

Date _____

Date.

Recd.

1899.

Enclosures

Regd.

Spare copies

JUNE.

Considering that the presence of small-pox in a small steamer crowded with passengers is a case of "clear necessity" for landing the patient under the rules, and that the Port Health officer, Madras, would have exercised a wise discretion had he landed at Madras the man on board the *Pentakota* who suffered from small-pox; and stating that Messrs. Binny & Co. are mistaken in saying that they had no further communication subsequent to G.O., No. 609, Marine, dated 15th July 1898.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following papers :—

From Messrs. BINNY AND CO., Agents to the British India Steam Navigation Company (Limited), to the Secretary to Government, Marine Department, dated Madras, 19th April 1899.

With reference to G.O., No. 609, Marine, dated 15th July 1898, communicating to the Port Health officer G.O., No. 821, Public, dated 29th June 1898, for report on paragraph 2, reading Messrs. Binny & Co.'s suggestions for the future treatment of infectious diseases arising on boardship will be considered in the Marine Department, we have the honour to state we have received no further official communication on the subject and to request we may be informed of the result of the above reference.

We have the honour to bring to the notice of Government another instance of grave danger and inconvenience caused to one of the Company's mail passenger steamers under the following circumstances :—

The S.S. *Pentakota* plying between Coromandel ports and Rangoon and *vice versa*, on her arrival here from Rangoon direct on 12th instant, signalled, in accordance with Port regulations, that there was a case of epidemic disease on board. The Health officer accordingly boarded the vessel and found the patient (a native deck passenger) suffering from small-pox. The Commander requested permission to land the passenger here and send him to hospital; but the Health officer, in view of the man having been booked for Negapatam and objecting to be put ashore here, directed his retention on board the steamer.

On the Commander reporting the matter to us we interviewed the Health officer as well as the Deputy Port Conservator, but were informed by both these officers that it was contrary to existing regulations to permit the passenger to be landed here.

Owing to the quantity of cargo the vessel had to discharge, she was unable to sail hence before late on the evening of 14th instant and did not arrive at Negapatam till noon on the 15th, and as the man, according to the Commander's statement, had developed signs of the disease the day after leaving Rangoon, viz., 9th instant, he was nearly seven days on board before he could be landed, and all that time he was a source of possible infection to the passengers and crew.

We may mention that the vessel had 645 deck passengers on board for Negapatam, besides a native crew numbering 98, and we would point out the practical impossibility in these circumstances of effectively segregating a case of infectious disease.

All that could be done was to isolate the man as far as possible by placing him in one of the ship's boats suspended from the davits, where his sufferings at this time of year can better be imagined than described; and in the interests of humanity alone, if for no other consideration, his being landed here and lodged in hospital was, it seems to us, desirable.

Section 39 of the Native Passenger Act No. X of 1887 reads as follows :—

If the master of a ship lands any passenger at any port or place other than the port or place at which the passenger may have contracted to land, unless with his previous consent or unless the landing is made necessary by perils of the sea or other unavoidable accident, the master shall for every such offence be punished with a fine which shall extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

We would submit that this section appears to us to apply to healthy passengers and we do not think its application to passengers suffering from epidemic disease was contemplated by the Act.

Further, the following rules issued by the Surgeon-General to the Government of Madras for the guidance of Port Health officers would appear to provide, under certain conditions, for cases of epidemic disease being landed and consigned to hospital :—

2. The Port officer having received information from the pilot or other boarding officer or by signal that any case of such disease (small-pox, cholera or other epidemic disease) is on board, shall communicate the information to the Health officer of the port.

3. The Health officer as early as possible after receipt of this information shall inspect the vessel and more especially its sanitary condition; shall enquire into the circumstances attending the case or cases of the said disease; and shall arrange for the conveyance of all persons suffering from such disease to a hospital unless the sick person or his friends make adequate provision elsewhere.

4. The latter part of rule 3 is, however, not to be enforced in the case of passengers bound for an onward port unless under the clearest necessity; and of every such case a special report explaining the reasons for the action taken must be submitted to the Government.

With reference to rule 4 we would submit that the landing of the passenger in question was a case of the clearest necessity and we consider that the Health officer would not have exceeded the discretion allowed him had he directed the man's removal to hospital.

The hardship involved in his retention on board is accentuated by the fact that had the man been suffering from plague, he would, under the regulations in respect of that disease, have been removed to hospital without question.

Had the man, again, been willing to land here, there would have been no difficulty. Comparing the wishes of a sick man, who in the circumstances can hardly be expected to know what is best for himself, with the grave risk incurred by his detention on board a crowded passenger steamer, we consider there is urgent necessity for some modification of the present rules and we would strongly urge this for the consideration of Government.

From Lieutenant-Colonel H. ALLISON, M.D., I.M.S., Port Health Officer, Madras to the Secretary to the Surgeon-General, dated 9th May 1899, No. 71.

With reference to G.O., No. 186 E., Marine, dated 22nd April 1899, forwarded with your No. 2609 of 2nd May 1899, I have the honour to report that in the main facts Messrs. Binny & Co. are correct, namely, that the S.S. *Pentakota* arrived with the flag hoisted indicating epidemic disease on board, and on inspection a passenger for Negapatam from Rangoon was found to be suffering from small-pox.

2. This man objected to be landed and in accordance with paragraph IV of Appendix to G.O., No. 280, Marine, dated 24th May 1879, which states that, "unless under the clearest necessity," a person suffering from epidemic disease is not to be landed. The Commander was accordingly directed not to land him. In this case no necessity seemed to exist for landing the man as he was in a boat with an awning and within 24 hours' sailing of his destination, and moreover the man was not very ill and quite understood the fact that he would have to remain in the boat until he would reach Negapatam. Under the above circumstances I did not see any necessity for the man being landed.

3. There was no interference with either landing or shipping of cargo or passengers and therefore I do not see where the inconvenience came in. The only hardship was to the sick man who willingly undertook it.

4. From the time the steamer arrived until her departure the patient was visited daily by the Assistant Health officer.

5. I may mention that the rules were shown both to the Commander of the S.S. *Pentakota* and the gentleman in Messrs. Binny & Co.'s, who is in charge of the shipping and both agreed that the course taken was in accordance with the regulations.

6. Had the man been suffering from Plague he would of course have been dealt with under the Plague regulations.

4

No. 532, MARINE, 16TH JUNE 1899.

No. T. 8/205.

Forwarded with reference to Marine Department memo., No. 186 E., dated the 22nd April 1899, herewith returned with its enclosure.

2. I concur in the Port Health officer's remarks.

OOTACAMUND,
14th May 1899.

(Signed) C. SIBTHORPE, Surgn.-Genl.,
Surgn.-Genl. with the Govt. of Madras.

ORDER—No. 532, Marine, dated 16th June 1899.

In their letter read above, Messrs. Binny & Co. complain of the refusal of the Port Health officer to land at Madras, short of his destination, a native passenger who was suffering from small-pox. The passenger was bound to Negapatam from Rangoon per S.S. *Pentakota*.

2. The Port Health officer explains that the passenger objected to be landed, and as there did not seem to be any such "necessity" as is contemplated by paragraph IV of the Rules * for the medical inspection of vessels, the Commander was directed not to land the man.

3. The Surgeon-General supports the action of the Port Health officer.

4. It is observed that the Port Health officer refused to land the passenger in the exercise of the discretion vested in him by Government, and was within his right in doing so. He bases his action partly on the ground that the passenger was within 24 hours of his destination. As a matter of fact the *Pentakota* arrived at Madras on the 12th and did not reach Negapatam till noon on the 15th, so that the sick man was three days longer on board than he would have been if landed at Madras. His Excellency the Governor in Council is of opinion that the presence of a case of small-pox in a small steamer crowded with passengers, is a case of "clear necessity" for landing the patient under the rules. The Port Health officer would thus, in the opinion of Government, have exercised a wise discretion had he landed the man at Madras.

5. Messrs. Binny & Co. are mistaken in saying that they had no further official communication subsequent to G.O., No. 609, Marine, dated 15th July 1898. They overlook G.O., No. 836, Marine, dated 4th October 1898.

(True Extract.)

(Signed) W. B. DE WINTON,
Secretary to Government.

To the Presidency Port Officer, for communication to
Messrs. Binny & Co.
,, Port Health Officer, through the Surgeon-General.

Ext. T. K. Narayana Aiyangar.

MARINE DEPARTMENT.

Read the following:—

Letter from Messrs. Binny & Co., Madras, dated 19 April 1899.
Letter from the Port Health Officer, Madras, No. 71, of 9 May 1899.
Endorsement thereon by the Surgeon-General with the Government of Madras.
No. 78/205 dated 14 May 1899.

Circulated to—

The Public Dept.
for C. I.

ORDER.

In their letter read above, Messrs. Binny & Co. complain of the refusal of the Port Health officer to land at Madras, short of his destination, a native passenger who was suffering from small pox. The passenger was bound to Negapatam from Rangoon per S.S. "*Pentakota*".

2. The Port Health Officer explains that the passenger objected to be landed, and as there did not seem to be any such "necessity" as is contemplated by paragraph IV of the Rules for the medical inspection of vessels, the Commander was directed not to land the man.

3. The Surgeon-General supports

Supports the action of the
Port Health Officer.

4. It is observed that the
Port Health Officer refused to
land the passenger in the exercise
of the discretion vested in him
by Government, and was within
his right in doing so. He bases his
action partly on the ground
that the passenger was within 24
hours of his destination. As a
matter of fact the "Pentakota" arrived
at Madras on the 12th and did
not reach Negapatam till noon
on the 15th; so that the Sick man
was 3 days longer on board than
he would have been if landed
at Madras. His Excellency the
Governor in Council is of opinion
that the presence of a case of
Small pox in a small steamer
crowded with passengers, is a
case of "char necessity" for
landing the patient under the
rules. The Port Health Officer
would thus, in the opinion of
Government, have exercised
a wise discretion, had he

landed the man at
Madras.

5. Messrs Binny & Co.
are mistaken in saying
that they had no further
official communication
subsequent to G.O. 609
Madras, dated 15th July 1899
They overlook G.O. 836
Madras dated 4th October
1898.

L.S.

L.S.
2.6.11

1/7/99
A D O for communication to Messrs Binny & Co.
Port Health Officer Kanchi
The Surgeon General
Binny & Co.
100710

W

C. Hobbs!

There may be a question
as to whether this
draft order should be
counter initialed in the
Public Dept before
going; the discussion
of the Port Health officers
being called in question.

I believe that it is
necessary as this officer
is, for purposes of medical
inspection of vessels,
directly under the
Marine, and not the
Public Dept.

L. J.

7 June 99

Letter sent at the

cic

W. H. J.

7. 11. 11

W

Please see the
notes in the Public

the officer is being dealt
with, not as a Doctor⁵³
under the Public Dept.
but as Port Health
Officer, in which capacity
he is directly subordinate
to the Marine Dept.

It is not clear what the
Public Dept. can have
to say in a case over
which it can exercise
no control. Port ar-
rangements are under
the Marine Dept., and
this is the only Dept.
competent (in theory)
to form an opinion
as to whether they are
well or ill carried out.

It is submitted
that while the rules
regarding counterintelligence
are so indefinite, a
certain amount of
latitude should, in
courtesy, be conceded
by one Dept. to another.

This case, of one officer
under two Depts., might
be considered with the
proposed amendments of the
counterintelligence rules.

Herbert Keen
There will be a meeting
of the Council on 15 June 1899

NOTE FOR THE CHIEF SECRETARY.

Submitted for order
as to whether - as
practical
the clearance of
doctor is involved,
the should go to
the H.M.

It would be more
convenient if in such
cases as the papers
were sent for C.I.
before the orders of
H.M. have been
recorded. The
power of this Dept. to
express its views is
somewhat restricted
then as papers only
comes after H.M. the
Gov. has passed
order.

8/6/92

H.M.

Secy.

No 1595
15-6-99

11/15/99

Read the following:—

Letter from Messrs. Binny & Co., Madras, dated 19th April 1899.

Letter from the Port Health Officer, Madras, No. 71, dated 9th May 1899.

Endorsement thereon by the Surgeon-General with the Government of Madras,

No. 28/205 dated 14th May 1899.

Detention of passengers for Smallpox.

Circulated to

Secretary to the Government.

FOR ORDERS

In their letter read above, Messrs. Binny & Co. complain of the refusal of the Port Health Officer to land at Madras, Short of his destination, a native passenger, who was suffering from Smallpox.

The passenger was bound to Negapatam from Rangoon per S.S. "Penta Kota".

2. The Port Health Officer explains that the passenger objected to be landed, and as there did not seem to be any such "necessity" as is contemplated by para IV of the Rules for the medical inspection of vessels, the Commander was directed not to land the man.

3. The Surgeon General supports the action of the Port Health Officer.

4. Messrs. Binny & Co. conclude their letter by suggesting a modification

G.O. 280 Madras, dated 24th May 1899.

Flag N.

Read the following:—

Circulated to

2

FOR ORDERS

lastly in the grounds that the passenger was within 24 hours of his destination. As a matter of fact the 'Dentakota' arrived at Madras on 12th ^{probably in the} morning, & did not reach Negapatam till noon on 16th, so that the passenger was 3 days longer on board than he otherwise would have been if landed at Madras. The presence of a case of small pox in a small steamer crowded with passengers seems to be a case of 'clear necessity' for landing him the patient, & I think the P.H.O. might be told, for future guidance, that Govt

of the existing rules. It is submitted that there is no necessity for any modification. The Port Health Officer has the power to land a sick passenger if he is satisfied as to the "necessity", and he is not bound altogether by the wishes of the sick man, as Messrs Binny & Co. incorrectly assume.

5. Messrs Binny & Co. import into the argument Section 39 of the Native Passenger Ships Act, x of 1887, but with what object is not quite clear. The Port Health Officer was not deterred from landing the man by anything contained in this section.

6. Messrs Binny & Co. are also mistaken in saying that they had no further official communication subsequent to G.O. 609 & wire dated 15th July 1898. They overlook G.O. 836 & wire dated 4th October 1898.

x 7 Aug W.

x 7 Aug X

7. The Port Health Officer reports to have the passenger in the exercise of the discretion vested in him by Govt. & his action in this instance was, I think, to be upheld. But he bases it

Very well.

A. A. H.

consider he would have
advised a wire direction
in landing the men -

W. H. H.

10.5.98

4750
R. 94
3.6.99

Marine (1899) Department.

CURRENT No.

641

Order

From

Surgeon General C. F. Thorne C.B.
J.R.C.B.
Surgeon General with the force
Marine

No.

8205

Dated the 14th May 1899

Received

Registered

Enclosures

Spare copies

SUBJECT.

Submitting the explanation
the Port Health Officer, Madras
in the matter of a Case of Small
Pox on board the S. P. Pentakoti
with his concurrence in the order
expressed.

С
С

45

Current No. 1862 of 1894

Government of Madras,

Marine DEPARTMENT.

MEMORANDUM.

oofacamm
Dated Madras, 22nd April 1899.

From Messrs Briny and Co. Madras.
19 April 1899.

Referred to the Port Health officer
Mairnas, through the Surgeon General,
for remarks.

Amherst
Ag: Secretary to Govt

To

To The Surgeon General with paper
in original - to be returned.

L
The Port Health Officer.

Madras.

Forward for remarks
Return requested.

(By order)

Honorar
Surgeon-General
with the Govt. of Madras.

Madras
2nd May 1899 (Cf)

No 41.

III

Marine Dispensary
Madras, 4th May 1899.

urgent Order No 16 Marine 8/200 of 14/5/99

B.I.S.N. Coy Ltd.,

Madras, 19th. April, 1899.

The Secretary to Government, Madras,

Marine Department,

Ootacamund.

Sir,

With reference to G.O. No 609 Marine dated 15th. July 1898, communicating to the Port Health Officer G.O. No 821 Public dated 29th June 1898, for report on paragraph 2, reading:-

"Messrs. Binny & Co's suggestions for the future treatment of infectious diseases arising on boardship will be considered in the Marine Department"

We have the honor to state we have received no further official communication on the subject and to request we may be informed of the result of the above reference.

We have the honor to bring to the notice of Government another instance of grave danger and inconvenience caused to one of the Company's Mail Passenger Steamers under the following circumstances:-

The S.S. "Pentakota" plying between Coromandel ports & Rangoon and vice versa, on her arrival here from Rangoon direct on 12th. Instant, signalled, in accordance with Port regulations, that there was a case of epidemic disease on board. The Health Officer accordingly boarded the vessel and found the patient (a native deck passenger) suffering from small-pox. The Commander requested permission to land the passenger here and send him to hospital; but the Health Officer, in view of the man having been booked for Negapatam and objecting to be put ashore here, directed his retention on board the steamer.

On the Commander reporting the matter to us we interviewed the Health Officer as well as the Deputy Port Conservator, but were informed by both these Officers that it was contrary

1041.

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Marine Disposal
Madras, 4th May, 1899.

2.

contrary to existing regulations to permit the passenger to be landed here.

Owing to the quantity of cargo the vessel had to discharge she was unable to sail hence before late on the evening of 14th. Instant and did not arrive at Negapatam till noon on the 15th, and as the man, according to the Commander's statement, had developed signs of the disease the day after leaving Rangoon viz 9th. Instant he was nearly 7 days on board before he could be landed, and all that time he was a source of possible infection to the passengers and crew.

We may mention that the vessel had 645 deck passengers on board for Negapatam, besides a native crew numbering 98, and we would point out the practical impossibility in these circumstances of effectively segregating a case of infectious disease.

All that could be done was to isolate the man as far as possible by placing him in one of the ship's boats suspended from the davits, where his sufferings at this time of year can better be imagined than described; and in the interests of humanity alone, if for no other consideration, his being landed here and lodged in hospital was, it seems to us, desirable.

Section 39 of the Native Passenger Act No X of 1887 reads as follows:-

"If the master of a ship lands any passenger at any port or place other than the port or place at which the passenger may have contracted to land, unless with his previous consent or unless the landing is made necessary by perils of the sea or other unavoidable accident, the Master shall for every such offence be punished with a fine which shall extend to two hundred Rupees, or with imprisonment for a term which may extend to one month, or with both".

We would submit that this section appears to us to apply to healthy passengers and we do not think its application to pas-

-sengers

*The passenger
objected to
his dis-
turbance
L.P.

X 7 vice civil page
80/100/111/111
111/111/111

1041.

111

Marine Dispersal
Madras, 4 May 1899

The Health Officer
was with
determine from
landed by the
man by the
ship
K.S.

38

3.

passengers suffering from epidemic disease was contemplated by the Act.

Further, the following rules issued by the Surgeon General to the Government of Madras for the guidance of Port Health Officers would appear to provide, under certain conditions, for cases of epidemic disease being landed and consigned to hospital:-

2. "The Port Officer having received information from the Pilot or other boarding Officer or by signal that any case of such disease (Small-pox, Cholera or other epidemic disease) is on board shall communicate the information to the Health Officer of the port.

3. "The Health Officer as early as possible after receipt of this information shall inspect the vessel and more especially its sanitary condition; shall enquire into the circumstances attending the case or cases of the said disease; and shall arrange for the conveyance of all persons suffering from such disease to a hospital unless the sick person or his friends make adequate provision elsewhere.

4. "The latter part of rule 3 is, however, not to be enforced in the case of passengers bound for an onward port unless under the clearest necessity; and of every such case a special report explaining the reasons for the action taken must be submitted to the Government".

With reference to Rule 4 we would submit that the landing of the passenger in question was a case of the clearest necessity and we consider that the Health Officer would not have exceeded the discretion allowed him had he directed the man's removal to hospital.

The hardship involved in his retention on board is accentuated by the fact that had the man been suffering from plague, he would, under the regulations in respect of that disease, have been removed to hospital without question.

Had the man, again, been willing to land here, there would

have

Plague
has its own
regulations
L.S.

No 41.

III

Marine Dispersary
1889

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have been no difficulty. Comparing the wishes of a sick man, who in the circumstances can hardly be expected to know what is best for himself, with the grave risk incurred by his detention on board a crowded passenger steamer, we consider there is urgent necessity for some modification of the present rules and we would strongly urge this for the consideration of Government.

We have the honor to be,

Sir,

Your most obedient servants.

Rimington & Co.

Agents.

No 41.

Marine Dispensary
Madras, 4th May 1899.

To
635 The Secretary to the Surgeon General
2 With the Govt. of Madras
Madras

10/5/99

5P

Tag N

Sir, With reference to G.O. No 1868, Marine, dated 22nd April 1899, forwarded with your No 2609 of 2nd May 99, I have the honor to report that in the main facts Messrs King & Co. are correct - namely - that the S.S. *Pratabota* arrived with the flag hoisted indicating epidemic disease on board and on inspection a passenger, for Negapatam from Rangoon, was found to be suffering from small pox -

2. This man objected to be landed and in accordance with para IV of Appendix to G.O. No 280, Marine, dated 24th May 99 which states that "unless under the clearest necessity" a person suffering from epidemic disease is not to be landed. The Commandr was accordingly directed not to land him - In this case no necessity seemed to exist for landing the man as he was in a boat with an awning and within 24 hours sailing of his destination and moreover the man was not very ill and quite understood the fact that he would have to remain in the boat until he would reach Negapatam - Under the above circumstances I did not see any necessity for the man being landed.

3. There was no interference with the landing or shipping of cargo or passengers and therefore I do not see where the inconvenience came in. The only land

very
on 11/5/99

was to the sickman who willingly undertook it.

4. From the time the steamer arrived until her departure the patient was visited daily by the Asst. Health Officer.
5. I may mention that the rules were shown both to the Commander of the S.S. *Pentakota* and the Gentleman in Messrs Binny & Co. who is in charge of the shipping and both agreed that the course taken was in accordance with the regulations.
6. Had the man been suffering from plague he would of course have been dealt with under the plague regulations.

I have the honor to be
Your obedient servant
A. L. L. L.
Lieut. Colonel R. S.
Port Health Officer

W. S. S.
G. L. L.

[35]

No. 205

IV

OFFICE OF THE SURGEON-GENERAL

WITH THE GOVERNMENT OF MADRAS,

Camp Pottumudi, 14th May 1899

To

THE HONORABLE THE CHIEF SECRETARY TO GOVERNMENT,

Marine DEPARTMENT.

Forwarded with reference to Marine Department Memorandum No 180E dated the 26th April 1899, herewith returned with its enclosure.

2. I Concur in the Port Health Officer's remarks.

P. S. S. S.

Surgeon General
Surgeon General with the Govt
of Madras