Marine (1899) Department.

Urgent.

✓ G.O., No. 930 } Mar
931 }

DATED 6 – 10 – 99

H 18/10/99

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[Despatch Abstract.]

Registration of British Ships in British India.

Ordered that the Govt. of India be informed that this Govt. approves of the provisions of the Bill to amend the Acts regarding the ——, subject to certain amendments.

Registration of British Ships in British India

Informing that this Govt. approves of the provisions of the Bill to amend the Acts regarding the ——, subject to certain amendments.

[M.— / 259—11-9-99.]

9-10-99

10/10/99 2

BACK PAPERS.

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

FURTHER PAPERS.

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

C. no 987 of 03
1

G.O. 406-7
25-9-03

Government {1899} of Madras.

MARINE.

Recd. } 1899. Enclosures

Regd. Spare copies

Letter, No. 931, 6th October 1899.

OCTOBER.

Registration of British Ships in British India

Informing that this Government approves of the provisions of the Bill to amend the Acts regarding the —, subject to certain amendments.

MARINE DEPARTMENT.

Letter—from

W. B. deWINTON, Esq.,

Secretary to the Government of Madras,

Marine Department,

To

The SECRETARY to the GOVERNMENT of INDIA,

Legislative Department.

Sir,

With reference to your letter dated the 15th July 1899, No. 1404, asking for the views of this Government upon the Bill to make better provision for the registration of British ships in British India, I am directed to forward, herewith, copies of replies, as specified in the attached list, received from some of the persons consulted, and to state that His Excellency the Governor in Council approves of the provisions of the Bill, subject to the following amendments:—

(*a*) Section 5 to be so reconstructed as to make sub-section (2) as sub-section (1) and sub-section (1) as sub-section (2) with the necessary verbal modifications to suit the altered position. As thus reconstructed the section would read somewhat as follows:—

> "5. (1) The Local Government may make rules to provide for measuring and ascertaining, whether for the purpose of registry or otherwise, the tonnage of native coasting-ships, and for marking the tonnage on such ships; and it shall be optional to the owner of any such ship to have her tonnage measured, ascertained and marked in accordance either with such rules or with the rules and orders on the same subjects prescribed by or under the Merchant Shipping Act, 1894.
>
> "(2) So far as regards any ship the tonnage of which is measured, ascertained and marked in accordance with the rules made under the preceding sub-section, the rules and orders on the same subjects prescribed by or under the Merchant Shipping Act, 1894, or under any other Act repealed by that Act, are hereby repealed."

(*b*) For the word and figure "section 89" in section 7 (*b*), the following words and figures to be substituted:—

"Sections 89 and 727."

As regards this amendment, I am to explain that it is, in the opinion of the Madras Government, desirable that the appointment of the Surveyor, referred to in section 727 of the English Statute, who is a necessary Agent in the registration of British ships, should, equally with that of the Registrar, be vested in the Local Government.

2. The Collector of Sea Customs, Madras suggests an addition to the definition of the expression "British ships." This addition is, in the opinion of His Excellency the Governor in Council, not necessary and would be inconsistent with section 3 (3) of the Bill.

3. The recommendation contained in the communication from the Presidency Port Officer regarding the maximum tonnage fixed in the Bill for native coasting-ships is transmitted for the consideration of the Government of India.

4. The other authorities who were consulted have made no specific recommendations.

5. The Bill, with Statement of Objects and Reasons, was published in English in the *Fort St. George Gazette* of the 25th July last.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to Government.

Ootacamund,
6th October 1899.

Exd. V. Ramachendra Row.

Government (1899) of Madras.

MARINE.

Recd.
Regd. } 1899.

Enclosures
Spare copies

G.O., No. 930, 6th October 1899.

OCTOBER.

Registration of British Ships in British India

Ordered that the Government of India be informed that this Government approves of the provisions of the Bill to amend the Acts regarding the —, subject to certain amendments.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following papers:—

From the Superintendent, Government Press, Madras, dated 9th August 1899, No. 3068.
From the Government Solicitor, Madras, dated 12th August 1899, No. 404.
From the Chairman, Chamber of Commerce, Madras, dated 4th September 1899.
From the Registrar, High Court of Judicature, Madras, dated 13th Sept 1899, No. 1287.
From the Presidency Port Officer, Madras, dated 14th September 1899, No. 337/311 G.
From the Collector of Sea Customs, Madras, dated 22nd " " " 5815 G.

ORDER—No. 930, Marine, dated 6th October 1899.

Ordered that the Government of India be informed that His Excellency the Governor in Council approves of the provisions of the Bill in question, subject to the following amendments:—

(*a*) Section 5 of the Bill to be so reconstructed as to make sub-section (2) as sub-section (1), and sub-section (1) as sub-section (2), with the necessary verbal modifications to suit the altered position.

(*b*) In section 7 (*b*) of the Bill for the word and figure "section 89" substitute the words and figures "sections 89 and 727," so as to vest the Local Government with the power of appointing Surveyors, as well as Registering officers.

2. The recommendation of the Presidency Port Officer regarding the tonnage of native coasting-ships will be transmitted to the Government of India for consideration.

3. His Excellency the Governor in Council observes that the addition proposed by the Collector of Sea Customs to the definition of the expression "British ships" is not necessary, and would be inconsistent with section 3 (3) of the Bill.

[Here enter No. 931, Marine, dated 6th October 1899.]

(True Extract.)

Under Secretary to Government.

To the Presidency Port Officer.
" Collector of Sea Customs, Madras.

Exd. V. Ramachendra Row.

Urgent

Marine DEPARTMENT.

READ the following:—

~~Letter~~ from the Superintendent Government Press, Madras, No. 3068, dated 9th August 1899.
Letter from the Government Solicitor, Madras, No. 404, dated 12th August 1899.
Letter from the Chairman, Chamber of Commerce, Madras, dated 4th September 1899.
Letter from the Registrar, High Court of Judicature, Madras, No. 1287 dated 13th September 1899.
Letter from the Presidency Port Officer, Madras, No. 337/311 G., d/14th September 1899.
Letter from the Collector of Sea Customs, Madras, No. 5815 G., dated 22nd September 1899.

Circulated to

Bill to amend the Registration [illegible]

ORDER. No. 930 Marine 6 10 99

Ordered that the Government of India be informed that His Excellency the Governor in Council approves of the provisions of the Bill in question, subject to the following amendments:—

(a) Section 5 of the Bill to be so reconstructed as to make subsection (2) as subsection (1), and subsection (1) as subsection (2), with the necessary verbal modifications [illegible] suit the altered position.

(b) In section 7(b) of the Bill for the word and figure "Section 89" substitute the words and figures "Sections 89 and 727", so [illegible] vest the Local Government ith the power of appointing urveyors, as well as Registering fficers.

The recommendation f the Presidency Port Officer regarding the tonnage of Native Coasting-ships will be transmitted to the Government of India for consideration.

3. His Excellency the Governor in Council observes that the addition proposed by the Collector of Sea Customs to the definition of the Expression "British Ships" is not necessary, and would be inconsistent with Section 3(3) of the Bill.

R.S.

M

(H.E. No. 931 [illegible] 1899)

To

The Secretary to the Government of India,
Legislative Department

Sir,

With reference to your letter dated the 15th July 1899, No. 1404, asking for the views of this Government upon the Bill

[illegible] letter [illegible]

To The C. S. O.
" Collector of Sea Customs, Madras

D 15/11/99

Recd 6/10/99

35 [illegible] 15/10

for the Registration of British Ships in British India, I am directed to forward herewith Copies of replies, as specified in the attached list, received from some of the persons consulted, and to state that His Excellency the Governor in Council approves of the provisions of the Bill, subject to the following amendments:—

(a) Section 5 to be so reconstructed as to make subsection (2) as subsection (1) and subsection (1) as subsection (2) with the necessary verbal modifications to suit the altered position. As thus reconstructed the Section would read somewhat as follows:—

5. (1) "The Local Government may "make rules to provide for measuring "and ascertaining, whether for the purpose "of registry or otherwise, the tonnage "of Native Coasting-ships, and for "marking the tonnage on such ships; "and it shall be optional to the "owner of any such ship to have "her tonnage measured, ascertained "and marked in accordan[illegible] either

"with such rules or with the
"rules and orders on the same
"subjects prescribed by or under
"the Merchant Shipping Act 1894.
"(2) So far as regards any
"ship the tonnage of which is
"measured, ascertained and marked
"in accordance with the rules
"made under the preceding subsection,
"the rules and orders on the same
"subjects prescribed by or under
"the Merchant Shipping Act
"1894, or under any other Act re-
"pealed by that Act, are hereby
"repealed."

(b) For the words and figure "Section 89" in Section 7(b), the following words and figures to be substituted:-

"Sections 89 and 727."

As regards this amendment, I am to explain that it is, in the opinion of the Madras Government, desirable that the appointment of the Surveyor, referred to in Section 727 of the English Statute, who is

a

a necessary Agent in the registration of British Ships, should, equally with that of the Registrar, be vested in the Local Government.

2. The Collector of Sea Customs, Madras, suggests an addition to the definition of the expression "British Ships". This addition is, in the opinion of His Excellency the Governor in Council, not necessary and would be inconsistent with Section 3(3) of the Bill.

3. The recommendation contained in the communication from the Presidency Port Officer regarding the maximum tonnage fixed in the Bill for Native Coasting ships is transmitted for the consideration of the Government of India.

4. The other authorities who were consulted have made no specific recommendations

5. The Bill, with Statement of Objects and Reasons, was published in English in the Fort St. George Gazette of the 25th July last.

I have &ca.

R.G.

5.10.99

M.

Marine

936
931

List of opinions, on the Bill to make better provision for the Registration of British Ships in British India, forwarded to the Government of India with Marine department letter No. 931 Marine, dated 6th October 1899:—

(1) Copy of letter from the Presidency Port Officer, Madras, No. $\frac{337}{311}$ G., dated 14th September 1899.

(2) Copy of Letter from the Collector of Sea Customs, Madras, No. 5815 G., dated 22nd September 1899.

5.10.99

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Marine DEPARTMENT.

READ the following :—

From the Superintendent, Government Press, Madras, No. 3068, d/9th August 1899.
From the Government Solicitor Madras, No. 404, dated 12th August 1899.
Letter from the Chairman, Chamber of Commerce, Madras, dated 4th September 1899.
Letter from the Registrar High Court of Judicature, Madras, Dis No. 1287, d/13th Septr 1899.
Letter from the Presidency Port Officer, Madras, No. 33/311 G., d/14th September 1899.
Letter from the Collector of Sea Customs, Madras, No. 5815 G., d/22nd September 1899.

Bill to amend the "Registration of Ships" acts.

Circulated to

E. the Governor

FOR ORDERS

Subject to the amendments proposed in the Note, I think we may express concurrence with the Bill. —

A.G.H
2.10.99

Telephoned to P.S. for copies of acts. Kept back

S.G.
30 Oct 99

[. W. 43.
1,000—28 2-99.]

S.G. 9.99 R 3/10

S.a.
Som. drup.

In view of the facts put forward in the Statement of Objects and Reasons, the Advocate General considers that it is obviously desirable that the Bill should be passed into law at as early a date as possible.

2. Section 2(a) of the Bill

(1) The Collector of Madras thinks that the definition of the expression "British ship" is inadequate. He says that reading section 1 of the English Merchant Shipping Act of 1894, by itself, it is difficult to understand how it can be applied to ships which are the property of "natives of India". But he omits to note that the Bill does not contemplate the registration of ships owned

by all natives of India. Under the English Act of 1894 it is only "natural-born British Subjects", amongothers, who are qualified to own "British ships", and not "Natives of India" generally.

(ii) The Collector is also apparently of opinion that Ships owned by Native Princes or dwellers in Native States, registered under Acts X of 1841 and XI of 1850, should also be included in the term "British ships". The registration of such vessels effected under the Existing law does not make them "British Ships", but only "Confers on them the privileges and "advantages of a British Ship". These vessels retain the same status under the present Bill; the only difference being that under the Existing law they may "be registered and obtain a pass" while under the altered law they will only "obtain† a pass". It is, therefore, submitted that the amendment proposed by the Collector,

viz

Vide Section 24 of Act X of 1841.

Vide section 3 of Act XI of 1850.

† Vide Second Schedule of Draft Act (page 6) Entry against Act XI of 1850.

viz, the addition of the following separate clause, does not appear to be necessary:—

"The expression "British Ship" "includes all vessels registered as "British Ships under any law in force "in British India".

This amendment would, moreover, not be in accordance with Section 3(3) of the Bill which makes re-registration necessary for recognition of a vessel as a "British ship"

3. Section 2 (c) of the Bill.

The Presidency Port Officer is of opinion that the tonnage of a "Native Coasting Ship" whose maximum tonnage is fixed in the Bill at 200 tons should be as follows:—

"300 tons for square rigged vessels, "and up to any tonnage for the "class of vessels known as buggalows "and other lateen rigged craft".

This suggestion might be transmitted for the consideration of the Government of India.

4. Section 5 of the Bill.

The Collector of Madras

suggests that clauses (1) and (2) of this section be combined, and that the word "and" in clause (2) be changed to "but". He further suggests that the following words in clause (2) be omitted, viz, "referred to in Subsection (1)" and replaced by "the last four "lines of subsection (1) as printed in the Bill".

The Collector's meaning is not very clear. He apparently proposes that subsections (1) and (2) should be merged into one, to read as follows:—

"The Local Government may "make rules to provide for measuring "and ascertaining, whether for the "purpose of registry or otherwise, the "tonnage of native Coasting ships, "and for marking the tonnage on "such ships; but it shall be "optional to the owner of any "such ship to have her "tonnage measured, ascertained "and marked in accordance "either with rules made

"under

"under this subsection, "or under the rules and "orders on the same "subjects prescribed "by or under the "Merchant Shipping "Act 1894".

The wording of the draft Act is, however, not incorrect; it is only somewhat clumsy. If subsection 5(2) was made subsection 5(1) and subsection (1) made subsection (2) with the necessary verbal modifications to suit the altered position, the draft act would read better and more intelligibly. Perhaps this is the best suggestion to make to India.

5. Section 6(2) of the Bill.

The Collector of Madras suggests that it would be advisable, after the Bill becomes law, to appoint the Port Officers at certain Coast ports × × × to be registrars of British Ships.

This is a matter of administrative detail which need not now be considered.

6. Section 7(b) of the Bill vests in the Local Government the appointment of the Registry Port and the Registering Officer. But the appointment of the Surveyor, who is also a necessary agent in the registration of British Ships, still remains under Section 727 of the English Merchant Shipping Act, with "the Governor of a British Possession," which under Section 18, 52 and 53, Victoria, Chapter 63, means the Governor General.

Vide Extract, Flag XIV.

It is submitted that provision should be made in the Bill for vesting the appointment of Surveyors also in the Local Government.

A.H.
2.10.99

7. The following authorities who were consulted have made no specific recommendations as to the provisions of the Bill:—

The Hon'ble the Judges of the High Court.
The Chairman of the Chamber of Commerce.

viz, the addition of the following separate clause, does not appear to be necessary:-

"The Expression 'British Ship' includes "all vessels registered as British "Ships under any law in force "in British India."

This amendment would, moreover, not be in accordance with Section 3(3) of the Bill which makes re-registration necessary for recognition of a vessel as a "British Ship".

3. Section 2(c) of the Bill.

The Presidency Port Officer is of opinion that the tonnage of a "native Coasting Ship" whose maximum tonnage is fixed in the Bill at 200 tons should be as follows:-

"300 tons for square rigged "vessels, and up to any tonnage "for the class of vessels known as "buggalows and other lateen "rigged craft."

This suggestion might be transmitted for the consideration of the Government of India.

4. Section 5 of the Bill

The Collector of Madras suggests that clauses (1) and (2) of this section be combined, and that the word "and" in clause (2) be changed to "but". He further suggests that the following words in clause (2) be omitted, viz, "referred to in subsection (1)" and replaced by "the last four lines "of subsection (1) as printed "in the Bill".

The clauses as thus amended would read as follows:—

"So far as regards any ship "the tonnage of which is measured, "ascertained and marked in accordance with rules made under "subsection (2), the rules and orders "on the same subjects prescribed "by or under the Merchant Shipping "Act, 1894, or under any other "Act repealed by that Act, are "hereby repealed. The Local "Government may make rules to "to provide for measuring and "ascertaining, whether for the "purpose of registry or otherwise, "the tonnage of native Coasting "ships, and for marking the tonnage "on such ships; but it shall "be optional to the owner of any "such ship to have her tonnage "measured, ascertained and marked "in accordance either with rules "made under this subsection "or with the rules and orders (on the "same subjects prescribed by "or under the Merchant Shipping "Act, 1894, or under any other "Act repealed by that Act, "are hereby repealed.")

It is submitted that there is no sense in this, and that the object of substituting "but" for "and" is not clear.

5. Section 6.(2) of the Bill

The Collector of Madras suggests that it would be advisable, after the Bill becomes law, to appoint the Port Officers at certain ~~the~~ Coast ports × × to

The Collector's meaning is not very clear. He apparently proposes that subsections (1) and (2) should be merged into one, to read as follows: "The Local Govt. may make rules to provide for measuring & ascertaining, whether for the purpose of registry or otherwise, the tonnage of native coasting ships, and for marking the tonnage on such ships; but it shall be optional to the owner of any such ship to have her tonnage measured, ascertained and marked in accordance either with rules made under this subsection, or under the rules & orders on the same subjects prescribed by or under the Merchant Shipping Act 1894: ~~or under any other Act repealed by that Act~~".

The above seems to give the meaning of the draft Act in a simpler form, as in the latter, certain rules of the Merchant Shipping Act 1894 are repealed in sub-section (1), and leave is given in subsection (2) to use them! I think, therefore, this alteration may be recommended to the Govt. of India, with the substitution of the word 'and' for 'but' after the semi-colon. The wording of the draft Act is, however, not incorrect; it is only somewhat clumsy.

P.T.O

to be registrars of British Ships. This is a matter of administrative detail which need not now be considered.

6. Section 7(b) of the Bill vests in the Local Government the appointment of the Registry Port and the Registering Officer. But the appointment of the Surveyor, who is also a necessary agent in the registration of British Ships, still remains, under Section 427 of the English Merchant Shipping Act, with "the Governor of a British Possession", which, under Section 18, 52 and 53 Victoria, Chapter 63, means the Governor General. It is submitted hat provision should be ade in the Bill for vesting e Appointment of Surveyors lso in the Local Government.

7. The following uthorities who were onsulted have made o Specific recommendations as

5.

If subsection (2) was made sub section 5 (1) & subsec (1) made subsec (2) the draft act would read better & more intelligibly. Perhaps this is the best suggestion to make to India

necessary verbal modifications to suit the altered position

Vide Extract. Flag XIV

Current No 1114 re
H.E. 29.9.99

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5 (1

(1)

The Local Govt. may make rules to provide for measuring & as-certaining, whether for the purpose of registry or otherwise, the tonnage of native coasting ships, & for marking the tonnage on such ships; but it shall be optional to the owner of any such ship to have her tonnage measured, ascertained and marked in accordance either with rules made under this subsection or under the rules & orders in the same subjects prescribed by or under the Merchant Shipping Act 1894 or by any other Act repealed of that Act."

There seems to me some [illegible] in this as the draft Bill first repeals the rules & orders under the Merchant Shipping Act & then says in subsec (2) that they may be followed!

28 Sept

M

The amendments as proposed above would not be wrong, but this is only when the Collector actually uses words (whatever he may mean). And then there is no necessity for altering the Bill, which is right as it stands.

Again the substitution of the word but for "and" is not, I think, quite accurate – It is only one of the concluding clauses, and not both that is [illegible] of the preceding (2) clauses. The word "and" therefore seems more appropriate than but.

A.G.

28-Sep-99

I think it is an infirmity in the draft act, & have said so

M

Will you please look into this matter once more. It is a little more complicated than at first sight appears.

The facts seem to be as follows.

(a) The English rules are now applicable to all ships

(b) The Local Govt. may make new rules for native coasting ships

(c) Such ships may register themselves under rules (b) above, or they may continue under rules (a)

(d) Having registered

Sch. 10

u had better leave
the Page of the Note
ld Regn of ship
e unaltered, giving (1)
my version of the collection
meaning. Then say
the wording of the Dept
act is certainly some
-what clumsy - It would
read more intelligibly

of the provisions of
subsection (1) & (2)
of Section 5 were
unusual, altering by
be supported to
the Govt of India

W.H.S.

Written and kept for record

T.G.

Marine Current 2o. 1094

In back nos vide
connected
[illegible]

Books (1) Acts X of 41 & XI of 50
(2) M. Shipping Act 94

From

THE SUPERINTENDENT,
GOVERNMENT PRESS,
Madras,

To

THE ~~CHIEF~~ SECRETARY TO GOVERNMENT,
Marine Dept.
Madras.

Dated 9th } August 1899.
Received 12th }

Subject.

REPORTS the dates on which the withinmentioned Bill was published in the "Fort St. George Gazette."

Replies the fortnight
forward on 30 September
S.J.

Complete
W.H.S.

No. 3068

Statement showing the dates on which the undermentioned Bill was published in the "Fort St. George Gazette."

(~~Vide para. 2 of G.O., dated 2nd June 1891, No. 1042, Judicial.~~)

Title of the Bill.	English.	Tamil.	Telugu.	Canarese.	Malayalum.	Hindustani.	Remarks.
A Bill to make better provision for the Registration of British Ships in British India, with statement of objects and reasons	1899. 25th July	189 . Nil	189 . Nil	189 . Nil	189 . Nil	189 . Nil	G.O. No. 709 Marine dated 28th July 1899

To
The ~~Chief~~ Secretary to Government,
Marine Dept.,
Madras.

R. Hill
Superintendent.

Government Press,
Madras, 9th August 1899.

Account No. 160.
500—1-4-96.

Marine (1899) Department.

CURRENT No. 1114

Order

From The Govt. Solicitor

No. 204

Dated 12-8-99

Received 16-8-99.

Enclosures Plans. nil
others. one } Total. one

Spare copies –

SUBJECT.

Bill for the Registration of British Ships in India:— Forwarding the opinion of the Advocate General on the Draft

18-8-99

M. 4.
500—14-5-97.

BACK PAPERS.

No.	Date.

FURTHER PAPERS

No.	Date.

OPINION

I think there can be no question that, as the result of the consolidating English Act of 1894, a British ship, registered since 1854 under the Indian Acts of 1841 & 1850, is not a "recognised" British ship. This is the view taken by the Law Officers in this Presidency before whom the question has come on several occasions. The present Bill will put an end to this anomalous state of things, and it is obviously desirable that the Bill should be passed into law at as early a date as possible.

C. Arnold White
Adv: Genl:
Aug: 11th, 1899.

Madras.

(True Copy)

Ernest Barclay
Government Solicitor.

E.1 / mar 11/4/38

(1899) Department

From
Ernest Barclay
Government Solicitor
Madras

To
The Secretary to Government
Marine Department
Ootacamund

No. 404

Dated 12th August 1899
Recd.

Forwarded with reference to the Order of Government No. 707, dated 28 July 1899, Marine.

Ernest Barclay
Government Solicitor

Compile

Marine (1899) Department.

CURRENT No. 1211

Order

From The Chairman
Chamber of Commerce
Madras

No.

Dated 4-9-99
Received 6-9-99
Enclosures nil
Spare copies -

SUBJECT.

Bill for the Registration of British Ships in India :- offering remarks on the draft

Compile

7-9-99

M. 4.
500—14-5-97.

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	D

The Madras Chamber of Commerce.

Madras, 4 Sept 1899.

From
The Hon'ble Mr. C. E. P. Vans Agnew
CHAIRMAN, CHAMBER OF COMMERCE,
MADRAS.

To
The Secretary to Government
Marine Department
Ootacamund

Sir,

With reference to G. O. No. 707, dated the 28th July, forwarding a copy of the Bill for the registration of British ships in British India, I have the honour to inform you that members of the Chamber who are representatives of Shipping Companies are addressing their principals on the subject, with a view to the latter, who are in the best position to offer an authoritative opinion, communicating

with the Government of India
direct, the subject being one
with which the Chamber, as such,
is not in a position to deal.

I have the honour to be,
Sir,
Your most obed^t Servant

Chairman

Marine

Judicial (1899.) Department.

CURRENT No. 1269

From The Registrar,
High Court of Judicature,
Madras.

Order.

14 S

Dis No. 1287.

Dated 13th September 1899.
Received
Registered } 15-9-99
Enclosures nil
Spare copies nil

SUBJECT.

Stating that the Honourable the Offg. Chief Justice and the Judges have no remarks to offer on the Bill to make better provision for the registration of British ships in British India.

Compiled

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

220A
1,000 22—12—98.

High Court of Judicature,

Madras, 13th September 1899.

Dis No. 1287

FROM A. L. Hannay, Esquire, I. C. S.,
REGISTRAR OF THE HIGH COURT OF JUDICATURE,
Madras,

To THE HONOURABLE MR. G. Stokes, I. C. S.,
Chief Secretary to the Government of Madras.

HONOURABLE SIR,

With reference to G. O. No. 707, Marine, dated 28th July 1899, forwarding for the opinion of the High Court a Bill to make better provision for the Registration of British ships in British India, I am directed to inform you that the Honourable the Officiating Chief Justice and the Judges have no remarks to offer on the Bill.

I have the honour to be,
Honourable Sir,
Your most obedient servant,

A. L. Hannay 13-9-99.
Registrar.

V.A. 13/9/99.

Marine (1899) Department.

CURRENT No. 1272

From

The Presy. Port officer,
Madras

Order

No. 337/311 G.

Dated 14th September 1899

Received 18. 9. 99

Enclosures nil

Spare copies "

SUBJECT.

Offering remarks regarding the Bill for the Registration of British Ships in British India.

Compile
18-9

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

No. 337/311 G

Presidency Port Office,

Madras, 14 September *1899.*

Heading Registration of Vessels.

From

Commander, T.G.R.Finny, R.I.M.,

Presidency Port Officer,

Madras,

To

The SECRETARY TO GOVERNMENT,

MARINE DEPARTMENT,

CHEPAK.

Sir,

In reply to G.O., Marine, No.707 dated 28th July 1899 regarding the Bill for the Registration of British Ships in British India I have the honour to state that I have no remarks to offer except that in Section 2 (c) the tonnage should be 300 tons for square rigged vessels, and up to any tonnage for the class of vessels known as buggalows and other lateen rigged craft.

I have the honour to be,

sir,

your most obedient servant,

Thos G R Finny

Commander, R.I.M.,

Presidency Port Officer.

Marine ~~Revenue~~ (1899) Department.

CURRENT No. 1300

From

The Collector of
Sea Customs
Madras

No. 5815 G

Dated 22nd September 1899.

Received } 25 - 9 - 99
Registered }

Enclosures nil.

Spare copies "

SUBJECT

Submitting his remarks on G. O. No 707 Marine of 28th July 99 regarding the bill for the Registration of British Ships in British India

BACK PAPERS.

G.O.	No.	Department	Date.
707	Mar. 28 July 99		350 Pub. 8/8.399
865	Mar. 11 Oct. 98		190-1 Judl. 29 Jan. 91
481	Judl. 18 March 98		
S.C.	190-91 42	Mar.	29-1-91 9-1-91

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Customs Department.

On any future communication on the subject No. should be quoted.

No. 5815 G

MADRAS SEA CUSTOM HOUSE,
Dated 22nd September 1899

From
H. Bradley Esq. I.C.S.
Ag. COLLECTOR OF SEA CUSTOMS,
Madras,

To
The Secretary to Government,
Marine Department

Enclosures.

SIR,

With reference to Government order No 707 Marine, dated 28th July 1899, I have the honor to submit the following remarks.

2. Section 2. "British ship" is defined as having the meaning assigned to it in Section 1 of the Merchant Shipping Act of 1894. Reading that Section by itself it is difficult to understand how it can be applied to ships which are the property of natives of India, much more so to ships owned by native Princes or dwellers in Native States. But it is clear from the statement of objects and reasons that the object of the bill is to give ships registered under the Indian Acts of 1841 and 1850, the status of British ships and it is also clear by the saving of Section 24 of the Act of 1841 in the repealing schedule that the privileges extended to ships owned by native Princes or States are not to be taken away.

Would it not therefore be much more simple to add to the definition (a) a clause laying down that the expression "British Ship" includes all vessels registered as British Ships under any law in force in British India.

3. Section 5. Sub-Sections (1) and (2) might be combined by substituting "but" for "and" after the semi-colon in Sub-section (2), and substituting for the words "referred to in Sub-Section (1)" the last four lines of Sub-Section (1) as printed in the bill. The corresponding alterations in Sub-Sections (3) and (4) would follow.

(4) Section 6 (2). It would probably be advisable after the bill becomes law to appoint the Port officers at several of the Coast ports, especially at those at which vessels are repaired or built, registrars of British Ships.

5. As I have nothing in any of my official capacities to do with the registration of ships, I have no remarks to make on the principles of the bill.

6. With reference to the urgent reminder No. 707 Mar. dated the 20th Instant, received today, I have the honor to point out that the Government order under reply requires this report to be sent "by the 30th September".

I have the honor to be,
Sir
Your most obedt: Servt,
Herbert Bradley
Ag Collector, Sea Customs.

22.9.99.

Form No. 18—1,000—12-5-99.

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52 and 53 Victoria,Chapter 63.

Interpretation Act,I889.

Section I8.

In this Act,and in every Act passed after the commencement of this Act,the following expressions shall,unless the contrary intention appears,have the meanings hereby respectively assigned to them,namely;-

x x x x x x x

(2) The expression "British Possession" shall mean any part of Her Majesty's dominions exclusive of the United Kingdom, and where parts of such dominions are under both a central and a local legislature,all parts under the central legislature shall,for the purposes of this definition,be deemed to be one British possession.

x x x x x x x

(6) The expression "Governor" shall,as respects Canada and India,mean the Governor-General,and include any person who for the time being has the powers of the Governor-General,and as respects any other British Possession,shall include the Officer for the time being administering the Government of that possession.

16/2/25.

Ag Collector, Sea Customs.

Marine (1899) Department.

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