

Marine (1898) Department.

✓ G.O., No. 179 Marine

DATED 11th March 1898

[Despatch Abstract.]

Regulation Side lights : Pointing out to the Collector of Malabar that in refusing to grant a clearance Certificate to boats not provided with —, the Port Officer Calicut acted under the provisions of Section 83 of Act VII of 1880, the Indian Merchant Shipping Act.

N. 358

12/5/98

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

DEPARTMENT.

$$\left[\frac{4}{500 - 14 - 10 - 27} \right]$$

500-14-10-27.

Again G.O., dated

Again G.O., dated

„ 1898 , „ 2nd March , „ the P.P.O.

ORDER.

It is pointed out to the Collector that in refusing to grant a clearance certificate to boats ^{not} provided with regulation side lights, the Port Officer Calicut acted under the provisions of Section 83 of Act VII of 1880, the Indian Merchant Shipping Act.

Ship

2448
9.3.94

The Presidency Port Officer.

Marine (1898) Department.

The Hon Sir Henry Bliss
M.C. J.E.

CURRENT No. 274

For orders

It will be seen that the Sub officer acted under the provisions of Section 83 of Act VII of 1880 in refusing his Certificate, though the ^{Order} omitted to quote his authority and has thus caused all this correspondence.

Print out to C.M.
From

The Presidency Port Office,
Bombay
Yes, but don't say anything before -
he ought to have known, I suppose though I
No. 498 of
Confess I didn't. 8/

The Advocate General has since made it quite clear that the carrying of regulations side lights by all sea going boats of 20 tons and upwards is compulsory under the law. His opinion will be communicated to

Dated 28th February 1898

Received

Registered

Enclosures 2

Spare copies

SUBJECT.

Referring to Section 83 of Indian Merchant Shipping Act VII of 1880 as the authority under which Port clearance can be refused for vessels not provided with Regulation Lights. It is pointed out that the Bombay Port has under the Hon Member's directions (separately given) been written to in regard to the action they are understood to be taking for the exemption of cargo boats from the operation of the law. From what I heard at C. P. at C. P. I think some concession in this matter may be

Referring to Section 83 of Indian Merchant Shipping Act VII of 1880 as the authority under which Port clearance can be refused for vessels not provided with Regulation Lights.

upheld, & it would be well to issue orders that the rules are to be held in abeyance in the present, until the matter is settled. H. H. 5.3.

BACK PAPERS.

No. Date.
 Mar. 95.3: 22-4-97 S.C.
 Mar 99: 2-2-98 S.C.
 389 20-1-98
 102 E 17-2-98
 651 Mar 25-5-98
 549 " 12-8-98
 350 " 16-5-98
 295 " 25-4-98
 315 E. 12-6-98
~~429~~
 Indian Merchant Shipping
 Act VII of 1880
 The Indian Ports Act 1880
 Sea Customs Act 1878
 Dec: 601: 7-12-80 S.C.
 " 450: 10-9-80 -
 " 60: 13-2-80 -
 " 590: 30-10-79 -
 A. But this is not quite
 question as that raised in
 vizt, whether but clear
 regard if they don't carry
 now appears that they can
 be, better, I should suppose
 individually liable if they do
 As to the Cocanada boats
 have discussed the matter
 Capt. Street & think we
 have matters above - H
 H. are the principal boat
 have fitted their boats
 why not the others? How
 I have a scheme for
 boat owners to purchase
 work cheaply. H
 7/3/98
 Dec. 5-3-98 R 8-3-98.

FURTHER PAPERS.

Marine (1898) Department.

No 38 E dated 20.1.98
CURRENT No. 63
No 38 E dated 20.1.98
1898.

1898.
Referred to the Collector, Malabar for further remarks.

From

17.1.80 The Presidency Port Officer,
Madras

Order

1. The collector, Malabar with
letter in original, and a
copy of No 149. Marine
d/12. August 1896. To be
returned.

No. $\frac{498}{20}$ *q*

Dated 14th January 1898

Received

Registered 517.1.98

Enclosures /

Spare copies

SUBJECT.

Requesting to be informed
whether Vessels from the
Laccadive and Maldive
Islands are exempt from
regulations regarding
side lights.

651
25-5-96

BACK PAPERS.

FURTHER PAPERS.

No. 11/S.C.

Dated 7th January 1898.

Read again this office Proceedings dated 5th Instant Ref. on
Petition Register No.1/1898 Customs.

Read also report dated 6th Instant No.265/Dis 98 from the Superintendent, Sea Customs Calicut stating that the Odoms were not refused port clearance by him.

And the connected papers.

If the certificate is refused by the Port Officer merely because the owner of the vessel has not complied with what I consider to be the illegal requisition of the Presidency Port Officer, the Sea Custom Superintendent will grant a port clearance notwithstanding the absence of such a certificate.

(s/d) J.H. Gurgine
for Collector

(True Copy)

(s/d) E. Rodriques
Superintendent

(Copy)

(s/d) N.A.W Hamilton

Port Officer

8-1-98.

True

(True Copy)

H. A. Street

Commander, R.I.M.,
Presidency Port Officer

ms.

Heading

No. 498 *q*
20

Presidency Port Office,
Madras, 14 January 1898.

From

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

To

THE SECRETARY TO GOVERNMENT,
MARINE DEPARTMENT,
CHERAPAK.

Sir,

In accordance with the instructions contained in G.O. Marine N:549, dated 12th August 1896, the Port Officer, Calicut, refused to grant a clearance certificate to vessels over 20 tons belonging to owners residing in the Laccadive and Maldive Islands, and he now informs me that the Collector of Malabar has directed the Sea Customs Superintendent at Calicut to grant clearance to such vessels notwithstanding the absence of the Port Officer's certificate.

2. I append a copy of the collector's order on the subject, and beg to be informed whether vessels from the islands specified are exempt from regulations regarding side lights.

3. For the safety of all on board of such vessels it is necessary in my opinion that the regulations respecting side lights should be complied with.

I have the honor to be,
Sir,
Your obedt. servant,
H. A. Theel
Commander, R.N.M.,
Presy. Port Officer

Nov 138/98

Marine (1898) Department.

The Hon. Sir Henry Blount K.C.B.

CURRENT No. 138

For orders

The action of the Port Officer seems to be ultra vires - Whether these vessels are, under the law, bound to carry side lights or not, the matter is not one which affects the grant of port clearance.

The question of side lights has been referred to the Advocate General - vide L.O. 89 Marine, d/2^d Feb 98

L.S. The omission to carry side lights can only be punished under Section 419 (2) & 600 (a) of the English Merchant Shipping Act 1864

From

The Collector of Malabar

No. 91
S.E.

Dated 28th January 1898

Received

Registered

Enclosures

Two.

Spare copies -

SUBJECT.

Port Clearances

Explaining the circumstances under which he ordered - to

It certainly seems to me that the instructions of the P.O. were to vessels not complying with ultra vires - But, to be on the safe side, better send him the Collector's letter the side light regulation & ask under what authority he instructed the Port Officer

14/2/98

H. 12-2-98

G.O.	No.	Department.	Date.
G.O.	89	Mar	2-2-98
"	953	"	22-11-97
"	120	"	12-2-97
"	651	"	25-7-96
"	549	"	12-8-96
"	350	"	16-5-96
"	295	"	29-4-96
Merchant Shipping Act 1874			
Sea Customs Act 1874			
Act 1878			

G.O.	No.	Department.	Date.

Nº 91
J.C

From,

G. W. Dance Esq^r
Collector of Malabar.

Co,

The Under Secretary to Government,
Marine Department,
Madras.

Sir

In reply to your Memorandum dated
20th January 1898 n^o. 38 E, I have the honor
to refer you to my letter Ref on n^o. $\frac{186 \text{ Pth}}{502}$ dated 24th Dec. 97.

2. In any case, the Presidency Port Officer cannot order the port clearance to be refused because vessels do not carry a particular kind of light. Section 43 of the Ports Act and Section 64 of the Sea Customs Act recite the reasons for which a port clearance can be refused. The carrying of a non-regulation light is not one of them.

I have the honor to be
Sir,
Your most Obedt Servant

Endeavour
Collector.

10.1.98

From,

The Collector of
Malabar.

To,

The Under Secretary
to Government.
Marine Department
Madras.

Dated 28th }
Decr. 29 } January 1898.
Recd

Enclosure 3.

Explaining the circumstances
under which the port charges
were granted to some island
vessels without regulation light.

Recd
Jan 26/98

Q
In order

No 102 E of 17-2-98

Encl.

Read letter from the
Collector, Malabar, No $\frac{91}{S.C.}$
dtd 28 Jan 98

Referred to the
Presidency Port officer for
remarks with reference
to his letter No $\frac{498}{20}$ of
14 January 1898.

L.S.

Recd
15.2.98
M

To
The P.P.O with 1 encl. to
be returned
@ 18/2/98

No. 498
87 4

Heading.....

Presidency Port Office,

Madras, 28th February 1898.

From

Commander A. A. Stuart, R.N.

Presidency Port Officer,

Madras,

To

THE SECRETARY TO GOVERNMENT,

MARINE DEPARTMENT,

CHEPAK.

Sir,

With reference to the statement made by the collector of Malabar in his letter, herewith returned, of 28th January 1898 which accompanied Marine Department, endorsement, N: 102, & dated 19th February 1898, that Port clearance cannot be refused because vessels do not carry a particular kind of light, I would refer you to Section 83 of Indian Merchant Shipping Act

Act No. VII of 1880, as the authority
under which Port clearance
can be refused.

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

274
C. No 138

I cannot find any
penalty imposed
any where, for not
carrying red
lights - How are
we to enforce
them?

W
11-2-98

The offender is a
"Misdemeanor" under
Section 419(2)
of the English Merchant
Shipping Act 1894,
and as such is punishable
under Sec 680(a)

R. F.
11 Feb 98