

Papers relating to the applicability of the regulations as regards carrying side lights to open boats of 20 tons and upwards, referred to the Advocate-General for favour of opinion.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following papers :—

From G. W. DANCE, Esq., Collector of Malabar, to the Secretary to Government, Marine Department, dated Chandanathode, 24th December 1897, Ref. on Petn. No. 186 G.C.D.

I have the honour to enclose a copy of a petition from the "Marakans of Manjees" trading to Calicut. They used to be required to provide themselves with a lantern having a green glass on one side and a red one on the other (Article 10 (a) of G.O., No. 60, Marine, dated 13th February 1880). Recently, however, the Presidency Port Officer has insisted on their carrying the "large regulation lights" costing Rs. 43-8-0 a pair.

2. "The vessels in question," I quote from a letter of the Calicut Port officer to the Presidency Port Officer, "which have been directed to provide themselves with side lights are over 20 tons, but they are open boats and their owners contend they are not British vessels but British Indian vessels and therefore do not come under the "Regulations for preventing collisions at sea" which came into force on 1st July 1897. On looking at the regulations received at this office on 27th April 1897, from Board of Trade, Marine Department, December 1896, through Presidency Port Officer, I see by the order of 27th November 1896 printed just before the regulations that the Admiralty and Board of Trade suggest their being made applicable to British ships and boats and as the order of the Government of Madras No. 60 of 13th February 1880, article 10, which says open fishing boats and other open boats when under weigh shall not be obliged to carry side lights, &c., does not seem to have been cancelled.

* * * * *

"Some of the small vessels such as Island Odams and Manjees are purely open boats without any place to fix screens and would have difficulty in handling such large regulation lights, however, some have been compelled to purchase, but state they cannot possibly use such large lamps whereas they can easily handle the former double lantern, others state they cannot earn the price of lamps of such an expensive nature."

3. To this letter the Presidency Port Officer replied as follows :—

"The Port officer is referred to paragraph 5 of G.O., No. 120, Marine, dated 12th February 1897, from which it will be seen that the rules apply to native craft as well as to all other British vessels. The rules apply to British Indian vessels, as a matter of course, and they cancel all other previous Board of Trade regulations on the subject. When structural difficulties present themselves, the Port officer should be guided by the instructions contained in G.O., No. 251, Marine, dated 7th August 1882."

4. I submit that the Presidency Port Officer has not rightly understood paragraph 5 of G.O., No. 120, Marine, dated 12th February 1897. It is not stated therein that the rules apply to native craft. It is merely stated that copies of the rules should be supplied to "all masters of vessels including native craft."

5. I respectfully submit that the new rule requiring open boats to provide themselves with an expensive kind of light which they cannot use is inequitable. It would also conduce to their safety to allow them to carry lights which can be used. As it is doubtful whether the Presidency Port Officer has rightly interpreted the rules, I would ask that open native boats may be allowed to carry the red and green lantern as hitherto.

ENCLOSURE.

PETITION from the Marakans of Manjees, No. 186-G.C.D.

We, the undersigned Marakans of the Manjees working at the Calicut port, beg most respectfully to submit the following grievance with the humble hope that they will meet with your favourable consideration and orders.

2. That it has been hitherto the practice here not to carry any side lights on board this class of vessels. Some 10 years ago when this new rules regarding side lights were introduced at this port, we then represented the matter to the then Collector, who passed an order to the Port Officer Captain Gillham not to enforce this rule in respect to our vessels and that the rule only relates to British-built ships.

3. Since then there were no lights used in our vessels. But since the appointment of Captain Brown as Port Officer at Tellicherry, he insisted that all Manjees should be provided with a side light, otherwise the vessels calling at that port will not be allowed clearance. Hence all our vessels going to that port were provided with a lantern.

4. With one lantern we were permitted to work at all the ports in Malabar without any inconvenience. Now we beg most respectfully to state that the Port officer at this port insists upon us to provide with side lights of the value of Rs. 43-8-0 per pair without which no vessels will be permitted clearance in accordance with the notification issued by the Presidency Port Officer at Madras.

5. We further beg to state that the build of our vessels will not permit these side lights being hung on the masts without being constantly damaged.

6. Under these circumstances we humbly pray that your honour will be pleased to order the Port officer at this port not to enforce the new rules regarding side lights in respect to our boats, as these rules apply only to British-built ships. For which act of kindness we shall ever feel grateful.

No. 26 E.

Referred to the Presidency Port Officer for remarks.

(Signed) W. B. DEWINTON,
15th January 1898. Ag. Secretary to Government.

From Commander H. A. STREET, R.I.M., Presidency Port Officer, Madras, to the Secretary to Government, Marine Department, dated 18th January 1898, No. 498/23 G.

With reference to the question raised by the Collector of Malabar in his letter of 24th December 1897 which accompanied Marine Department Endorsement No. 26 E. of 15th January 1898 (enclosures herewith returned), I have the honour to state that, in accordance with paragraph 5 of G.O., No. 120, Marine, dated 12th February 1897, the owners and tindals of native craft were informed that the revised rules regarding regulations for preventing collisions at sea would come into force on the 1st July 1897. It was assumed that the direction contained in the Government Order above quoted to acquaint masters of all vessels including native craft would not have been given by Government if native craft were exempt from the regulations for preventing collisions at sea.

2. It is true that these regulations are stated to be applicable to British vessels and boats, but in section 4 of chapter II of Indian Merchants Shipping Act VII of 1880, a British ship includes a British Indian ship and therefore the regulations apply to British Indian vessels and boats.

3. As the Queen's order in Council of 27th November 1896 directs that the Regulations for preventing collisions at sea contained in the schedule to the order, dated 11th August 1884, except article 10 shall be annulled, and the Regulations of 1897 shall be substituted therefor, I submit that G.O., No. 60, Marine, dated 13th February 1880, cannot be acted on as it refers to regulations for preventing collisions at sea which have been annulled.

4. With reference to the proposal contained in paragraph 5 of Mr. Dance's letter I would point out that in article 10 (a) of the Regulations referred to in Madras Government Order, No. 60 of 13th February 1880, it is stated that fishing boats and other open boats shall carry, when under weigh, a lantern with a green glass on one side and a red glass on the other, whereas in article 7 of the Regulations of 1897 it is only vessels under oars or sails, of less than 20 tons that are permitted to carry a lantern of this description; all others above 20 tons must be provided with two lanterns.

5. As the structural arrangements of native craft over 20 tons might not in many cases permit of the side lights being carried in a receptacle on the side of the vessel, the Port officer, Calicut, was directed to attend to the Resolution of Government of India which accompanied Madras Government Order, No. 251, Marine, of 7th August 1882, and to see that the proper side lights were provided and carried ready for use.

6. As the Regulations of 1880 were held to apply to native craft, it is clear that the Regulations of 1897, which annulled previous regulations for preventing collisions at sea also apply to such vessels.

ORDER—No. 89, Marine, dated 2nd February 1898.

The papers will be referred to the Advocate-General who will be requested to favour Government with his opinion.

(True Extract.)

Under Secretary to Government.

To the Presidency Port Officer.

" Collector of Malabar.
" Government Solicitor, with copies of the following orders to be returned:—

GO., No. 560, Marine, dated	30th October 1878.
" " 60, " "	13th February 1880.
" " 450, " "	10th September 1880.
" " 601, " "	7th December 1880.
" " 120, " "	12th February 1897.

Marine (1898) Department.

CURRENT No. 102

Order No. 89, Marine, 22.9.98

The papers will be referred to the Advocate General who will be requested to favour Government with his opinion.

From

The Presidency Port Officer, Madras

No. 498/23

Dated 18th January 1898

Received

Registered

Enclosures 2

Spare copies

The P.P.O.
" Collector, Malabar
" Govt. Solicitor with copies of the following orders to be returned

R.O. 560. Marine d/30 Oct 1878.
" 60 " " 13 Feb 1880
" 450 " " 10 Sep " "
" 601 " " 7 Dec " "
" 120 " " 12 Feb 1897

SUBJECT.

Report in connection with the applicability of the Regulations for preventing collisions at sea to open boats.

22/1/98

BACK PAPERS.

FURTHER PAPERS.

No.	Date.	No.	Date.
26E	15-1-88 ✓	2182	26-9-88
553	22-11-87 ✓		
120	12-2-87 ✓		

Marine
Public (1897) Department.

CURRENT No. 2

No 26 & d/15-1-98

Enab

Referred to the
Presidency Secy for
remarks
Order

From

[Signature]
ll

The Collector
of Malabar
No. Ref on Petn No 186
5.C.8

To the S.P.O. to be returned

to the for all

The Collector has overlooked a
recent order of Govt. which
directs that all references of
this kind should be made
through the S.P.O.

N.S.

[Signature]
15/1/98

Dated 24th December 1897

Received 3 January 1898

Registered

Enclosures - one -

Spare copies

SUBJECT.

Side lights for boats &c

Submitting for order copy of
a petition from the Marakans
of Manjer trading at Calicut
regarding ——— & recommend
ing that the boats & manjees
may be allowed to carry the
red & green lantern as hitherto

BACK PAPERS.

G.O.	No.	Department.	Date.
orig 53	mark	22-11-7	
orig 120	mark	12-2-7	
400	"	8-23-7	80
001	"	8-7-12	80
251	"	8-7-12	80
450	"	8-7-12	80

361 " 8 21-7-80
 198 " 8 13-5-80
 110 " 8 22-3-80

FURTHER PAPERS.

G.O.	No.	Department.	Date.
Sp. No.	60	" 9	13-2-80
	151	23 Mar.	3-3-98

Malabar Collectors Office
 Camp Chandanathode, 24th December 1897

Ref. in Pet. No 186
 S. C. D.

From

G. W. Dance Esquire

Collector of Malabar

The Chief Secretary to Government
 Marine Department

Madras

Sir,

I have the honor to enclose a copy of a petition from the "Marakkans of Manjis" trading to Calicut. They used to be required to provide themselves with a lantern having a green glass on one side and a red one on the other (Article 10(a) of G.O. No 60 marine dated 13th February 1880). Recently however the Presidency Port officer has insisted on their carrying the "large regulation light" costing Rs 43-8- a pair.

Flag

2 "The vessels in question", I quote from a letter of the Calicut Port officer to the Presidency Port officer, "which have been directed to provide themselves with side lights" are over 20 tons but they are open boats and as their owners contend they are not British vessels but British Indian vessels and therefore do not come under the "Regulations for prevention of Collisions".

Yours faithfully

collisions at sea" which came into force on 1st July 1897. On looking at the regulations received at this office on 27th April 1897 from Board of Trade. Marine Department, December 1896, through Presidency Port Officer, I see by the order of 27th November 1896 printed just before the regulations that the Admiralty and Board of Trade suggest their being made applicable to British ships and boats and as the order of the Government of Madras N^o 60 of 13th February 1880 article 10 which says open fishing boats and other open boats when under weigh shall not be obliged to carry side lights etc etc does not seem to have been cancelled.

"Some of the small vessels such as Island Odams and Munjees are purely open boats without any place to fix boards and would have difficulty in handling such large regulation lights, however some have been compelled to purchase but state they cannot possibly use such large lamps whereas they can easily handle the former double lantern, others state they cannot earn the price of lamps of such an expensive nature."

3 To this letter the Presidency Port Officer replied as follows:-

"The Port Officer is referred to para 5 of G.O N^o 120 Marine dated 12th February 1897 from which it will be seen that

the rules apply to native craft as well as all other British vessels. The rules apply to British Indian vessels as a matter of course and they cancel all other previous Board of Trade regulations on the subject. When structural difficulties present themselves, the Port Officer should be guided by the instructions contained in G.O N^o 251 Marine dated 7th August 1882"

4 I submit that the Presidency Port Officer has not rightly understood para 5 of G.O N^o 120 Marine dated 12th February 1897. It is not stated therein that the rules apply to native craft. It is merely stated that copies of the rules should be supplied to "all masters of vessels including native craft".

5 I respectfully submit that the new rule requiring open boats to provide themselves with an expensive kind of light which they cannot use is inequitable. It would also conduce to their safety to allow them to carry lights which can be used. As it is doubtful whether the Presidency Port Officer has rightly interpreted the rules, I would ask that open native boats may be allowed to carry the red and green lantern as hitherto

I have the honor to be

Sir
Your most obedient Servant

J. H. Ferguson

Deputy Collector

Post No 184
To

G. W. Dancy Esq
Collector of Malabar
Calicut.

We the undersigned Marakans of the
Maujees working at the Calicut Port, beg
most respectfully to submit the following
grievance with the humble hope that they will
meet with your favourable Consideration and
orders.

2. That it has been hitherto the practice
here not to carry any side lights on board
this class of vessels. Some 10 years ago when
this new rules regarding side lights were
introduced at this port, we then represented
the matter to the then Collector, who passed
an order that the Port Officer Capt. Gillha
was to see to it that

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102/98

[43 / 500]

Marine DEPARTMENT.

No. 498
23 G

Presidency Port Office,

Madras, 18 January 1898.
despatched 24.1.98.

Heading.....

From

Commander D. A. Stuart D. I. M.,
Presidency Port Officer,
Madras,

To

THE SECRETARY TO GOVERNMENT,
MARINE DEPARTMENT,
CHEPAK.

Sir,

With reference to the question raised by the Collector of Malabar in his letter of 24th December 1897 which accompanied Marine Department Endorsement No. 26.8 of 15th January 1898 (Enclosures herewith returned) I have the honor to state that in accordance with para 5 of C. J. No. 10th dated 12th February 1897 the Owners and Pilots of native Craft were informed that the revised rules regarding regulations for preventing collisions at sea were to come into force on the 1st July 1897. It was assumed that the regulations issued

the masts
damaged

Mar Sub 102/98

2. It is true that these Regulations are stated to be applicable to British vessels and boats, but in Section 4 of Chapter II of Indian Merchants Shipping Act VIII of 1880 a British Ship includes a British Indian Ship and therefore the Regulations apply to British Indian Vessels and boats.

3. As the Queen's Order in Council of 27th November 1896 directs that the Regulations for preventing Collisions at Sea contained in the Schedule to the Order dated 11th August 1884 except Article 10 shall be annulled and the Regulations of 1897 shall be substituted therefor, I submit that Government Order No. 60 Marine dated 13th February 1880 cannot be acted on as it refers to Regulations for preventing Collisions at Sea which have been annulled.

4. With reference to the proposal contained in para 5 of Mr. Dance's letter I would point out that Article 10 (a) of the Regulations referred to in

Order No. 60 of 13th February
at fishing boats and other
underweight a
and a red

Flag G.

Page 780. 12-29

Flag P.

Page 6 Flag P.

5. As the Structural arrangements of Native Craft over 20 tons might not in many cases permit of the Side lights being carried in a receptacle on the Side of the vessel, the Port Officer (Lieut) was directed to attend to the Resolution of Government of India which accompanied Madras Government Order No. 251 Marine of 7th August 1882, and to see that the proper Side lights were provided and carried ready for use.

6. As the Regulations of 1880 were held to apply to Native Craft, it is clear that the Regulations of 1897 which annulled previous Regulations for preventing Collisions at Sea also apply to such vessels.

I have the honor to be,
Sir,

Your Obedient Servant

Respectfully
Commander R. J. Allen
Presidency Port Officer

that the regulations apply to British Indian vessels and boats. Article of the regulations issued

(Flag - G).

boats over 20 tons are "British"

[43 / 500]

C. Nos. 2 and 102 of 1898.

~~HIS EXCELLENCY THE GOVERNOR.~~

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

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

SUBJECT.

Applicability of the regulations
as regards carrying lights to
open boats of 20 tons and upwards

FOR ORDERS.

The question is raised whether
"open boats" of 20 tons net registered
tonnage and upwards come under the
regulations as regards carrying lights
published under G.O. 120 Marine dated
12th February 1897. The Collector, Mala-
bar, contends that they do not. He also
states that the new rule requiring
open boats to provide themselves with
an expensive kind of light which they
cannot use is inequitable.

2. The rules in question are ap-
plicable to British vessels and
boats, and as pointed out in para. 2 of
the Presidency Port Officer's letter

includes a British
Indian ship, under section 4, Chapter
II of the Indian Merchant Shipping
Act VII of 1880. It follows, therefore,
that the regulations apply to British
Indian vessels and boats. Article
of the regulations issued

Yes - But
Because in chapter "British
ship" includes "British Indian
ship". I don't think it follows
that the designation always does
so. I doubt if these open

(Flag - G).

boats of over 20 tons are "British"

1880 - 1881
 Madras by
 1880 - 1881
 Madras by

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1884 which is still in force exempts open boats of less than 20 tons. It follows, therefore, that open boats of larger tonnage such as those now in question come under the rules. The rules of 1880 were held to apply to native craft—Vide para 2 of India's Resolution on page 2 of G.O. 60 Marine dated 13th February 1880. The presumption, therefore, is, apart from other considerations, that the present rules also apply.

3. As to the difficulty of fitting these lights to these boats, attention is invited to para 5 of the Presidency Port Officer's letter. (present current)

Ref. 4. Attention is also invited to G.O. No 953 Marine. 9.12

Nov. 1897. Flag E.

There seem no grounds for the exemption asked for

W.H.H.

20.1.90

** (Flag - K)*