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Marine (1898) Department.

G.O., No. 231 Mar

DATED 2 March 98

W. J. P.

[Despatch Abstract.]
Amendments in the Indian Ports Act of 1889 and the
Boat Rules issued thereunder.

Orders stating that the proposals of the District
Magistrate of Godavari for certain — for the
purpose of preventing thefts from cargo boats between
shore and shipping, will be borne in mind when the
Act and Rules are amended.

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W. J. P.

4/4/98

<i>Recd.</i>	} 1898.	<i>Enclosures</i>
<i>Regd.</i>		<i>Spare copies</i>

G.O., No. 231, 29th March 1898.

MARCH.

Amendments in the Indian Ports Act X of 1889 and the Boat Rules
issued thereunder

Orders stating that the proposals of the District Magistrate of Gódávāri for certain — for the purpose of preventing thefts from cargo boats between shore and shipping will be borne in mind when the Act and Rules are amended.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following paper:—

From V. A. BRODIE, Esq., District Magistrate, Górávari, to the Secretary to Government, Marine Department, dated 7th March 1898, Dis. No. 154/Mag.

On the representation of the Chairman of the European Chamber of Commerce, Cocanada, and of Messrs. Gordon, Woodroffe and Co. that necessary steps should be taken to put a stop to the thefts that are now of constant occurrence between the shore and shipping, the Górávari District Port Conservancy Board have proposed that the following amendment should be made in the Indian Ports Act X of 1889 and the Boat Rules issued under section 6 of the Act, and published at page 996, Part I, *Fort St. George Gazette*, dated 28th August 1894:—

(1) Boat tindals shall be held responsible criminally for any loss of cargo between the shore and the shipping and for communicating with fishing or other boats without leave.

(2) Every one with cargo in his possession, for which he cannot satisfactorily account, should be criminally punishable. I see no objection to the amendments proposed. I have, therefore, the honour to request that the Government may be pleased to consider the above amendments at the time of the next revision of the Act and the Rules.

2. The case of Cocanada port is somewhat exceptional, as boats can only go out or come in when the tide serves, and, in consequence, boats taking cargo out for steamers expected in the morning invariably go out the afternoon before or during the night and anchor outside the bar. It is during the night that they are believed to communicate with fishing craft of all sorts and in-coming boats and sell or otherwise dispose of the cargo entrusted to them to such boats. The attention of the Deputy Conservator has been called to rules 1 and 20 of the Boat Rules, which, fishing craft engaged in this nefarious trade, of course, habitually evade; but something more is necessary, and that is, to make tindals accountable criminally for loss of cargo which cannot well take place without their knowledge and for communicating with other craft than the vessel to which their cargo is consigned. How extensive is the evil will, I think, be clear when I mention that Messrs. Gordon, Woodroffe and Co. had to pay no less than Rs. 2,000 for shortness in weight in gingelly-seed shipped by a single clan steamer to London. The number of bags was quite correct, but all had been bled considerably on their way to the steamer. The boat rules are defective, rather in that generally the owner is responsible for everything, but the tindals are never the owners and, of course, the boat-owners have no hand or share in the thefts that take place. Section 54 of Act X of 1889 might also, I think, be amended with advantage by making "whipping" an alternative punishment.

ORDER—No. 231, Marine, dated 29th March 1898.

With a view to prevent thefts from cargo boats between shore and shipping at Cocanada, the Collector proposes the following amendments in the Indian Ports Act X of 1889 and the Boat Rules issued under that Act (G.O., No. 334, Marine, dated 18th August 1894):—

- (1) Boat tindals to be held responsible *criminally* for any loss of cargo between shore and shipping, and for communicating with fishing and other boats without leave.
- (2) Every one with cargo in his possession for which he cannot satisfactorily account to be *criminally* punishable.
- (3) Whipping to be made an alternative punishment under section 54 of the Act.

2. The matter will be borne in mind when the Act and Rules are amended.

(True Extract.)

Under Secretary to Government.

To the District Magistrate, Górávari.

" Presidency Port Officer.

" Legislative Department.

Exd. W. D'Moss.

L. O. 108

Marine DEPARTMENT

Papers to be read in Proceedings:—

Again G.O., dated

Again G.O., dated

Current No. 330

” ”

” ”

189 , No.

189 , No.

of 1898, dated 15th March , from the Dt. Magistrate, Godavari.

” 189 , ” , ”

” 189 , ” , ”

ORDER.

No 231 Mar 29-3-98

With a view to prevent thefts from cargo boats between shore and --- shipping at Cocanada, the Collector proposes the following amendments in the Indian Ports Act X of 1889, and the --- Boat Rules issued under that Act. (G.O. 334 Marine dated 18th August 1894).

(1) Boat tindals to be held responsible criminally for any loss of -- cargo between shore and shipping, and for communicating with fishing and -- other boats without leave.

(2) Every one with cargo in his possession for which he cannot satisfactorily account to be criminally --- punishable.

(3) Whipping to be made an alternative punishment under Sec. 54 of the Act.

2. The matter will be borne in mind when the Act and rules are amended.

The District Magistrate, Godavari.
,, Presidency Port Officer,
,, Legislative Department.

to be online
in do. Port

K. R. C. M.

es

W. S. S.

C. No. 330. of 1898.

SUBJECT.

~~HIS EXCELLENCY THE GOVERNOR.~~

THE HON'BLE SIR HENRY BLISS, K.C.I.E.

~~THE HON'BLE MR. GROSE, C.I.E.~~

*Proposed amendments in the
Indian Ports Act x of 1889 and
the Boat Rules issued thereunder*

FOR ORDERS.

*I doubt if ~~we should~~ amend
the Act in the sense of (1) -
As to (2) a parallel case
can be found in S. 27 & 65
of M. Act III of 1888. I don't
see why boatmen should not
be made to account for goods
of the nature of merchandise found
in their possession - See also S. 9
of M. Act VIII of 1878 -*

*However, we must not
present the mind that the
matter will be borne in mind
when the Act & Rules are amended*

BS

25/3/98

With a view to prevent thefts
from cargo boats between shore and
shipping at Cocanada, the Collector
proposes the following amendments in
the Indian Ports Act X of 1889, and
the Boat Rules issued under that --
Act. (G.O. 334 Marine dated 18th Au-
gust 1894. Flag H.)

(1) Boat tinders to be held res-
ponsible criminally for any loss of
cargo between shore and shipping, and
for communicating with fishing and
other boats without leave.

(2) Every one with cargo in his
possession for which he cannot ---
satisfactorily account to be crimi-
nally punishable.

(3) Whipping to be made an al-
ternative punishment under Sec. 54 of
the Act.

(1) and (2) above seem to be
inconsistent with the principles of
common

*The Collector's list
of everyone with cargo
in his possession
if the boatmen were
confined to boatmen the
there would not be
any objection
25 March*

common law. The proposal to make a person criminally liable for loss, without first proving theft or connivance, and to punish him for "communicating" with fishing and other boats is perhaps one that no legislature would sanction. Neither is it likely that clause (2), in the form in which it is put, could be sustained. "Cargo" may be anything from a handful of grain to an anchor. If it can be proved that the article is stolen, the matter ^{can} ~~must~~ be sufficiently -- dealt with under the existing law. If no such proof is forthcoming then it is difficult to see how the law could be made to take cognizance of the matter at all.

The objections to (3) seem no less grave. To render a person liable to whipping for disobeying a rule or order the nature of which is ~~not~~ ^{now} defined is a peculiarly harsh proceeding.

SS. The proposals are very ill-digested, & ignore the initial difficulty of obtaining a conviction. If this is admitted the present law is sufficient. Presenting of these thefts must therefore take the form of greater safeguards against

C. No.

SUBJECT.

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~~THE HON'BLE MR. GROSE, C.I.E.~~FOR ORDERS.

Items - There are several methods of obtaining these

- (1) Cargo will be secured under hatches, padlocked, as at Harbourside.

- (2) Searching the bags on board
- (3) Marking each boat with a lead line & scale.

- (4) Patrolling the anchorage with a police launch, with search light.

The first seems the most practicable & effective. If adopted, the padlock should be in a sealed bag like a Post Office bag, so that the key may be safely entrusted to the tinsmith.

H. Bliss

23.3.56

(189 8) Department.

CURRENT No. 330

From

V. A. Brodie Esq
District Magistrate
Godavari

Dis No. 154 of 98

Dated

11-3-98

Received

Registered

15-3-98

Enclosures

Spare copies

SUBJECT.

Suggesting that certain amendments
are to be made in the Indian
Ports Act $\frac{X}{1889}$ + boat-miles
incurred under section 6
of the Act, so as to
put down thefts that are
now of constant occurrence
between the shore + shipping

Act No. X of 1889

BAG

G.O.	No.		
	99		
	98		
	452		
	532		
	72		
	309		
	222		
		23.5.96	2
		3.3.96	2

FURTHER PAPERS.

G.O.	No.	Department.	Date.
	334	..	18.8.94
	223	..	14.6.94
	50	..	10.2.94
	299	..	19.8.93
	188	..	7.6.93
	503.6	..	16.11.91
	456.57	..	18.12.90
	406	..	24.9.89

GODAVARI DISTRICT MAGISTRATE'S OFFICE,

Dated 7-3-1898

V. A. Brodie Esq. SECRETARY
DISTRICT MAGISTRATE
GODAVARI DISTRICT
11 MAR 1898
GOVERNMENT OF MADRAS

To THE Chief Secretary to Government
Marine Department
Madras.

SIR,

On the representation of the chairman of the European chambers of Commerce of Cocanada and of Messrs Gordon Woodroffe & Co. that necessary steps should be taken to put a stop to the crimes that are now of constant occurrence between the shore and shipping, the Godavari District Port Conservancy Board have proposed that the following amendment should be made in the Indian Ports Act - X and the Boat Rules issued under Sec 6 of the Act and published at page 996, Part I, Fort St George

Gazette of 28-8-94.

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I have therefore the honour to request that the Government may be pleased to consider the above amendments at the time of the next revision of the Act and the Rules.

2 The case of Cocanada Port is somewhat exceptional as boats can only go out or come in when the tide serves and in consequence boats taking cargo out for steamers expected in the morning invariably go out in the afternoon before or during

the night and anchor outside the bar. It is during the night that they are believed to communicate with fishing craft of all sorts and to dispose of boats and sell or otherwise dispose of the cargo entrusted to them to such boats. The attention of the Deputy Conservator has been called to Rules 1 and 20 of the boat-rules, which, fishing craft engaged in this nefarious trade, of course, habitually evade, but something more is necessary and it is to make lindals accountable criminally for loss of cargo which can well take place without their knowledge and for communicating with other craft than the vessel to whom their cargo is consigned. How order is the will will, I think, be clear. I mention that Messrs Gordon & Co had to pay no less than Rs 2000 for shortness in weight of gingerly ~~sent~~^{sent} shipped by a S.

Section 54 of Act X of 1889 might
also, I think, be amended with
advantage by making^d whipping"
an alternative punishment / ~~with~~ 10
~~or less~~⁵ stripes /

hi

(sd) V. a. Goodie

Sting af ishærte

179 Annual
11. 3. 88
for St Magistrate