Marine (1898) Department.

G.O., No. 309 Mar

Dated 26 April 1898.

[Despatch Abstract.]

Transhipment of passengers at Port Said.

Letter from the Govt of India forwarding Copy of a despatch from the Secretary of State regarding the — from a vessel passing through the Canal in quarantine to another vessel also in quarantine Comptd to the P.P. Dept.

PP 29.4.98

[M. 6. 500—23-6-97.]

Indexed. 29/4/98

BACK PAPERS.

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

FURTHER PAPERS.

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

"Plague"

Marine (1898) Department.

CURRENT No. 493

B.

Order No. 309 Ma. dated 25 April 1898
Communicated to the Presidency Port officer.

From The Govt of India Home Dept (Sanitary)

The PSO 28/4/1898

26.4.98

No. 886

Dated 15 April 1898
Received 23
Enclosures — 1
Spare copies 6

Note.

The Govt of India has not published the correspondence in the Gazette of India. It is not proposed therefore to publish it in the Fort St George Gazette

R.S.

SUBJECT.

Transhipment of passengers at Port Said

—

Forwarding Copy of a despatch from the Secy of State re: — from one vessel in quarantine to another also in quarantine

M. 4.

BACK PAPERS.

No.	Date.
681 Jan	9 Feb. 1898

FURTHER PAPERS.

No.	Date.

India Office,

London, 24th February 1898.

Revenue.

No. 36.

To His Excellency The Right Honourable The Governor General of India in Council.

My Lord,

I forward herewith, for the information of Your Excellency's Government, copy of the papers noted in the margin,* relative to the transhipment of passengers at Port Said from a vessel passing through the Canal in quarantine to another vessel also in quarantine.

*Letter from Foreign Office, dated 11th February 1898, with enclosures.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble Servant,

(Signed) George Hamilton.

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Sir,

I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India, the accompanying copy of correspondence relative to a decision of the Quarantine Board at Alexandria to allow the transhipment of passengers at Port Said from a vessel passing through the Canal in quarantine to another vessel also in quarantine.

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The Under Secretary of State
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Enclosure in above.

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The French Delegate now argues as follows :—Article 7 of Titre II. of the Plague Rules adopted by the Board on 23rd June 1897, the terms of which are identical with those of the Venice Convention, prohibits the " stationnement " at Port Said of vessels transiting in quarantine except in the cases provided for by Articles 5 and 8 (Article 8 refers to coaling. Article 5 is as follows :—" Les " voyageurs pourronts'embarquer à Port Said en quarantaine. Mais tout embar- " quement ou débarquement et tout transbordement de passagers sont interdits " pendant le parcours du Canal de Suez à Port Said." The French Delegate now maintains that the first part of Article 5 merely refers to the embarkation of passengers from Egypt at Port Said, in order to save them the inconvenience of going to Suez and not to the transhipment of passengers there, and that therefore the latter is prohibited by Article 7. He also considers that if such transhipment be permitted in the case of passengers, it may be also allowed in the case of merchandise, which he believes the Conference of Venice never intended to permit. On the other hand, the position taken up by the majority was this.

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(Signed) ARTHUR D. ALBAN.

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G. C. Press, Simla.—No. 70 H. D.—14-4-98—150

No. 806.

CHIEF SECRETARY'S
22 APR. 1898
GOVERNMENT OF MADRAS

FROM

R. NATHAN, ESQ.,
Under Secretary to the Government of India,

TO

The Chief Secy. to the Govt. of Madras.

Home Department.
Sanitary.

Simla, the 15 April 1898.

SIR,

I AM directed to forward for the information of the Governor in Council a copy of a Despatch from the Secretary of State, No. 36-Revenue, dated the 24th February last, and of its enclosures, regarding the transhipment of passengers at Port Said from a vessel passing through the Canal in quarantine to another vessel also in quarantine.

I have the honour to be,

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The Under Secretary of State
for India.

Enclosure in above.

Foreign Office,

9th February 1898.

No. 2 (Commercial).

Sir,

I am directed by the Marquess of Salisbury to acknowledge receipt of your despatch of this series, No. 2 of the 13th ultimo, transmitting a memorandum by Mr. Alban relative to a decision of the Quarantine Board at Alexandria to allow the transhipment of passengers at Port Said from a vessel passing through the Canal in quarantine to another vessel also in quarantine.

Lord Salisbury approves the view taken by Mr. Alban of the meaning of the text of the Plague Rule dealing with the matter, and I transmit herewith, to

be communicated to him for his confidential use, a copy of the *procés verbaux* of the Venice Plague Conference.

From these he will observe (*see* page 354) that the Netherlands Delegate, in making the proposal at Venice that passengers should be allowed to embark at Suez, spoke only of passengers, without any sort of reference to merchandize, and that neither his explanatory speech nor the text finally adopted limits the privilege to persons coming from land. The deductions of the French Delegate with regard to these points are consequently without foundation.

I am, &c.,

GEORGE CURZON.

A. B. Gould, Esq.

Sub-enclosure 1.

No. 2 (Commercial).

Alexandria,

13th January 1898.

My Lord,

With reference to my despatch No. 1 (Commercial), of the 11th instant, I have the honour to forward herewith a copy of a memorandum by Mr. Alban on the decision of the Quarantine Board to allow the transhipment of passengers at Port Said from a vessel transiting the Canal in quarantine under the Plague Rules to another vessel also in quarantine.

I have, &c.,

E. B. GOULD,

The Secretary of State,
Foreign Office.

Sub-enclosure 2.

Memorandum.

On the application of the Peninsular and Oriental Company, the Quarantine Board decided on the 4th instant to allow the transhipment of passengers from a vessel transiting the Canal in quarantine under the Plague Rules, to another vessel which should be also placed in quarantine before the transfer took place. The operation was to be effected by means of the ship's boats.

The French Delegate alone opposed the application, and since the meeting he has informed me that he still believes that he was right and that he is reporting the matter to his Government. If the French Government are of the same opinion, then there is a risk that the question may be re-opened either now or after the ratification of the Venice Convention. The matter is of importance not only to the Peninsular and Oriental Company, who are establishing a new service at great expense, but also in view of the principle involved.

The French Delegate now argues as follows :—Article 7 of Titre II. of the Plague Rules adopted by the Board on 23rd June 1897, the terms of which are identical with those of the Venice Convention, prohibits the " stationnement " at Port Said of vessels transiting in quarantine except in the cases provided for by Articles 5 and 8 (Article 8 refers to coaling. Article 5 is as follows :—" Les " voyageurs pourronts'embarquer à Port Said en quarantaine. Mais tout embar- " quement ou débarquement et tout transbordement de passagers sont interdits " pendant le parcours du Canal de Suez à Port Said." The French Delegate now maintains that the first part of Article 5 merely refers to the embarkation of passengers from Egypt at Port Said, in order to save them the inconvenience of going to Suez and not to the transhipment of passengers there, and that therefore the latter is prohibited by Article 7. He also considers that if such transhipment be permitted in the case of passengers, it may be also allowed in the case of merchandise, which he believes the Conference of Venice never intended to permit. On the other hand, the position taken up by the majority was this.

Although the transhipment of passengers in the Canal is expressly prohibited by the Plague Rules, it is nowhere specially mentioned that it shall not take place at Port Said. Article 5 does not limit the embarkation of passengers at Port Said to passengers from Egypt. Therefore whether the embarkation be from shore to ship or from ship in quarantine, it may equally be regarded as permitted and the latter operation when effected " par les moyens du bord " presents in reality less risk than the former. The majority also considered that although our Plague Rules are adopted from the Convention drawn up by the Venice Plague Conference, yet as that convention had not been ratified and they did not possess authoritative copies of the Procés Verbaux, they could only interpret the text to the best of their ability, and were not in a position to decide what the intention of the Conference was. I think that we were fortunate in obtaining so large a majority under the circumstances. The view which we took of the meaning of the text seems to be justifiable, but I am unable to say what the real intention of the Conference was.

If the Conference intended to allow the transhipment of passengers at Port Said, it seems strange that it did not specially mention this in the Convention when enumerating other operations at that port, which is now sanctioned but which had previously been rigorously prohibited.

It is, however, possible that the question of transhipment of passengers escaped the notice of the Conference.

The transhipment of merchandise seems to me to be clearly barred by Article 7.

Doctor Morrison quite agrees with the views which I have expressed. In his report of the 4th instant, he confined himself to interpreting the text of the Regulations and did not enter into the question of principle.

(Signed) ARTHUR D. ALBAN,

Alexandria, 13th January 1898.

G. C. Press, Simla.—No. 70 H. D.—14-4-98—150

India Office,

London, 24th February 1898.

Revenue.

No. 36.

To His Excellency The Right Honourable The Governor General of India in Council.

My Lord,

I forward herewith, for the information of Your Excellency's Government, copy of the papers noted in the margin,* relative to the transhipment of passengers at Port Said from a vessel passing through the Canal in quarantine to another vessel also in quarantine.

*Letter from Foreign Office, dated 11th February 1898, with enclosures.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble Servant,

(Signed) George Hamilton.

ENCLOSURES.

Foreign Office,

11th February 1898.

Sir,

I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India, the accompanying copy of correspondence relative to a decision of the Quarantine Board at Alexandria to allow the transhipment of passengers at Port Said from a vessel passing through the Canal in quarantine to another vessel also in quarantine.

I am, &c.,

George Curzon.

The Under Secretary of State
for India.

Enclosure in above.

Foreign Office,

No. 2 (Commercial). 9th February 1898.

Sir,

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Lord Salisbury approves the view taken by Mr. Alban of the meaning of the text of the Plague Rule dealing with the matter, and I transmit herewith, to

be communicated to him for his confidential use, a copy of the *procés verbaux* of the Venice Plague Conference.

From these he will observe (*see* page 354) that the Netherlands Delegate, in making the proposal at Venice that passengers should be allowed to embark at Suez, spoke only of passengers, without any sort of reference to merchandize, and that neither his explanatory speech nor the text finally adopted limits the privilege to persons coming from land. The deductions of the French Delegate with regard to these points are consequently without foundation.

I am, &c.,

A. B. Gould, Esq. GEORGE CURZON.

Sub-enclosure 1.

No. 2 (Commercial).

Alexandria,

My Lord, 13th January 1898.

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I have, &c.,

The Secretary of State, E. B. GOULD,
Foreign Office.

Sub-enclosure 2.

Memorandum.

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The French Delegate alone opposed the application, and since the meeting he has informed me that he still believes that he was right and that he is reporting the matter to his Government. If the French Government are of the same opinion, then there is a risk that the question may be re-opened either now or after the ratification of the Venice Convention. The matter is of importance not only to the Peninsular and Oriental Company, who are establishing a new service at great expense, but also in view of the principle involved.

The French Delegate now argues as follows :—Article 7 of Titre II. of the Plague Rules adopted by the Board on 23rd June 1897, the terms of which are identical with those of the Venice Convention, prohibits the " stationnement " at Port Said of vessels transiting in quarantine except in the cases provided for by Articles 5 and 8 (Article 8 refers to coaling. Article 5 is as follows :—" Les " voyageurs pourronts'embarquer à Port Said en quarantaine. Mais tout embar- " quement ou débarquement et tout transbordement de passagers sont interdits " pendant le parcours du Canal de Suez à Port Said." The French Delegate now maintains that the first part of Article 5 merely refers to the embarkation of passengers from Egypt at Port Said, in order to save them the inconvenience of going to Suez and not to the transhipment of passengers there, and that therefore the latter is prohibited by Article 7. He also considers that if such transhipment be permitted in the case of passengers, it may be also allowed in the case of merchandise, which he believes the Conference of Venice never intended to permit. On the other hand, the position taken up by the majority was this.

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It is, however, possible that the question of transhipment of passengers escaped the notice of the Conference.

The transhipment of merchandise seems to me to be clearly barred by Article 7.

Doctor Morrison quite agrees with the views which I have expressed. In his report of the 4th instant, he confined himself to interpreting the text of the Regulations and did not enter into the question of principle.

(Signed) ARTHUR D. ALBAN.

Alexandria, 13th January 1898.

G. C. Press, Simla.—No. 70 H. D.—14-4-98—150