to} ~~Regulations~~ - of 20 tons and upwards, comes to the P.P. Officer, the Collector of Malabar and the Collector of other maritime districts.

~~110~~
~~20~~

~~180~~

2-3-98

3/3/98

The opinion of the Advocate-General as regards the applicability of the regulations with respect to — of 20 tons and upwards, communicated to the Presidency Port Officer, the Collector of Malabar and the Collectors of other Maritime Districts.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following paper:—

OPINION.

The regulations in question are applicable to fishing boats and other open boats of 20 tons and upwards which, being owned by Native Indian subjects, are British ships (*vide* section 1 of the Merchant Shipping Act, 1894).

2. Article 10 (a) of G.O., No. 60, Marine, dated 13th February 1880, referred to by the Collector of Malabar, and which contains no limit as to tonnage, is one of the regulations passed by Her Majesty under Order in Council, dated 14th August 1879. The said article, along with other articles, were repealed by Her Majesty's Order in Council, dated 11th of August 1884, quoted in G.O., No. 120, Marine, dated 12th February 1897. The corresponding article 10 of the new Order in Council, dated 11th August 1884, introduced a change by limiting its operation to open boats and fishing boats of less than 20 tons net registered tonnage. The regulations passed under the Order in Council, dated 11th August 1884, with the exception of article 10, were superseded by those passed under Order in Council, dated 27th November 1896. Article 10 of the Order in Council, dated 11th August 1884 is, therefore, now in force—*vide* section 745 (1) (a) and 418 of the Merchant Shipping Act, 1894; but article 10 (a) of G.O., No. 60, Marine, dated 13th February 1880, is not in force. As the open boats in question are admittedly over 20 tons, the side lights referred to in article 10 of Order in Council, dated 11th August 1884, cannot be used by them. The side lights they should use are those prescribed by the regulations of Order in Council, dated 27th November 1896, for sailing vessels of more than 20 tons.

MADRAS,
16th February 1898.

(Signed) V. BHASHYAM IYENGAR,
Offg. Advocate-General.

No. 90.

Forwarded with enclosures, with reference to G.O., No. 89, Marine, dated 2nd February 1898.

16th February 1898.

(Signed) ERNEST BARCLAY,
Government Solicitor.

ORDER—No. 152, Marine, dated 3rd March 1898.

Communicated to the Presidency Port Officer and the Collector, Malabar, for information and guidance with reference to G.O., No. 89, Marine, dated 2nd February 1898; also to Collectors of other Maritime Districts in continuation of G.O., No. 120, Marine, dated 12th February 1897.

(True Extract.)

Under Secretary to Government.

To the Presidency Port Officer.
" Collectors, Maritime Districts.
" the Govt. Solicitor.

Exd. Shaik Karim.

Marine

(1898)

Department.

The Hon. Mr. Henry Phillips

CURRENT No. 217

Vide 182

Communicated

To the Presidency Port Officer
and the Collector Malabar
for information and

From the Advocate General
the Govt. Solicitor

guidance with reference
to G.O. 89 Marine of 2 Feb 1898.

also to Collectors of other
Maritime Districts in con-
tinuation of G.O. 120 Marine
of 12 Feb 1897.

No. 90

Dated 16th February 1898.

Received 18.2.98.

Registered 22.2.98.

Enclosures 5 (4 sc. of 90s removed).

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The P.P.O. etc. etc.

Collectors Maritime Districts.
Govt. Solicitor 18/2/98

SUBJECT.

Side lights for open boats.

The question still remains whether these
lights which are designed to protect life
property will not inflict more in-
convenience among them than the object of
their use is worth; and whether, therefore,
it is worth while to bring the matter to the
attention of India in order to power being
taken to abrogate them. I should like
to talk the matter over with Capt.
Street. Please ask him to call on me
some morning about 9 A.M. after
first consulting with the
Major Genl. has come in the
matter

Offering opinion re: applicability
of the regulations as regards
carrying — of 20 tons and
upwards.

+ Write Amulay
Govt. Secy
L.S.

H.M. 25-2-98 R28/2/98.

BACK PAPERS.

G.O.	No.	Department.	Date.
	68.182 of 18		
	89 of 2.2.98		
	953 of 22.11.97		
	1209 of 12.2.97		

File with L.O.

No. 153 Mar 3-3-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.
	344-ka:		5-5-98

OPINION

The regulations in question are applicable to fishing boats and other open boats of 20 tons and upwards, which being owned by Native Indian subjects are British ships (vide Section 1 of The Merchant Shipping Act, 1894)

2. Article 10 (a) of G.O. No. 60, Marine, dated 13th February 1880, referred to by the Collector of Malabar, and which contains no limit as to tonnage, is one of the regulations passed by Her Majesty under Order in Council dated 14th August 1879. The said Article along with other articles were repealed by Her Majesty's order in Council dated 11th of August 1884, quoted in G.O. No. 120, Marine, dated 12th February 1897. The corresponding Article 10 of the New order in Council dated 11th August 1884 introduced a change by limiting its operation to open boats and fishing boats of less than 20 tons net registered tonnage. The regulations passed under the order in Council dated 11th August 1884 with the exception of Article 10 were superseded by those passed under Order in Council dated 27th November 1896. Article 10 of the Order in Council dated 11th August 1884 is, therefore, now in force (vide Section 745 (1) (a) & 418 of The Merchant Shipping Act 1894), but Article 10 (a) of G.O., No. 60, Marine, dated 13th February 1880 is not in force. As the open boats in question are admittedly over 20 tons, the side lights referred to in Article 10 of Order in Council dated 11th August 1884 cannot be used by them. The side lights they should use are those prescribed by the regulations of Order in Council dated 27th November 1896 for sailing vessels of more than 20 tons.

V. Bhashyam Iyengar

Madras)
16th February 1898)

Offg: Advocate General.

(True Copy)

Amis Barclay

Government Solicitor.

(1898) Department

From Ernest Barclay
Government Solicitor
Madras

To The Secretary to Government
Marine Department
Madras

N° 90.

Dated. 16th February 1898
Recd

Encls 5.

Forwarded with enclosures with
reference to the Order of Govern-
ment Marine. dated 2nd February
1898. N° 89.

Ernest Barclay
Government Solicitor

~~HC~~ No 152 Marine. at
3. March 98 should
be "communicated"
to the Govt. Solicitor.

R.S.
17. March 98

Dispatch

Communicate to
Govt. Solicitor & then return
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17.3.98.

done
18/3/98

Mr L

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18.3.98.

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19/3/98

R.K.

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Per
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HC
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1/8/98

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