

Marine (1899) Department.

G.O., No. 686 Marine

DATED 20th July 1899.

12.7
84/mar/99

[Despatch Abstract.]

Side Lights for Laccadive vessels:

Ordered that, with reference to the ———, the question whether it is incumbent on all native craft of 20 tons and upwards, ~~who~~ irrespective of their registration under the English Merchant Shipping Act of 1894, to carry the more powerful lights prescribed in Articles 5 & 7 of the Regulations of 1896 for the prevention of collisions at sea, be referred to the Advocate G.B. for opinion.

Dr 31/7

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	4722	Ma.	31-6-99				

FURTHER PAPERS.

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

Marine DEPARTMENT.

Read the following:—

Letter from the Presidency Port Officer, Madras, No. 498 G. d. 14th March 1899.
 Letter from the Collector of Malabar, No. 1/3 R dated 2nd April 1899.
 Letter from the Government of Bombay, Marine Department, No. 128 G, dated 15th June 1899.

No 686 Mar 2 20 July 99

Circulated to—

ORDER.

In the letter read above, the Collector of Malabar raises the question as to whether it is incumbent on all native Craft of 20 tons and upwards, whether registered or not under the English Merchant Shipping Act of 1894, to carry the more powerful lights prescribed in Articles 5 and 7 of the Regulations of 1896 for preventing collisions at sea. He is of opinion that the vessels of the Laccadive Islanders, not having been registered under this Act, are not "British Ships" and do not therefore come under the said Regulations.
 2. The question will be referred for the opinion of the Advocate General.

To the Government, Solicitor, with the letters read above and copies of the following orders:—

- G.O. 560 Mar 4th 1898
- " 60 Mar 4th 13th February 1880
- " 450 Mar 4th 10th September 1880
- " 601 Marine, d/y¹ December 1880.
- G.O. 120 Mar 4th 12th February 1897
- " 532 Mar 4th 14th June 1897
- " 152 Mar 4th 3rd March 1898

copy of opinion of the Advocate General.
 28/7/99
 W. J. S.
 20.7.99

again
Read the following:—

G.O. 472.73 machine, dated 31st May 1899.

Read also the following:—

Letter from the Government of Bombay, Machine Department, No. 128 G., dated 15th June 1899.

Circulated to

His Excellency the Governor
The Hon. A. J. Amodeo C. S.
The Hon. W. M. Winterbottoms

FOR ORDERS

Submitted with reference to the remarks of His Excellency and the Honourable Members at Flag M.

2. It will be seen from the letter from the Government of Bombay that all vessels of 20 tons and upwards

As Bombay takes the same view as Madras there can be little doubt as to the law.

H.E. however, thinks a further ref. ^{shall} be made to the Adv. Com. with a view apparently to ascertain whether it is incumbent on all native craft of 20 tons & upwards ~~whether~~ ^{whether} registered or not under the Merchant Shipping Act 1894, to carry the new lights. In making the ref.

are required to carry the more powerful side lights prescribed in articles 5 and 7 of the Regulations. The Statement made by the Collector of Malabar in para 9 of his letter to the effect that the Bombay Government does not approve, or has not adopted, the new lights is therefore incorrect.

3. It is requested that orders may now be passed on the points raised in the Note for Orders, flagged M.

L.S.

W. H. L.
21.6.99
M

G.O. No 532 of 14 June 1899

P. W. 43.
1,000-28-2-19. the Col's letter c. no 460
the Bombay Govt's reply to our

I don't wish to complicate this question, but as a reference is to be made to the Advocate Genl. I must make the following remarks -

The Collector wishes to exempt the Laccadive vessels from being expensed + inevitable side lights -

The sh. are prescribed for "British Ships" -

Are the Laccadive vessels "British ships" is the question -

The Collector says "no because they have not been registered" -

I should wish it to be considered how the island vessels can be British ships when the Sec. of State has declared that the Islands do not form part of British India -

This requires the removal of a lot of confidential correspondence -

I think the discussion of the question should be avoided by simply declaring that the side-light regulation is not applicable to Laccadive vessels -

If however the Advocate Genl. can advise that they

The question of registration is with material - It is the ownership which is the matter - viz. the status of the Islands themselves has been considered -

are not 'British ships' on the ground taken by the Col. that of course is preferable to suffice -

Hrs -
12-7-99 -

Malabar
Public Works (1899) Department.

CURRENT No. 460

From

The Collector of
Malabar.

Order

No. 173 R
S.C.D

Dated "2" April 1899.

Received

Registered

Enclosures

Spare copies

SUBJECT.

Side lights. Requesting that the subject of providing native craft with — may be reopened by Govt for reasons stated and that those vessels may be ordered to provide themselves with an inexpensive and serviceable light as hitherto in place of the new lights

FURTHER PAPERS

Repon Cons. 173-R of 99
S.C.D.

Malabar collector's office,
Calicut, 2nd April 1899.

From,

G. W. Dance Esquire,
Collector of Malabar.

7

The Secretary to Government,
Marine Department
Madras.

Sci,

I have the honor to invite the
attention of Government to the correspondence
ending with G. O. Marine no ³⁴¹~~841~~ dated 5th May 1898.

Flag J.

2. The correspondence has gone on so long, and so much confusion has been introduced into it by contradictory opinions of the Advocate General, and the constant allusions to Acts and by Os. distracting the attention, that I propose to give in the simplest words a summary of what has happened, omitting as far as possible all technicalities.

3. In 1897 the regulations for preventing collisions at sea were revised by Her Majesty's Government. The amended regulations were ordered by the Madras Government "to be supplied to all masters of vessels including native craft." This

considered applicable to native craft. The Presidency Port Officer however put this interpretation on the words.

4. The native coasting craft hitherto had been directed to provide themselves with an inexpensive light which they could readily use. The Presidency Port Officer, in pursuance of his erroneous interpretation aforesaid, now issued orders that all native craft should be required to provide themselves with a new kind of light, the cost of which was beyond their means, and which their build would render them unable to use when purchased. In this way did the Presidency Port Officer propose to arrange "to prevent collisions at sea".

5. The Zindabs of several native vessels complained to me and I made a reference to Government. The Presidency Port Officer was written to and he contended that the revised regulations were applicable to British Indian vessels and boats. The Advocate General was then consulted and he declared the regulations to be "applicable to fishing boats and other open boats of 20 tons and upwards which, being owned by Native Indian subjects, are British ships." The Government apparently acquiesced in this ruling and communicated it to all collectors of Maritime Districts, etc.

Flag R.

6. yet the Advocate General's opinion was at variance with that which he had given the previous year, when he declared it to be "impossible to recognize a ship not registered under the Merchant Shipping Act of 1894 as a British ship." (G. O. no 532 Marine, dated 14th June 1897).

7. The fact really was that the amended regulations could be made applicable to native craft, if the Government ordered them to be registered under the Merchant Shipping Act of 1894, but not otherwise. I therefore made a further reference to Government. Was the Government going to order such vessels to be registered under the Merchant Shipping Act of 1894? If so, they would come under the head of "British ships" for the purpose of the amended regulations for preventing collisions aforesaid, and the Presidency Port Officer could insist on their providing themselves with a costly light which their build rendered them unable to use. If the Government did not order them to be registered under the Merchant Shipping Act of 1894, they would not come under the head of "British ships", and might be allowed to provide themselves with an inexpensive

but serviceable light as hitherto. The Government did not order native craft to be registered under the Merchant Shipping Act of 1894, but directed that the Presidency Port Officer's orders should be enforced except in certain harbours, rivers, and inland waters.

8. Now if collisions at sea along the Madras Coast are to be prevented by the use of the new lights, surely all native craft over twenty tons must be made to use them? If only one per cent of such vessels is required to use them will the danger of collision be lessened? yet this is what has actually happened on the Western Coast of the Madras Presidency.

9. The Bombay Government does not approve of the new lights. The native vessels coming from that Presidency are therefore using lights similar to those previously used. These are passed by the Inspector of Lights in Bombay. The Port Officers in Malabar and South Canara do not therefore interfere with them.

10. The vessels of the Laccadive Islanders are the only vessels on this Coast to which the new ruling has been applied — quite illegally indeed, for they are not registered under the Merchant Shipping Act of 1894, and are

are therefore not "British ships." The Islanders are not so prosperous that it is desirable to restrict their means of trade. yet over a dozen of the Laccadive trading vessels have been cut down from thirty and forty to under twenty tons in consequence of the new ruling. They cannot buy the new lights. They have therefore no alternative but to cut down their boats. I earnestly beg that the Government will interfere in time to save the remainder.

11. In conclusion I may remind the Government that the amendments in the regulations made by the Home Government for preventing collisions at sea, have not hitherto been considered to be applicable to the Indian Presidencies until they had been approved by the Local Governments. In proof of this, I need only mention G. O. Marine, no 251 dated 7th August 1882. Certain amendments regarding lights which had recently been ordered by the Home Government were then discussed and found to be unsuited to the Bombay and Madras Presidencies.

I have the honor to be
sir,
your most obedient servant

Edmund

Marine (1899) Department.

CURRENT No. 390

From

The Presidency Port Officer
Madras.

Order

No. $\frac{498}{1029}$

Dated 14th March 1899

Received

Registered

Enclosures

Spare copies

SUBJECT.

Enquiring whether the
Order of the Collector of Malabar
to grant Clearance Certificates
independant of the Port Depart-
ment to Laccadive boats
should remain in force.

are permitted to obtain clearance at
the Custom House independent of
the Port Officer's Certificate. I beg
to enquire whether this order of the
Collector should remain in force.

I have the honour to be,
Sir,
Your Obedient Servant,
H. A. Thacker
Commander, R. I. M.,
Presidency Port Officer

Marine (1897) Department.

CURRENT No. 808

From The Secretary to Govt
Marine Dept
Bombay.

No. 128 G.

Dated 5-6-99

Received 20-6-99

Registered 20-6-99

Enclosures "

Spare copies "

SUBJECT.

Stating that articles 5 and 7
of the Regulations for preventing
Collisions at Sea 1896 are in
force in the Bombay Presidency
and that all vessels of 20 tons &
upwards are required to carry
the Side lights prescribed by those
Regulations.

G.O.	No.	Department.	Date.
Sp. 472	73	Mar 31	5-98
u 547	Mar 20	6-98	
		See	