

Marine (1898) Department.

G.O., No. 168 Mar

DATED 8th March 1898.

[Despatch Abstract.]

Native Passenger Ships Act: Ordered that the French Govt be requested to arrange to adopt the provisions of the Act of 1887 not only as regards the space allowed to passengers but also in respect to the safety, comfort and health of the passengers ~~on their voyages~~ ^{and certain conditions} which are safeguarded by two certificates which every master of a ship is bound to hold.

Turner

[M. S. 50-22-507.]

8.3.98

8/3/98

FURTHER PAPERS.

MARCH.

Reed.

Regd.

1898.

Enclosures

Spare copies

G.O., No. 168, 8th March 1898.

Native Passenger Ships Act

Ordered that the French Government be requested to arrange to adopt the provisions of the — X of 1887, not only as regards the space allowed to passengers, but also in respect to the safety, comfort and health of the passengers, which are safeguarded by two certificates which, under certain conditions, every Master of a ship is bound to hold.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following paper :—

From Captain H. NEPEAN, British Consular Agent, Pondicherry and Karikal, to the Chief Secretary to Government, dated Pondicherry, 15th January 1898, No. 8.

With reference to G.O., No. 1564, Public, dated 29th November 1897, I have the honour to forward, in original, the reply received from the Director of the Interior.

ENCLOSURE.

From the Director of the Interior of the French Settlements in India, to the British Consular Agent, Pondicherry, dated Pondicherry, 11th January 1898.

- 1 Under date the 3rd December last, you applied to the Harbour Master for information about the shipment effected on the 21st April last at Karikal of 196 passengers on board the German Steamer *Amigo* which passed through that port, and you have asked if this shipment, which might have been made without a license, was in conformity with our regulations.
- 2 I have the honour to inform you that the German Steamer *Amigo* did, in fact, take on board at Karikal on the 21st April last not 196 but 211 passengers, and that engers coming from Singapore.
- 3 The shipment in question was effected under the following conditions :—
We have a commission appointed by a local ruling dated 9th October 1881. The Commissioners go on board the ship which has to take passengers, inspect the various parts of the vessel and if it is found out that it is capable of undertaking the voyage, they fix the number of passengers it can take on board.
- 4 An English regulation of 1876, which we have adopted at the request of the Madras Government (Governor Laugier's letter dated 24th April 1879, No. 138), serves as a basis for the fixing of the number of passengers. Article 22 of this Act provides that there should be for each passenger a space of 12 square feet on board the sailing vessels, and of 9 square feet on board the steamers.
- 5 In the present case, these provisions were applied to the steamer *Amigo* whose accommodation intended for passengers measured 1,860 feet $\frac{1,860}{9}$ that is, space for 206, and the deck afforded, besides, room for 10 passengers. The commission, therefore, fixed the number for shipment at 216.
- 6 It follows from the foregoing explanations that the shipment in question was effected under lawful conditions, and that the *Amigo* was, besides, provided with a pass delivered by the British Government, since it was able to take 240 passengers at Singapore.

Accept, Monsieur le Consul, the assurance of my high consideration.

No. 322, Public.

Forwarded to the Marine Department, with notes (in original) recorded in this department.

FORT ST. GEORGE,
5th February 1898.

(Signed) A. R. KNAPP,
Ag. Under Secretary.

ORDER—No. 168, Marine, dated 8th March 1898.

Ordered that the French Government be addressed.

(True Extract.)

Under Secretary to Government.

To the Political Department, with draft letter for issue.

Exd. Shaik Karim.

Marine (1898) Department.

CURRENT No. 176

Order

From ^{Ch.} The Secy. to Govt. Public Dept.

No. 322.

Dated 5th February 1898

Received 8-2-98

Enclosures 4

Spare copies

SUBJECT.

German S.S. Amigo.

Forwarding correspondence
relative to the grant of a
license to — the Straits
Settlements Govt. to bring
returning coolies from the S.S.
to British India.

G.O.	No.	Department.	Date.
93	8	10-288	✓
921	8	12-11-87	✓
814	8	17-8-87	✓
5486	8	30. 8. 87	✓
767-2	8	27. 8. 87	✓
405-16	8	3. 5. 87	✓

the Native Passenger
ships Act 1876,
— do — 1887
Ordinance No VII
of 1890 enacted
by the Govt of the Stra Settlements

Forwarding in original
the reply received
from the Director
of the Interior
with reference to
G.O. No. 1564, Public
dated 29th Nov. 97

BACK PAPERS.

G.O.	No.	Department.	Date.
G.O.	415	Marine	3.5.97
G.O.	1564	Public	29.11.97
p.c.	490	"	1-4-79
India Act	III of 76	XI of 87	

Sub 571713-5-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT

BRITISH CONSULAR AGENCY, PONDICHERRY,

15th January 1898.

No. 8

From

Captain H. Nepean

BRITISH CONSULAR AGENT,

PONDICHERRY AND KARIKAL,

To

The Honorable A.T. Arundel,
C.S.
Chief Secretary to Govt.
Fort St. George.

SIR,

With reference to G.O.
No. 1564, Public, dated 29th
November 97 I have the
honor to forward in original
the reply received from
the Director of the Interior.

I have the honor to be
Sir,

Your most obd. servant,

H. Nepean Captain
British Consular Agent

Pondicherry & Karikal

DIRECTION
DE L'INTÉRIEUR

2^e BUREAU

1^{re} SECTION

FINANCES

ET

SERVICE MARINE

ANALYSE

Au sujet du vapeur
allemand "Amigo"

—X—

Pondichéry, le 11 Janvier 1898

RÉPUBLIQUE FRANÇAISE
LIBERTÉ.—ÉGALITÉ.—FRATERNITÉ.

Le Directeur de l'intérieur des Etablissements français
dans l'Inde & D. HIBON

^{CA}
Monsieur le Consul de la Majesté Britannique
Pondichéry

Monsieur le Consul,

A la date du 3 Décembre dernier,
vous vous êtes adressé à M. le Capitaine de port pour avoir
des renseignements sur l'embarquement opéré le 21 Avril
dernier, à Karikal, de 196 passagers, à bord du vapeur
allemand "Amigo" qui a passé dans ce port et vous
avez demandé si cet embarquement qui aurait été
effectué sans un permis, était conforme à nos règle-
ments.

J'ai l'honneur de vous informer
que le vapeur allemand "Amigo" a effectivement
pris à Karikal le 21 Avril dernier, non 196 mais
211 passagers, et qu'il avait en outre débarqué
l'avant-veille à Negapatam et à Karikal, 240

passagers

That et had

Encl 4
Don 176/50

passagers venant de Singapour.

L'embarquement dont il s'agit, s'est effectué dans les conditions suivantes:

Nous avons une commission instituée par l'arrêté local du 9 Octobre 1881, elle se rend à bord du bâtiment qui doit embarquer des passagers, le visite dans ses diverses parties, et s'il est reconnu qu'il est susceptible de faire le voyage, détermine le nombre de passagers qu'il pourra prendre.

Un règlement anglais de 1876 que nous avons adopté sur la demande du Gouvernement de Madras (Lettre du Gouverneur Langier du 24 Avril 1879, N^o 132) sert de base pour la fixation du nombre de passagers. L'art. 22 de cet acte dispose qu'il faut pour chaque passager un espace de 12 pieds carrés, à bord des voiliers, et de 9 pieds carrés à bord des steamers.

Dans l'espèce, il a été fait application de ces dispositions au vapeur Amigo, dont l'emplacement affecté aux passagers, mesurait 1860 pieds (1860), soit un espace pour 206, et le pont offrait en outre de la place pour 10 passagers, la Commission a par suite, fixé à 216 le nombre des passagers à embarquer.

Il résulte des explications qui précèdent, que l'embarquement signalé a été effectué dans les conditions légales, et que l'Amigo était en

autre

autre muni d'un permis délivré par le Gouvernement anglais, puisqu'il a pu prendre 240 passagers à Singapour.

Agriez, Monsieur le Consul, l'assurance de ma haute considération.

Laflibay

Quaker
24/11/81

11/10/81

Page no 13 of 90.

Tondicherry, 11th January 1858.
From The Director of the Interior
of the French Settlements
in India. Pondicherry.
To The British Consular Agent.
Pondicherry.

Monsieur le Consul,

Under date the 3rd Dec.
last, you applied to the Harbour-
Master for information about the
shipment effected on the 21st April
last at Karikal of 196 passengers
on board the German Steamer -
"Amigo" which passed through
that port, and you have asked
if this shipment, which might have
been made without a licence, was
in conformity with our regulations.

I have the honor to inform
you that the German Steamer "Amigo"
did, in fact, take on board at Kari-
kal on the 21st April last, not
196 but 211 passengers, and
that it had, besides, landed two
days before that at Negapatam
and at Karikal 240 passengers
coming

Coming from Singapore.

The shipment in question was effected under the following conditions:

We have a Commission appointed by a local ruling dated 9th October 1881. The Commissioners go on board the ship which has to take passengers, inspect the various parts of the vessel and if it is found out that it is capable of undertaking the voyage, they fix the number of passengers it can take on board.

An English regulation of 1876, which we have adopted at the request of the Madras Government (Governor Langier's letter dated 24th April 1879 No. 138). Serves as a basis for the fixing of the number of passengers. Article 22 of this Act provides that there should be for each passenger a space of 12 sq. feet on board the sailing-vessels, and of 9 sq. feet on board the Steamers.

In the present case, these provisions were applied to the steamer "Amigo", whose accommodation

accommodation intended for passengers measured 1860 feet ($\frac{1860}{9}$) that is, space for 206, and the deck afforded, besides, room for 10 passengers. The Commission, therefore, fixed the number for shipment at 216.

It follows from the foregoing explanations that the shipment in question was effected under lawful conditions, and that the "Amigo" was, besides, provided with a Pass delivered by the British Government, since it was able to take 240 passengers at Singapore.

Accept, Monsieur le Consul, the assurance of my high consideration.

1 Signed Ed. Hibon.

Translated by
Theodore

20/2/97
The Hon Sir Henry Blundell

P.S.

S. S. AMIGO.

.....

Please see C. O. No. 415 of 3rd May 1897
Marine at flag A.

It seems that the
German S. S. Amigo was granted a license
by the Straits Settlements Government
on April 5th of this year to bring
returning coolies from the S. S. to
British India, in accordance with which
that steamer did bring 240 coolies from
Singapore to Negapatam and Karikal.
Section 10 of the Native Passenger
Ships Act, 10 of 1887, prescribes that
no ship can carry passengers unless
it has been granted two certificates,
one in form A. which #
" SHALL STATE THAT THE SHIP IS SEA-
-WORTHY AND PROPERLY ~~MANAGED~~
~~AND~~ EQUIPPED, ~~AND~~ FITTED AND VENTILATED,
AND THE NUMBER OF PASSENGERS WHICH SHE
IS CAPABLE OF CARRYING. "

Although the ship in
question had only a few weeks previous-
-ly obtained a certificate to carry
passengers from the S. S. Govt. it appears
~~that~~ (vide letter of Consular Agent
dated 20th April 1897, in C. O. 415,
quoted above) that ~~she was refused a~~
~~certificate in this form~~ when she
sought to take a return cargo of
coolies from Madras, the Presidency

✓
and telegram from Pres. Port
Office in same S. O.

20/2/97
20/2/97

Copy 8
with the President
Cook officer, but the
Port Officer on the machine
R. J.

Port Officer refused her a certificate as being unsuitable for carrying Native passengers.

The S.S. Government passed the ship as fit under their Passenger Ships Ordinance, and though the Colonial Secretary says that this license only held good for one voyage the structure of the ship cannot have been changed in the interval. The inference is that the conditions are easier to satisfy under the S.S. Ordinance than that are those of the Native Passenger Ships Act 10 of 1887.

Accordingly the ship embarked her passengers at the French port of Karikal on April 21st, 211 in all. The Director of the Interior reports that the Act of 1876 is in force in the French Settlements and that the provisions of that Act, in regard to the amount of deck space required were complied with in the case of the S.S. Amigo. But it is noted that, after the adoption of the English Act, a local ruling dated 9th Oct. 1881 appointed a commission which inspects passenger ships, and has the power of fixing the No. of passengers which the ship can carry. In so fixing the No. of passengers, the commission follow the Indian Act as regards the deck space, but the Director does not say if it

on
190
pas

in
as
1

on this occasion the Amigo carried
190 bullocks in addition to her
passengers! (vide Pres. Port Officer's letter
n. 9. 0. 415)

The presumption
is that the Presy. Port
Officer dissented from
the Col. Govt. on good grounds.
H.A.

+ The Govt. Surveyor?
L.S.

The ventilation was
defective, and the ship
had ^{equipment} insufficient
accommodation. She
had not, moreover, been
surveyed in dry dock
for over a year. Her
owners therefore he certified
to. L.S.

must comply with the other provisions of
Act 8 of 1876 viz. as to fittings,
ventilation and equipment (sec. 10)
that the ~~ship~~^{ship} does not carry any
cargo likely ... to prejudice the
health ~~or~~^{or} safety of the passengers
(sec. 15.) It does not appear on what
score the certificate in form A.
was refused by the Presidency Port
Officer, who has the power, under section
13. a. of the Act, to accept a certifi-
cate granted by a Colonial Government.
(The copy of the S. S. Ordinance put up
shows that the rules as to certifi-
-cates are copied from the Indian Act.)
But it is submitted that it is a matter
of little importance whether in this
particular case the Commission at
Karikal was right in granting a certi-
-ficate or the Presidency ^{Port Officer} was wrong in
refusing one. The question to be
considered is ~~whether~~ whether a ship
which has been refused a certificate
in a British Port should be allowed to
ship her coolies from a French Port.
When the Director ~~he~~ says that the
Amigo was "provided with a pass deli-
-vered by the British Government, since
it was able to take 240 passengers at
Singapore" he ignores the difference
between the British Indian Government
and the Colonial Government. The Port

Pres. Port officer's letter, para. 2.

It does not hold a license granted in
British Indian Port

Why should the French Govt.
assent to this, and
what leverage have we
then to induce assent?

HB

officer of the British Indian Port is under no obligation to recognise the certificate granted by any Colonial Government, though as pointed out above, he may do so at his discretion. In the present case it must have been within the cognisance of the French authorities that the Pres. Port Officer had refused the certificate to the Amigo; ~~and~~ otherwise why should ~~the~~ most of the coolies ~~who~~ have been booked from Negapatam by rail to ~~Karikal~~ Karikal? The intentions of the Government in framing the Act would be frustrated if the coolie traffic was to be carried on from French ports where the scrutiny of the accommodation &c might not be so strict as that at a British Indian Port. Two courses, therefore, seem to be open.

(a) To ask the French Government to either decline to ship coolies who are British Indian subjects on board passenger ships or to demand a certificate from the Master of the ship to the effect that he has not applied previously for a certificate at a British Indian Port and been refused one. IN any case, the French Government should be told that Act 8 of 1876 has been repealed by Act 10 of 1887, and ~~be~~ asked to adopt the latter ~~Act~~.

What was

(b) To procure the passing by the Colonial Governments concerned of a provision that ships carrying native passengers arriving from a Foreign Port in India, should not be allowed to land their passengers unless they could prove either that all the passengers were subjects of France, or ~~that~~ unless the ship had a certificate from the Port officer of some port in British India as well as the certificate from the French Commission.

MLC.
1/2 8

The French Govt. in Pondicherry may be informed that India Act ~~of 1887~~ ^{viii} has been superseded by Act ~~of 1887~~ ^{of 1887}, & may be invited to adopt

the latter. For precedent see letter to Govt. of Sett. Pondicherry in L.O. 490-1 of 1st Apr. Proposal (b) may be adopted. The Govt. of the Str. Sett. asked if ^{any} objection to ~~take~~ take this course. ^{Before} any reference is made to the ^{S.S.} Amigo it will be necessary to obtain full reasons for the refusal of the Presy Port Officer to give a ^{license} otherwise the Str. Sett. will

The reasons are given in L.O. 490-1 of 1st Apr. 1887. (7)

May want to see the Act of 1887. The Govt. of the Str. Sett. asked if any objection to take this course. Before any reference is made to the S.S. Amigo it will be necessary to obtain full reasons for the refusal of the Presy Port Officer to give a license otherwise the Str. Sett. will

the action of the French authorities
right in granting a certificate
& our authorities wrong in refusing
it.

Steps will have to be taken to prevent
the action taken by the Amigo from
being extensively adopted by ~~immigrant~~
steamers. But if the French Govt. will
adopt the existing Indian law Govt may
wait & see whether its provisions are
again infringed.

At. 2. 98

Native Passengers

Marine Department.

V. No. 176. of 1898.

Note for the Hon. Sir Henry Bliss, K.C.I.E.,
and His Excellency the Governor.

A draft letter to the French
Government is submitted as approved
in the accompanying notes in the --
Public Department (C. No. 176).

2. As regards the proposal to
address the Government of the ----
Straits Settlements in view to ----
fresh legislation, it will be ob-
served from para 4 of Marine Depart-
ment letter No 416 dated 3rd May '97
that this suggestion has already ~~xxx~~
been made. The Government at Singa-
pore does not seem disposed to move
in the matter.

^x
Flag C.

we cannot wait & see what
the Fr. Govt. at Pondy says &
^x
Flag D. does

hs

19/2/98

ASH

53-98

ES.

12.2.98
M.

Letter to the
French Govt. re
imm.

W. 7. 98

12/2/98

Papers to be read in proceedings:—

Native passengers

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 176

of 1898, dated 8th February, from the Public Dept.
on letter from the British Consular Agent, Pondicherry & Karikal
" " " " No. 8 dated 15th January 1898.

" "

" 189 , " "

" "

" 189 , " "

SP

*The Hon Mr Henry Bliss R.C.S.E.
H. E. the Governor*

ORDER.

No 168 Mar 8 1898

*Political
The Public Dept. with
draft letter for issue - 23/9/98*

*The Chief Secretary
for favour of counterinitials.*

*Don't number letter
& date. The leave
print it. Put blank
the above blank. Rm*

Ordered that the French Govern-
ment be addressed.

(H.E. No. 239) *17.2.98*
d/4 April 98

To
His Excellency the Governor
of the French Settlements
in India.

Your Excellency,

I have recently had under my--
consideration the circumstances --
connected with the shipment, by the
S.S. "Amigo," from Karikal to the ----
Straits Settlements, on the 21st
April 1897, of a number of British
Indian passengers who had been ----
railed by the agents of the steamer
from Negapatam to this French port in
order to evade the provisions of
British the Indian law. The circumstances
are referred to in a letter from
the Director of the Interior (of the
French Settlements in India) to the
British Consular Agent, Pondicherry,
under date the 11th January 1898.

The

1. The vessel in question had, on the 25th April preceding, been refused passenger certificates by the Govt. Surveyor at Madras, on the ground that although docked at Singapore in August 1896, the vessel had not been surveyed in a dry dock since February 1896. Her seaworthiness could not therefore be certified, to.

It was found in addition that the vessel was not equipped in accordance with the provisions of the law, that her ventilation was defective, and that her privy accommodation was insufficient.

3. Before departure from Karikal, the vessel is said to have been surveyed by a commission who allowed her to leave with 211 passengers and 190 bullocks. The Commission is stated to have been guided by Sec. 22 of ~~the~~ the Native Passenger Ships Act 1876, ~~no~~ VIII, which has at the request of the Madras Government been adopted by Your Excellency's Government.

4. I have the honour to invite Your Excellency's attention to the fact that this Act has since been superseded by Act X of 1887, the Native Passenger Ships Act, Sec. 21 of which contains provisions corresponding to those in Section 22 of the earlier enactment. I should be glad if Your Excellency could arrange

^xvide Sec. 2(3).

60
arrange to adopt the provisions of the later Act not only as regards the space allowed to passengers, but also in respect to the safety, comfort and health of the passengers on the voyage. These are safeguarded by two certificates-A & B-which every master carrying Native Passengers in excess of 15 or 30, as the case may be, ^xfrom a British Indian port is bound to hold.

5. I transmit herewith a copy of the Act in question.

Be pleased to accept the assurance of the high consideration with which

I have the honour to be
Your Excellency's most obt. servant,

R.S.

12.2.98

17.2.98

please prepare
for signature of His Excellency
Governor of the Madras

10/5/98