Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

Marine (189) Department.

G.O., No. 737 Mar

DATED 5th August 99

[Despatch Abstract.]

Epidemic diseases - Requesting the Sanitary Commissioner to draw up a set of rules for preventing the spread of ——, to be submitted to Govt thro' the Collector of Madras & the Surgeon-Genl, and ~~stating that~~ also requested that Officer, and the Port Health Officer, will to consider the draft bill for the amendment of the Indian Ports Act - and to submit their remarks thereon.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
20.	905 M	Marine	26.9.99				

Government {1899} of Madras.

MARINE.

Recd. } 1899. *Enclosures*

Regd. *Spare copies*

G.O., No. 737, 5th August 1899.

AUGUST.

Epidemic diseases

Requesting the Sanitary Commissioner to draw up a set of rules for preventing the spread of —, to be submitted to Government through the Collector of Madras and the Surgeon-General, and stating that that officer and the Port Health Officer will also be requested to consider the draft Bill for the amendment of the Indian Ports Act and to submit their remarks thereon.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

Read—the following paper :—

From A. H. L. FRASER, Esq., C.S.I., Officiating Secretary to the Government of India, Home Department (Sanitary), to the Secretary to the Government of Madras, Marine Department, dated Simla, 10th July 1899, No. 2184.

With reference to the letter from the Government of Madras, No. 940 M., dated the 17th November 1897, I am directed to forward a copy of despatches to and from the Secretary of State on the subject of the Bill to amend the sanitary clauses of section 6 of the Indian Ports Act, 1889.

Despatch to the Secretary of State, No. 33, Sanitary, dated the 29th Dec. 1898, and Bill.
Despatch from the Secretary of State, No. 96, Revenue, dated the 4th May 1899, and enclosures.

2. The Secretary of State has taken exception to the draft Bill forwarded for his consideration on the ground that it infringes the principles followed by Her Majesty's Government for the protection of ports against the importation of dangerous infectious disease. To meet this objection, and in order to simplify the measure, a fresh Bill has been prepared which merely states the different classes of cases for which provision must be made, and leaves it to Local Governments to frame rules to regulate the manner of dealing with them. A copy of the revised draft is enclosed, and I am to request that the Government of Madras will favour the Government of India with an expression of their opinion on it after considering the comments made in the following paragraphs.

3. The Secretary of State assumes in paragraph 2 of his despatch that the intention is to restrict the proposed legislation to diseases of an infectious or contagious character not already endemic in India. The first part of this assumption is correct, but not the second part. The present discussion began with the consideration of the manner in which legal force should be given to the rules devised in 1879, to regulate the action to be taken with respect to vessels on which there are cases of disease endemic in India. This portion of the legislation cannot, in the opinion of the Government of India, be abandoned, for it is essential that local authorities shall continue to take such simple precautions as are needed to prevent vessels arriving in port with cases of cholera or small-pox from diffusing the disease.

4. With reference to paragraphs 3 to 7 of the Secretary of State's despatch, I am to say that the Government of India fully agree that power should not be taken to enforce quarantine at Indian ports. The present plague rules of the Maritime Local Governments do not authorize quarantine, and it may be regarded as an obsolete system in so far as India is concerned. The revised Bill omits therefore all mention of quarantine, and rules framed under it by Local Governments should neither use the term nor authorize the practice.

5. Paragraph 8 of the despatch from the Secretary of State deals with the special case of cargo. The Government of India did not read the Venice Convention of 1897 as prohibiting the disinfection of cargo; but they think that recent plague experience gives strong support to the objection against it. Speaking generally, it has been found neither needful nor practicable. The inward vessels rules framed by Local Governments under the Epidemic Diseases Act do not direct or give instructions for the disinfection of cargo, though some of them provide that cargo may only be landed under such precautions as the Health Officer may deem necessary. As far as the Government of India are aware, the disinfection of cargo as a plague precaution has been very rarely enforced, and they think that it need not be enjoined in any rules which may be framed under the proposed amendment of the Ports Act. The Governor-General in Council would, however, retain as an exception to the above principle

the rule dealing with undecked native craft which appears as part of sub-clause (5) in the Bill sent to the Secretary of State. The special danger of the contamination of food-stuff on such craft has been recognised, and the Governor-General in Council decided, after a careful consideration of the opinions given on the subject, that destruction or disinfection must be permitted.

6. In paragraph 5 of the despatch the Secretary of State suggests that in framing rules the guidance of Sir Richard Thorne's memorandum of the 7th June 1893 (of which a copy is appended) should be followed. The Plague Regulations issued under the Epidemic Diseases Act contain rules to meet the case of diseases uncommon in India which is provided for in sub-clauses (ii), (iii) and (iv) of the Bill. These rules have been carefully modelled on the Venice Convention. As regards diseases common in India, the Government of India desire that the Government of Madras will draw up simple rules [eventually to be issued under sub-clause (i)] on the lines of Part I of Sir Richard Thorne's memorandum. It will probably suffice if such rules provide for—

(1) the giving of notice,
(2) the inspection of the vessel,
(3) the taking of the sick to hospital,
(4) the disinfection of infected articles,
(5) the disinfection of the infected parts of the ship, and
(6) the disinfection or destruction of cargo of undecked native crafts deemed to be contaminated.

All these precautions except the first should be carried out only when the Port Health Officer considers them necessary to prevent the spread of disease.

I am to request that a set of rules framed in accordance with these instructions may be submitted to the Government of India with the reply to this letter.

7. With reference to the present danger of the introduction of the pest of the *Jigger* into India, I am to remark that rules against vessels likely to be infested with the *Jigger* could be enforced under the proposed amendment of the law by a declaration of the Local Government that the disease caused by the *Jigger* is to be deemed a dangerous infectious disease uncommon in India for the purposes of the Act. Such a declaration would be good under the Act even though the *Jigger* be not actually dangerous to life.

Enclosures.

Despatch from the Right Honourable the Governor-General of India in Council (Home Department—Sanitary), to the Right Honourable the Secretary of State for India, dated Calcutta, 29th December 1898, No. 33.

We have the honour to forward, for your Lordship's approval, a copy of a draft Bill which we propose to introduce into our Legislative Council to amend clause (*p*) of sub-section (*1*) of section 6 of the Indian Ports Act, 1889, and to repeal the Indian Quarantine Act, 1870.

2. The draft Bill empowers Local Governments to make rules for protection against the spread of any disease dangerous to life from vessels entering a port, for dealing with vessels which enter a port in a condition dangerous to health, or carrying cargo or food-stuffs which are in such a condition, and for imposing quarantine. It is the outcome of a protracted discussion, the course of which must be briefly narrated.

3. On the 9th May 1879, Lord Lytton's Government issued a general resolution explaining the principles which should govern the imposition of quarantine. It was stated in this resolution that a system of medical inspection was sufficient to meet the case of all vessels arriving with persons suffering from any disease which is endemic in India, and that quarantine should be reserved for occasions when there is danger of diseases being imported which are either unknown or not commonly rife in India. Appended to the resolution were two sets of model rules, one set [the A rules] for medical inspection, which might remain continuously in force, and the other set [the B rules] for quarantine, which might only be issued as a temporary measure when the occasion should arise.

In July 1888 the Government of Madras made certain proposals for the amendment of the model A rules, which were circulated for the opinion of other Maritime Local Governments. In their reply the Government of Bombay stated that they had already prepared draft rules which embodied, with certain alterations, the Madras suggestions. At the same time the Government

of Bombay expressed the opinion that the rules had not the force of law, and requested that legislation might be undertaken to remedy this defect. In August 1889 the Government of Lord Lansdowne approved of the rules proposed by the Government of Bombay, and, recognising that neither the model A rules nor the rules proposed by the Government of Bombay could be enforced under the terms of the Indian Quarantine Act, I of 1870, suggested that they should issue under the authority conferred by sub-section (*l*) of section 6, clause (*p*), of the Indian Ports Act. The Government of Bombay accordingly issued the rules under the Ports Act, but subsequently represented that this course did not altogether overcome the legal difficulty. Accordingly, in August 1894, the Government of Bombay were directed to submit a draft of clauses amending clause (*p*) of sub-section (*l*) of section 6 of the Indian Ports Act so as to cover completely all matters dealt with, or which it was desirable to deal with, in local or general rules for the medical inspection of vessels.

With their letter No. 446, dated the 5th February 1895, the Government of Bombay forwarded a draft Bill having for its object the amplification of section 6 of the Indian Ports Act, 1889, in order to give legal validity to those sections of the Medical Inspection rules, already acted on in that Presidency, which purport to deal with the enforcement of precautions when death or disease has occurred on a vessel before its arrival in port, and also to regulate and enforce the disinfection and, where necessary, the destruction of infected bedding, clothes and cargo. At the same time the Government of Bombay suggested that legal steps might be taken to provide, in the Medical Inspection rules, clauses to the following effect :—

(*i*) that the Health officer should be empowered to deal with vessels and cargo which, although free from certain infectious diseases, may be in such an insanitary condition on arrival, or may become so while in port, as to be a danger to the health of the crew, passengers or others ;

(*ii*) that places should be established and regulated to be used as sanitaria for the segregation of persons among whom any infectious disease dangerous to life exists or has existed on boardship.

Before deciding whether it was necessary to undertake legislation, we referred the question in May 1895 to other Maritime Local Governments, and asked for a report on the working of the rules in force in the ports situated in those Provinces, and generally for any suggestions regarding the scope and extent of the rules. Opinion was specially invited on the question whether it is necessary or not that the authorities should have power to order the destruction of cargo. The Government of Bombay were at the same time asked for their matured opinion on the suggestions contained in their letter of the 5th February 1895.

4. The replies of the Local Governments showed a general consensus of opinion that it was desirable to legislate on the lines indicated by the Government of Bombay. That Government, with their letter No. 1299, dated the 18th March 1896, forwarded a draft Bill to amend clause (*p*) of sub-section (*l*) of section 6 of the Indian Ports Act, 1889, which embodied their matured opinion on the points referred to them. After carefully considering this draft and the opinions of the other Maritime Governments, we prepared and circulated, in July 1897, a draft of an amended clause based on that framed by the Bombay Government. The main points on which this draft differed from that prepared by the Government of Bombay were :—

(1) The provision contained in the draft submitted by the Government of Bombay for the destruction of infected cargo was omitted for the following reasons. We feared that it might be regarded as a serious and unnecessary interference with trade to authorize the destruction of the cargo of infected vessels. No similar provision was contained in the model A rules of 1879 ; and, although such a provision was incorporated in the rules prepared by the Bombay Government which were approved in August 1889 by the Government of Lord Lansdowne, this departure from the model rules of 1879 was probably overlooked at the time. We considered that the fact that no complaint had been made of the rule in Bombay was probably due to the circumstance that it had rarely, if ever, been acted upon, and that this was a stronger argument for omitting it as unnecessary then for retaining it. The English law does not empower the Board of Trade to deal with infected or suspected cargo, and the Medical Inspection rules in force in parts of India other than Bombay do not authorize the destruction of cargo. Although we were of opinion that it was not necessary or desirable to authorize a general rule for the destruction of cargo that might be infected, we were nevertheless inclined to think that it might be necessary to frame special rules for dealing with the cargo of undecked native coasting vessels, which is peculiarly liable to contamination from the crew and to be fouled by choleraic excreta. We also considered it necessary to distinguish the case of cargo, such as food-stuffs, which, owing to fermentation or decomposition, is in a condition dangerous to health. It is necessary that the Health officer should be empowered to destroy dangerous cargo of this nature, and provision to this effect was accordingly made in the draft Bill prepared by us in 1897.

(2) In sub-clause (7) of our draft an addition was proposed to the rules framed by the Government of Bombay authorizing the removal of the sick to the sanitaria contemplated in sub-clause (4).

(3) Under the rules framed by the Bombay Government, any master, owner or ship's officer guilty of a breach of any of the rules was liable to six months' imprisonment or a fine extending to Rs. 1,000, or both. We considered this penalty to be unnecessarily rigorous, and accordingly proposed in our draft to impose only a fine which might extend to Rs. 1,000.

As the matters dealt with in the amending legislation proposed intimately concerned the mercantile interests of the ports, we requested Maritime Governments to obtain the views of the Chamber of Commerce, the Port Trusts and other Trade Associations, and to communicate them to us with any remarks they thought fit to make.

5. The Bill which is appended to this despatch was prepared after considering the replies to the reference made to the Maritime Local Governments in July 1897. A general concurrence was expressed with the views stated in our Circular, and the present Bill follows the lines of the draft which was forwarded with that Circular. The Government of Bombay expressed the opinion that special rules should be framed to deal with decked cargo generally, as well as with the cargo of undecked vessels, but we have accepted the view of the other Local Governments that it would be unnecessary and undesirable to adopt this course. The Bill provides for the disinfection of any infected cargo, and this will, we consider, be sufficient. We are also of opinion that it is not desirable to adopt the suggestion of the Government of Bengal that, even in the case of undecked native vessels, the power of destroying cargo should be exercised only by the Local Government. If such destruction is really necessary, great harm may be done by the time all the facts can be placed before the Local Government and considered by it. If, on the other hand, such matters are summarily disposed of by the Local Government, the reference to that authority is not likely to be useful. The Health officer can consider all the circumstances on the spot, and may be trusted to act with discretion.

6. Clauses have been inserted in the draft Bill authorizing the framing of rules for the medical inspection of any vessel and of the persons on board, and for the disinfection of any part of the vessel deemed to be infected. Provisions to the above effect were contained in the model A rules of 1879, but were not included in the draft clauses prepared by the Government of Bombay nor in the draft of July 1897. The present draft contains all the useful provisions of the model A rules, as well as all the additional provisions which the discussion which began in 1888 has shown to be necessary.

7. The model B rules of 1879 are now antiquated, and during the present plague epidemic they have been replaced by rules based on the Venice Sanitary Convention of 1897 and issued under the authority conferred by the Epidemic Diseases Act, 1897. It might in the future become necessary to issue quarantine rules of a similar description without bringing the Epidemic Diseases Act into force. The draft has therefore been completed by the inclusion of provisions similar to those contained in the Quarantine Act, I of 1870, which Act it is proposed to repeal by clause 3 of the Bill.

8. We propose to introduce the Bill in our Legislative Council after two months from the date of this despatch, unless we receive in the meantime intimation from your Lordship that you wish us not to do so.

A Bill to further amend the Indian Ports Act, 1889.

Whereas it is expedient to further amend the Indian Ports Act, 1889 ; it is hereby enacted as follows :— X of 1889.

Short title and commencement.

1. (*1*) This Act may be called the Indian Ports Act, 1899 ; and

(*2*) It shall come into force at once.

Amendment of section 6, Act X, 1889.

2. (*1*) For clause (*p*) of sub-section (*l*) of section 6 of the Indian Ports Act, 1889, the following shall be substituted, namely :— X of 1889.

" (*p*) for any of the following matters, that is to say,—

(*i*) for regulating the action to be taken by a master on the arrival of his vessel within signalling distance of any such port ;

(*ii*) for regulating the action to be taken by a master in any such port when—
there is a dead body on board his vessel, or
there is or has been disease or sickness on board his vessel ;

(*iii*) for the medical inspection of any vessel arriving at any such port and of the persons on board ;

(*iv*) for the disinfection in any such port of such parts of any vessel as may seem to be likely to be contaminated by any disease dangerous to life ;

(*v*) for regulating and enforcing the disinfection, or, when the vessel is undecked, the disinfection or destruction of any infected cargo on board any vessel in any such port, and the disinfection or destruction of any infected baggage, property or thing, on board any vessel in any such port, and for providing for or apportioning the cost of any such disinfection or destruction;

(*vi*) for regulating the destruction of food-stuffs which are in a condition to be dangerous to the health of the crew, passengers or others, and the action generally to be taken in respect of any vessel in any such port which, or the cargo of which, is in such a condition;

(*vii*) for the establishment and regulation of places to be used as sanitaria for the segregation of persons who are, or have recently been, suffering from any disease dangerous to life;

(*viii*) for the establishment and regulation of places for the reception of infected cargo, and for apportioning the cost of keeping and disinfecting such cargo;

(*ix*) for regulating the removal from any vessel in any such port to any place established under sub-clause (*vii*) or elsewhere of persons found on board to be suffering from diseases dangerous to life;

(*x*) for regulating the intercourse between ports where any disease dangerous to life prevails, and other ports;

(*xi*) for determining from time to time what diseases shall be deemed, for the purposes of this Act, to be dangerous to life;

(*xii*) for putting any vessel in any such port into quarantine; and

(*xiii*) for regulating the intercourse of vessels in quarantine in any such port with the shore or with other vessels."

(*2*) After clause (*q*) of the same sub-section the following shall be added, namely:—

"(*r*) generally, for any purpose subsidiary or incidental to the foregoing purposes."

(*3*) After the same sub-section the following sub-section shall be inserted, namely:—

"(*3*) If any person disobeys any rule made under clause (*p*) of sub-section (*1*), he shall be punished for every such offence with fine which may extend to one thousand rupees."

I of 1870.

Repeal of Act I, 1870.

3. The Indian Quarantine Act, 1870, is hereby repealed.

Despatch from the Right Honourable the Secretary of State for India, to His Excellency the Right Honourable the Governor-General of India in Council, dated India Office, London, 4th May 1899, No. 96, Revenue.

On receipt of the despatch of your Excellency's Government, No. 33 (Sanitary), dated 29th December 1898, relative to a Bill which it was proposed to introduce into your Legislative Council for enabling Local Governments to make rules for dealing with ships on their arrival with disease on board, I sent you the telegram,* of which a copy is given in the margin.

Indian Quarantine Bill.

* "Your Home Department letter, dated 29th December 1898, amendment sanitary clauses Indian Ports Act. Await despatch."

2. It is open to remark in the first place, that the wording of the Bill appears needlessly comprehensive, as it relates to "any disease dangerous to life." Assuming, however, that the intention was to restrict the proposed legislation to diseases of an infectious or contagious character not already endemic in India, there still appear to be serious objections to the principle of the Bill.

3. In this country, as your Excellency is aware, quarantine has been abolished, and the precautionary measures which are taken in lieu thereof are stated in the enclosed "Regulations" of the Local Government Board and note by their Medical officer.

4. At the International Sanitary Conferences which have been held from time to time, the representatives of this country have sought, not without success, to impress upon those of other nations the views of their Government as to the inutility and harmful effects of quarantine; and the Secretary of State for the Colonies has recently had occasion to represent to various Colonial Governments the necessity for their regulations being framed in strict accordance with the last Venice Convention. Moreover, your Excellency's Government, in the recent case of the "Bhundara," protested against the action of the Zanzibar authorities in prohibiting the landing of grain cargo as opposed to the Venice Convention and injurious to Indian trade.

5. India, like Great Britain, has much to gain in her external trade from the abolition by other countries of antiquated, useless, and vexatious quarantine laws against shipping, and it is desirable that India should, as this country has done, set an enlightened example by abolishing quarantine. In framing your rules, I would suggest that your Excellency should be guided by Sir Richard Thorne's memorandum of the 7th June 1893, which was drawn up for the Foreign office, and which, I understand, has been used in endeavouring to bring other countries into line with Great Britain as regards their regulations to prevent the importation of disease by sea.

6. In view of these facts, and of the general attitude of Great Britain and her dependencies in the matter, it would seem to be inexpedient that, at a time when the Indian law relating to quarantine is under revision, the provisions under which Local Governments are empowered to enforce quarantine at their ports should be re-enacted without modification.

7. I have, therefore, felt it necessary to ask your Government to reconsider that portion of the proposed measure which relates to quarantine.

8. Should any substituted Bill be submitted to me, I would request your Excellency's attention to the considerations that disinfection of cargo is contrary to the conventions, and is often, as I am advised, impracticable. And if the destruction of food-stuffs, is to be provided for, it should be clearly stated that this power is given only in the case of food-stuffs "which from decomposition or other causes are found unfit for human consumption."

Regulations as to Cholera, Yellow Fever, and Plague: Ports, dated 9th November 1896, No. 35420.

Whereas we, the Local Government Board, are empowered by section 130 of the Public Health Act, 1875, as amended by the Public Health Act, 1896, from time to time to make, alter, and revoke such regulations as to us may seem fit, with a view to the treatment of persons affected with cholera or any other epidemic, endemic, or infectious disease, and preventing the spread of cholera and such other diseases, as well on the seas, rivers, and waters of the United Kingdom, and on the high seas within three miles of the coasts thereof, as on land; and may provide for the enforcement and execution of such regulations;

And whereas by section 1 of the Public Health Act, 1896, it is enacted that regulations of the Local Government Board made in pursuance of section 130 of the Public Health Act, 1875, or in pursuance of that section, as extended to London by the Public Health (London) Act, 1891, may provide for such regulations being enforced and executed by the officers of Customs and the officers and men employed in the Coastguard as well as by other authorities and officers, and without prejudice to the generality of the powers conferred by those sections may provide for—

(*a*) the signals to be hoisted by vessels having any case of epidemic, endemic or infectious disease on board; and

(*b*) the questions to be answered by masters, pilots, and other persons on board any vessel as to cases of such disease on board during the voyage or on the arrival of the vessel; and

(*c*) the detention of vessels and of persons on board vessels; and

(*d*) the duties to be performed in cases of such disease by masters, pilots, and other persons on board vessels; Provided that the regulations shall be subject to the consent—

(*a*) so far as they apply to the officers of Customs, of the Commissioners of Her Majesty's Customs; and

(*b*) so far as they apply to officers or men employed in the Coastguard, of the Admiralty; and

(*c*) so far as they apply to signals, of the Board of Trade.

And whereas by certain orders dated respectively the 28th day of August 1890, and the 6th day of September 1892, we made regulations with a view to the treatment of persons affected with cholera, and for preventing the spread of the disease, and it is expedient that such orders should be revoked, and that regulations should be made as herein after mentioned, to which the Commissioners of Her Majesty's Customs and the Board of Trade have respectively signified their consent so far as such regulations respectively apply to the officers of Customs and to signals:

Now therefore, we, the Local Government Board, do hereby revoke the aforesaid orders, except in so far as they may apply to any proceedings now pending, and we do, by this our order, and in exercise of the powers conferred on us by the Public Health Act, 1875, the Public Health (London) Act, 1891, and the Public Health Act, 1896, and every other power enabling us in that behalf, make the following regulations, and declare that they shall be enforced and executed by the authorities and officers herein after mentioned.

Part I.

Article 1.—In this order—

The term "Ship" includes vessel or boat;

The term "Officer of Customs" includes any person acting under the authority of the Commissioners of Her Majesty's Customs;

The term "Master," used in relation to a ship, includes the officer, pilot, or other person for the time being in charge or command of the ship;

The term "Cholera" includes choleraic diarrhœa;

The term "Sanitary Authority" means every Port Sanitary Authority and every Council of a County Borough and every Urban or Rural District Council whose district includes or abuts on any part, of a customs port, which part is not within the jurisdiction of a Port Sanitary Authority;

The term "Local Authority" means any Council of a County Borough or any Urban or Rural District Council, and in the Administrative County of London any Sanitary authority as defined by the Public Health (London) Act, 1891;

The term "Medical Officer of Health" includes any duly qualified Medical Practitioner appointed or employed by a Sanitary authority to act in the execution of this order.

The term "Infected" means infected with cholera, yellow fever or plague: Provided that every ship shall be deemed infected in which there is or has been during the voyage, or during the stay of such ship in the port of departure or in a port in the course of such voyage, any case of cholera, yellow fever, or plague.

Part II.

Article 2.—(1) The officer of Customs who, on the arrival of any ship from foreign, shall visit the ship, shall ascertain, so far as possible, whether such ship is infected, and if he have any reason to suspect that the ship is infected or has come from any infected place, shall require the Master of the ship, or the Surgeon, if the ship carries a Surgeon, to give (in writing under his hand and in the form hereunto appended or in a form to the like effect) a true answer to the following question:—

Question.—Has any case or suspected case of
cholera,
yellow fever, or
plague
occurred in the ship , of which you are , during the voyage from , or during the stay of the ship in that port or in any other port in the course of the voyage?

Answer.— cases or suspected cases of
occurred on board the during the voyage from [*or* during the stay of the ship in the port of];

or

No case or suspected case of cholera, yellow fever, or plague occurred on board the during the voyage from , or during the stay of the ship in that port or in any other port in the course of the voyage.

Signed————————,

Master [*or* Surgeon] of the ————————.

(2) The officer of Customs who, on the arrival of any ship from foreign, shall visit such ship, shall, if he find, or have reason to suspect, that the ship is infected, detain such ship, and order the Master forthwith to moor or anchor the same in such position as such officer of Customs shall direct; and thereupon the Master shall forthwith moor or anchor the ship accordingly.

Article 3.—Whilst such ship shall be so detained, no person (other than an officer of Customs or a person acting in the execution of this order) shall leave the same.

Article 4.—The officer of Customs detaining any ship as aforesaid shall forthwith give notice thereof, and of the cause of such detention, to the Sanitary authority of the place where such ship is lying.

Article 5.—Such detention by the officer of Customs shall cease as soon as the ship shall have been duly visited and examined by the Medical officer of Health; or, if the ship shall, upon such examination, be found to be infected, as soon as the same shall be moored or anchored in pursuance of article 10.

Provided, that if the examination be not commenced within twelve hours after the ship shall have been moored or anchored in pursuance of sub-division 2 of article 2, the ship shall, on the expiration of the said twelve hours, be released from detention.

Part III.

Article 6.—Every Port Sanitary authority and every other sanitary authority within whose district persons are likely to be landed from ships coming foreign shall, with the approval of the Chief Officer of Customs of the port, fix some place where any ship may be moored or anchored for the purpose of article 10; and shall make provision for the reception of patients and persons suffering from cholera, yellow fever and plague, and removed under articles 13 and 14. The place to be fixed as aforesaid, where any ship may be moored or anchored for the purpose of article 10, shall be some place within the jurisdiction or district of the Sanitary authority, unless we otherwise consent; in which case the place so fixed shall, for the purposes of this order, be deemed to be within such jurisdiction or district.

Provided that, in the case of any dockyard port for which a Queen's Harbour Master has been appointed, the place where any ship shall be moored or anchored for the purpose of article 10 shall from time to time be fixed by the Port Sanitary authority with the approval of the Queen's Harbour Master, instead of with that of the Chief Officer of Customs of the port.

Provided also, that where, in pursuance of the above-cited order of the twenty-eighth day of August, one thousand eight hundred and ninety, or of any order by the said order revoked, places have been fixed for the mooring or anchoring of ships for the purposes of the regulations by this order revoked, such places shall be deemed to have been so fixed in pursuance of and for the purposes of this order.

Article 7.—The Sanitary authority, on notice being given to them by an officer of Customs, under article 4, shall forthwith cause the ship in regard to which such notice shall have been given, to be visited and examined by their Medical officer of Health for the purpose of ascertaining whether such ship is infected.

Article 8.—The Medical officer of Health, if he have reason to suspect that any ship coming or being within the jurisdiction or district of the Sanitary authority, whether examined by the officer of Customs or not, is infected, shall, or, if he have reason to suspect that the ship has come from an infected place, may, visit and examine such ship for the purpose of ascertaining whether such ship is infected; and may make the like visit and examination in the case of any ship coming or being within the jurisdiction of the Sanitary authority which has come from an infected place. The Master of any such ship shall permit the same to be so visited and examined.

The Master of any such ship shall also, on being required so to do by the Medical officer of Health, cause the ship to be brought to, and, if necessary, moored or anchored in some convenient place while the same shall be visited and examined; but due regard shall be had to the safety of the ship and to the convenience of navigation.

Article 9.—If the Medical officer of Health on making such examination as aforesaid (whether under article 7 or under article 8) shall be of opinion that the ship is infected, he shall forthwith give a certificate in duplicate in the following form, or to the like effect, and shall deliver one copy to the master, and retain the other copy or transmit it to the Sanitary authority. He shall also give to us information as to the arrival of the ship, and such other particulars as we may require.

Certificate.

————*day of*———— 189 ,

————District [*or* Town] Council.

or

————Port Sanitary Authority.

I hereby certify that I have examined the ship of , now lying in the port of *at* [*or detained*], and that I find that such ship is infected with [cholera, *or* yellow fever, *or* plague].

————————————

Medical Officer of Health [or Medical Practitioner appointed or employed by the Sanitary Authority].

Article 10.—The master of any ship so certified to be infected shall thereupon moor or anchor such ship at the place fixed for that purpose under article 6, and such ship shall remain there until the requirements of this order have been duly fulfilled.

Article 11.—No person (other than an officer of Customs or a person acting in the execution of this order) shall leave any such ship until the examination hereinafter mentioned shall have been made.

Article 12.—The Medical officer of Health shall, as soon as possible after any such ship has been certified to be infected, examine every person on board the same, and in the case of any person suffering from cholera, yellow fever or plague, or from any illness which the Medical officer suspects may prove to be cholera, yellow fever or plague, shall certify accordingly.

Article 13.—Every person certified by the Medical officer of Health to be suffering from cholera, yellow fever or plague shall be removed, if his condition admit of it, to some hospital or other suitable place appointed for that purpose by the Sanitary authority; and no person so removed shall leave such hospital or place until the Medical officer of Health shall have certified that such person is free from the said disease.

If any person so certified to be suffering from cholera, yellow fever or plague cannot be removed, the ship shall remain subject, for the purposes of this order, to the control of the Medical officer of Health; and such person shall not be removed from or leave the ship, except with the consent in writing of the Medical officer of Health.

Article 14.—Any person certified by the Medical officer of Health to be suffering from any illness which such officer suspects may prove to be cholera, yellow fever or plague, may either be detained on board the ship for any period not exceeding two days, or be taken to some hospital or other suitable place appointed for that purpose by the Sanitary authority, and detained there, for a like period, in order that it may be ascertained whether the illness is or is not cholera, yellow fever or plague.

If any such person, while so detained, shall be certified by the Medical officer of Health to be suffering from cholera, yellow fever or plague, the provisions of article 13 shall apply.

Article 15.—No person on board such a ship as is mentioned in article 12 who has not been certified as required by that article shall be permitted to land unless he satisfy the Medical officer as to his name, intended place of destination, and intended address at such place.

Such name, intended place of destination, and address shall forthwith be given by the Medical officer of Health to the clerk to the Sanitary authority, and such clerk shall thereupon transmit the same to the Local Authority of the district in which such intended place of destination is situate.

Every such person who, within forty-eight hours after landing, shall arrive at any place of destination or address other than such place or address as aforesaid, shall forthwith upon such arrival notify in writing his place of destination and address to the Medical officer of Health of the Sanitary authority, or to the Local authority, of the district in which such place is situate.

Article 16.—The Medical officer of Health shall, in the case of every ship certified to be infected, give directions, and take such steps as may appear to him to be necessary, for preventing the spread of infection, and the Master of the said ship shall forthwith carry into execution such directions as shall be so given to him.

Article 17.—In the event of any death from cholera, yellow fever or plague taking place on board such ship while detained under article 10, the Master shall, as directed by the Sanitary authority or the Medical officer of Health, either cause the dead body to be taken out to sea, and committed to the deep, properly loaded to prevent its rising, or shall deliver it into the charge of the said authority, who shall thereupon cause the same to be otherwise lawfully and properly disposed of.

Article 18.—The Master shall cause the clothing and bedding and other articles of personal use likely to retain infection which have been used by any person who may have suffered from cholera, yellow fever or plague on board such ship, or who, having left such ship, shall have suffered from cholera, yellow fever or plague during the stay of such ship in any port, to be disinfected or destroyed; and if the Master shall have neglected to do so before the ship arrives in port, he shall forthwith, upon the direction of the Sanitary authority or the Medical officer of Health, cause the same to be disinfected or destroyed, as the case may require; and if the said Master neglect to comply with such direction within a reasonable time, the Sanitary authority shall cause the same to be carried into execution.

Article 19.—The Master shall cause the ship to be disinfected, and every article therein, other than those last described, which may probably be infected, to be disinfected or destroyed, according to the directions of the Medical officer of Health.

Article 20.—Where a ship is not ascertained, or certified to be infected, but has passengers on board who are in a filthy or otherwise unwholesome condition, or has come from a place infected with cholera, yellow fever or plague, the Medical officer of Health may, if in his opinion it is desirable with a view to checking the introduction or spread of cholera, yellow fever or plague, give a certificate in duplicate in the following form, or to the like effect, and shall deliver one to the Master, and retain the other or transmit it to the Sanitary authority:—

Certificate.

____

_____ day of _____, 189 .

_____ District [*or* Town] Council.

or

_____ Port Sanitary Authority.

I hereby certify that I have examined the ship _____ from _____, now in the port of _____, and that such ship has passengers on board in a filthy or otherwise unwholesome condition [*or* has come from an infected place], and that, in my opinion, it is desirable with a view to checking the introduction or spread of Cholera, Yellow Fever, or Plague, that the persons on board such ship should not be allowed to land unless they satisfy me as to their names, places of destination, and addresses at such places.

Signed _____,

Medical Officer of Health (or Medical Practitioner appointed or employed by the Sanitary Authority).

Article 21.—When such certificate has been given, no person on board the ship shall leave or be allowed to leave the same unless he satisfy the Medical Officer of Health as to his name, intended place of destination and intended address at such place; and such name, intended place of destination, and address shall forthwith be given by the Medical Officer of Health to the Clerk to the Sanitary Authority, and such Clerk shall thereupon transmit the same to the Local Authority of the district in which such intended place of destination is situate. Every such person who, within forty-eight hours after landing, shall arrive at any place of destination or address other than such place or address as aforesaid shall, forthwith upon such arrival, notify in writing his place of destination and address to the Medical Officer of Health of the Sanitary Authority or to the Local Authority of the district in which such place is situate.

Article 22.—If the Medical Officer of Health have reason to believe that any ship coming or being within the jurisdiction of the Sanitary Authority is infected, or has come from an infected place, he may direct all bilge water and water ballast to be pumped out in some suitable place before such ship enters any dock or basin:

Provided that, in every case where there may be reasonable cause to apprehend that the ship may be endangered by the removal of the water ballast, the Medical Officer of Health may cause any tank or other receptacle containing the water ballast to be sealed, and thenceforward, so long as the ship remains within the jurisdiction of the Sanitary Authority, no person shall without the permission of the Medical Officer of Health break or remove such seal, or discharge or remove from such tank or receptacle any part of the water ballast.

On the Sanitary Authority providing a proper supply of water for drinking and cooking purposes for persons on board any such ship, the Medical Officer of Health may direct all casks or tanks on board the ship containing water for the use of such persons to be emptied and cleansed, and the Master shall cause the said direction to be carried into effect.

Article 23.—The Master of any ship, or any other person, shall answer truly all such questions put to him by and give all such information to any Officer of Customs or Medical Officer of Health as may be necessary for any purpose of this Order; and no person who is required in pursuance of this Order to give to the Medical Officer of Health or to notify to any Local Authority the name, and intended place of destination and address of such person shall knowingly give or notify a false or fictitious name, place of destination or address, or refuse to give or notify as aforesaid the true name, intended place of destination and address of such person.

Article 24.—The Sanitary Authority may appoint one or more legally qualified medical practitioners to act in the execution of this Order, either in place of or as an assistant or assistants to the Medical Officer of Health, and may pay such practitioner or practitioners reasonable remuneration for his or their services.

____

Part IV.

Article 25.—The Master of every ship infected with Cholera, Yellow Fever, or Plague shall, when within three miles of the coast of any part of England or Wales, cause to be hoisted at the masthead, or where best seen, a large flag of yellow and black, borne quarterly, and shall keep the same displayed during the whole of the time between sunrise and sunset, and no person (other than an Officer of Customs or a person acting in the execution of this Order) shall leave such ship until after such visit of the Officer of Customs as is mentioned in Article 2, or until after the visit of the Medical Officer of Health in pursuance of Article 8.

Part V.

Article 26.—Nothing in this Order shall render liable to detention, disinfection, or destruction any article forming part of any mail (other than a parcel mail) conveyed under the authority of the Postmaster-General, or of the postal administration of any Foreign Government, or shall prejudicially affect the delivery in due course of any such mail (other than a parcel mail) to the Post Office in accordance with the provisions of the Post Office Acts.

Given under the Seal of Office of the Local Government Board, this Ninth day of November, in the year one thousand eight hundred and ninety-six.

HENRY CHAPLIN,
President.

L.S.

Hugh Owen,
Secretary.

Notice.—The Public Health Act, 1896, provides by sub-section (3) of section I that if any person wilfully neglects or refuses to obey or carry out, or obstructs the execution of, any regulation made under section one hundred and thirty of the Public Health Act, 1875, or in pursuance of that section as extended to London by the Public Health (London) Act, 1891, and as amended by the Public Health Act, 1896, he shall be liable to a penalty not exceeding one hundred pounds, and in the case of a continuing offence to a further penalty not exceeding fifty pounds for every day during which the offence continues.

Disease Prevention in England.

In answer to the request of the Foreign Office to be supplied with a memorandum "setting forth the general nature of the standing precautionary measures adopted in the United Kingdom to prevent the introduction of contagious or infectious diseases," I would observe that the details embodied in the following statement relate only to that portion of the United Kingdom, namely, England and Wales, over which the Local Government Board have jurisdiction. The practice of Scotland and Ireland does not, however, differ from that followed in England.

The diseases which are in question may conveniently be divided into two principal groups:—First, those which year by year maintain themselves, in greater or less amount, in this country, as for instance, small-pox, scarlet fever, diphtheria, typhoid fever, &c., and which, therefore, have been termed *endemic;* and second, those which appear in our midst only as the result of importation from abroad, such as cholera, yellow fever, &c., and which may be designated as *exotic.*

I. With regard to the *Endemic group*, English sanitary law and practice have as their basis the principle that for preventing the introduction of these diseases from abroad, no other measures are necessary than those adopted within this country for preventing extension of disease of this class from house to house, and from district to district. These measures consist, in the main, of:—prompt notification of the existence of the disease to the sanitary authority concerned, isolation of the infectious sick in hospital or otherwise, disinfection of infected articles, and prohibition as to the exposure of infected persons or infected things.

Where small-pox is in question, vaccination and re-vaccination are also resorted to. No detention of persons, other than those who are actually suffering from infectious disease, is contemplated, or, indeed, can be enforced; and, apart from occasional control of children in the matter of school attendance, no hindrance can be placed on the movements of persons not themselves the subjects of infectious illness.

The existence of infectious disease on any given premises, and similarly on board any ship, is commonly utilized by the sanitary officials for the abatement or removal of any local condition which are deemed to be injurious to health.

II. The *Exotic group* needs division into two sub-groups; the first consisting of cholera, the second containing yellow fever and plague.

1*st. Cholera.*—As in the case of the endemic diseases, so also in the case of cholera, the Public Health Department of the State recognizes no system of quarantine, whether it be the "quarantine de rigueur" or the "quarantine d'observation." For nearly fifty years past it has been held that reliance on a quarantine system would be to a large extent impracticable, and that any attempt to carry it out would be injurious, both by reason of engendering a false sense of security, and by affording a pretext to sanitary authorities for avoiding expenditure of those local funds on which, in this country, we depend alike for effecting large schemes of sanitary improvement, and for carrying out our current sanitary administration. Hence, our principal trust has been in securing amendment in every way in the sanitary circumstances under which the population are living; and defence against cholera in this sense has been supplemented by the adoption of a series of Cholera Regulations, which apply to our ports and coastline, and which are aimed at preventing the introduction of cholera by means of shipping.

Every ship arriving from abroad has to be visited by a Customs Officer, who is required, under the Cholera Regulations, to detain any ship which he has reason to suspect is infected with cholera, and forthwith to give notice of the detention to the sanitary authority, so that the ship may, without delay, be examined by the local Medical Officer of Health. The Medical Officer of Health has also the power of initiating such examination of any ship if he has reason to believe either that such ship is infected with cholera or has come from an infected port.

If, as the result of such examination, the Medical Officer of Health certifies a ship to be infected with cholera, the ship must be moored at a specified place, and every person on board is required to submit to examination. Every person who, as the result of that examination, is not certified to be suffering either from cholera or from any illness which the Medical Officer of Health suspects may prove to be cholera, is permitted to land immediately, on satisfying the Medical Officer of Health as to his name, place of destination, and address at such place. This information is communicated to the sanitary authority at the place of each such person's intended arrival, and it is for that other authority to take measures (which commonly include a visit, for some five consecutive days, on the newly-arrived person) such as may be expected to prevent extension of cholera, should that disease appear in any one after arrival in their district.

Any person on the ship who is certified to be infected with cholera is required to be removed to a hospital provided by the sanitary authority. Should the condition of the patient not permit of this, the ship is detained under the control of the Medical Officer of Health. And any other person certified to be suffering from an illness, which it is suspected may prove to be cholera, can similarly be detained for the purposes of diagnosis, for a period not exceeding two days.

The ship is required to be disinfected, and other precautionary measures have to be adopted as regards drinking-water, bilge-water, infected articles, dead bodies, &c., after which she is at once released.

The only instance in which any further measure of restriction can be applied is as to persons on board a ship which, though not infected with cholera, either carries passengers who are in a filthy or otherwise unwholesome condition, or has come from a place infected with cholera. If in any such case the Medical Officer of Health deems it necessary to intervene, with a view to checking the introduction or spread of cholera, he is required to give a certificate to that effect. When such certificate has been given no person is allowed to leave the ship unless he satisfy the Medical Officer of Health as to his name, place of destination, and address at such place, such information to be utilized in the same way as in the case of a ship certified to be infected with cholera. But beyond this, there is no right of interference either with the vessel or with those on board.

The English Cholera Regulations do not profess to be so framed as to prevent all chance of the importation of cholera into the country. They aim at detection and arrest of all actual or suspected cholera at our ports, and at giving the earliest possible warning to inland authorities as regards particular persons about to arrive in their respective districts. If, in spite of these measures, the disease should be imported, every sanitary authority has the responsibility for the maintenance of conditions which should enable them to deal with imported cholera in such a way as to prevent its extension.

2*nd. Yellow Fever and Plague.*—These two diseases still remain subject to "The Quarantine Act, 1825," and to Orders in Council made subject to that Act; that is to say, to legislation of an earlier period than that which regulates our action with regard to infectious diseases current in the country. Cases of yellow fever rarely reach our shores. The only occasion on which, during the past generation, the disease gained any footing in this country, was in 1865, when the cases were dealt with by the local sanitary authorities on the same principles which commonly govern their action in dealing with the fevers which are endemic with us.

Plague is not known to have been a cause of disease or death in England for some 200 years.

Local Government Board,
June 7, 1893.

R. THORNE THORNE.

A Bill further to amend the Indian Ports Act, 1889.

Whereas it is expedient further to amend the Indian Ports Act, 1889; It is hereby enacted as follows:— X of 1889.

Short title and commencement.

1. (*1*) This Act may be called the Indian Ports Act, 1899; and

(*2*) It shall come into force at once.

Amendment of section 6, Act X, 1889.

2. (*1*) For clause (*p*) of sub-section (*1*) of section 6 of the Indian Ports Act, 1889, the following shall be substituted, namely:— X of 1889.

"(*p*) for determining what are, for the purposes of this Act, to be deemed to be dangerous, infectious diseases, and whether such diseases are to be deemed to be common or uncommon in India, and for regulating the action to be taken—

take out and address as clause at the end—

(*i*) where a vessel on which there is or has been any case of dangerous, infectious disease common in India, enters or is in any such port;

(*ii*) where a vessel on which there is or has been any case of dangerous, infectious disease uncommon in India, enters or is in any such port;

(*iii*) where a vessel enters any such port from a port in which, or in the neighbourhood of which there is believed to be, or to have been at the time when the vessel left such port, any dangerous, infectious disease uncommon in India;

(*iv*) where a vessel leaves any such port while there is in the port or in its neighbourhood any dangerous, infectious disease uncommon in India;

(*v*) where there is a dead body on board a vessel in any such port; or

(*vi*) where there are on board a vessel in any such port food-stuffs which, owing to decomposition or for any other reason, are, in the opinion of the health officer, unfit for human consumption."

(2) After the same sub-section the following sub-section shall be inserted, namely:—

"(3) If any person disobeys any rule made under clause (*p*) of sub-section (1), he shall be punished for every such offence with fine which may extend to one thousand rupees."

I of 1870. Repeal of Act I, 1870.

3. The Indian Quarantine Act, 1870, is hereby repealed.

Order—No. 737, Marine, dated 5th August 1899.

The correspondence read above will be communicated to the Sanitary Commissioner, who will be requested in the Local and Municipal Department to draw up a set of rules for preventing the spread of diseases common in India; the rules to be based on the lines of Part I of Sir Richard Thorne's memorandum, and to provide for the requirements specified in paragraph 6 of the letter from the Government of India. The rules should be submitted to Government through the Collector of Madras and the Surgeon-General who will record their opinions.

2. The Sanitary Commissioner and the Port Health Officer, Madras, will also be requested to consider the draft Bill for the amendment of the Indian Ports Act, and to submit such remarks thereon as they may have to offer.

(True Extract.)

(Signed) W. B. deWINTON,
Secretary to Government.

To the Presidency Port Officer.
" Port Health Officer, Madras.
" Local and Municipal Department.
" Public Department.
" Revenue Department.

Exd. A. Rangasawmy Aiyangar.

Marine DEPARTMENT

Read the following:—

Letter from the Government of India, Home Department, No. 2184 Sanitary, dated 10th July 1899.

Pub no No. 2784-8-99 Epidemic diseases

~~Circulated to~~

The Public Dept
Revenue Dept
&c &c.

ORDER. No. 737 Mar dt 5-8-99

The correspondence read above will be communicated to the Sanitary Commissioner, who will be requested in the Local and Municipal Department to draw up a set of rules for preventing the spread of diseases common in India; the rules to be based on the lines of Part I of Sir Richard Thorne's memorandum and to provide for the requirements specified in paragraph 6 of the letter from the Government of India. The rules should be submitted through the Collector of Madras and the Surgeon-General who will record their opinions.

2. The Sanitary Commissioner and the Port Health Officer, &c

1st Reminder issued 21-9-99.

Public proc 4/8 R 5/8.

Revenue proc 5/8 R 5/8.

[P. W. 42-A. 1,000—2-8-99.]

will also be requested to consider the draft Bill for the amendment of the Indian Ports Act, and to submit such remarks thereon as they may have to offer.

4.8.99

4187S. 1/5 1899

2/5/99

To
The Presidency Port Officer
" Port Health Officer, Bombay.
" Local & Municipal Deptt.
" Public Department.
" Revenue — Do —

Marine DEPARTMENT.

READ the following :—

Letter from the Government of India, Home Department, No. 2184 Sanitary, dated 10th July 1899.

Through the L the Dept.

Amendment of the Sanitary clauses of the Indian Ports Act.

Circulated to

H.E. the Governor
The Honble A.J. Crawford Esq
Honble H.W. Wintebotham

FOR ORDERS

1st Flag T

In 1872, the Government of India sanctioned a set of rules under Quarantine Act, I of 1870, for enforcing quarantine against vessels with the following diseases on board:—

Cholera
Yellow fever
Asiatic plague
Small pox
Other disease dangerous to health.

2. But in 1878, as the result of a long correspondence with the Secretary of State, it was decided by the Government of India that no adequate advantage could be obtained for Indian trade by the imposition of quarantine restrictions on vessels arriving from sea at ports in respect of such diseases as are endemic in India, e.g.,

Small pox,
Cholera.

× Flag S

As regards these diseases, a System of medical inspection was therefore proposed to be adopted for all vessels arriving at a port. But in respect to

Plague and
Yellow fever,

it was thought that it might possibly be necessary to establish quarantine restrictions. This was in accordance with the practice then in force in England. Accordingly, in 1879, a revised set of Rules was issued* by the Government of India, giving effect to the above proposals. These rules were issued in two parts, for

I. Medical Inspection of vessels with Epidemics common in India,

II. Quarantine (to be brought into force if necessary with the previous sanction of the Government of India) for vessels with plague, yellow fever or fatal epidemics not ordinarily prevalent among Indian populations.

These rules were approved by the Secretary of State

3. The Rules regarding Medical Inspection could not, the Government of Bombay thought, be legally enforced, as they were not based on any enactment. To get over this difficulty, the Government of India suggested that they should be issued under Section 6. (p) of the Indian Ports Act. Extracts from these rules were accordingly adopted and issued by the Madras Government under this Section of the Act.

4. The Similar Rules issued by the Government of Bombay under the same section of the Act contained provisions for precautions when death or disease had occurred on a vessel before its arrival in port, and for disinfection and destruction of infected bedding, clothes or cargo. These provisions, the Government of Bombay thought, could not be legally made under section 6 (p), and as these provisions were necessary, it recommended that steps should be taken to amend the law so as to provide for them. It also proposed that this opportunity should be taken to empower Health Officers to deal with vessels in an insanitary condition, and to establish Sanitaria for the segregation of persons suffering from infectious diseases dangerous to life.

5

* Note - These rules were issued under Executive orders of Government, not being based on any law.

Hag L.

Under act I of 1870.

Hag R.

I above

The Government of India accordingly submitted to the Secretary of State draft Bill giving effect to these recommendations. This Bill provided, among other things, for

(1) the disinfection of cargo, and

(2) the imposition of quarantine restrictions against vessels.

5. The Secretary of State has, in the despatch now forwarded by the Government of India, taken objection to both these provisions; quarantine having, he states, been abolished in Great Britain, and the disinfection of cargo being contrary to the provisions of the Sanitary Conventions. He therefore recommends that the system now obtaining in England should be adopted in India.

6. The Government of India has accordingly, in the draft Act now sent for remarks, expunged the clauses relating to quarantine and disinfection of cargo. The Bill divides dangerous infectious diseases into the following classes:—

(1) Common in India, and

(2) Uncommon in India.

For the Second class, the Government of India would adopt, as a standard, the rules now in force against plague under the Epidemic Diseases Act, and as regards class (1) it invites proposals for a set of rules on the lines of Sir Richard Thorne's memorandum, Part I.

8. As regards the Bill itself, all the provisions seem necessary. Rules for the destruction of foodstuffs referred to in para 5 of India's letter, can be made under sub-clause (vi) of the present Bill.

9. The Sanitary Commissioner may, it is submitted, be asked to draft the requisite rules for preventing the spread of diseases common in India, taking for his guidance Sir Richard Thorne's memorandum and the heads specified by the Government of India in para 6 of its letter.

10. The draft Bill might be referred for the remarks of the Sanitary Commissioner and of the Port Health Officer, Madras.

K.S.

6 & W
28-7-99

27.7.99
M.

This may be done. But, the Sanitary Commissioner's proposals should be submitted & ford. through the Surgeon-General.

A.H.H.
2.8.99

I would add "and through the Collr. of Madras." The criticism of the practical non-medical officer is desirable.

M
3.8.99.

H.W.
3-8-99.

Marine (1897) Department.

CURRENT No. 999

Order

From The Govt of India

No. 2184

Dated 18th July 1899

Received 21st July 99

Replied 22 July 99

Enclosures Copy & Spare copies
other papers Encl. 2 & 3 4 to 6 Copy

~~*Spare copies*~~

SUBJECT

Indian Ports Act 1889

Forwarding a copy of Despatches to & from the Secretary of State on the Subject of the Bill to Amend the Sanitary Clause of Sec: 6 of the —

BACK PAPERS.

No.	Date.
745-6 Mar	23.8.97
962 Mar	25.11.97
939 Mar	17.11.97
	Papers
Act 1 of 1870	
Act 4 of 1887	

FURTHER PAPERS.

No.	Date.

the case of undecked native vessels, the power of destroying cargo should be exercised only by the Local Government. If such destruction is really necessary, great harm may be done by the time all the facts can be placed before the Local Government and considered by it. If, on the other hand, such matters are summarily disposed of by the Local Government, the reference to that authority is not likely to be useful. The Health Officer can consider all the circumstances on the spot, and may be trusted to act with discretion.

6. Clauses have been inserted in the draft Bill authorizing the framing of rules for the medical inspection of any vessel and of the persons on board, and for the disinfection of any part of the vessel deemed to be infected. Provisions to the above effect were contained in the model A rules of 1879, but were not included in the draft clauses prepared by the Government of Bombay nor in the draft of July 1897. The present draft contains all the useful provisions of the model A rules, as well as all the additional provisions which the discussion which began in 1888 has shown to be necessary.

7. The model B rules of 1879 are now antiquated, and during the present plague epidemic they have been replaced by rules based on the Venice Sanitary Convention of 1897 and issued under the authority conferred by the Epidemic Diseases Act, 1897. It might in the future become necessary to issue quarantine rules of a similar description without bringing the Epidemic Diseases Act into force. The draft has therefore been completed by the inclusion of provisions similar to those contained in the Quarantine Act, I of 1870, which Act it is proposed to repeal by clause 3 of the Bill.

8. We propose to introduce the Bill in our Legislative Council after two months from the date of this Despatch, unless we receive in the meantime intimation from Your Lordship that you wish us not to do so.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

ELGIN.

W. S. A. LOCKHART.

J. WESTLAND.

M. D. CHALMERS.

E. H. H. COLLEN.

A. C. TREVOR.

C. M. RIVAZ.

the terms of the Indian Quarantine Act, I of 1870, suggested that they should issue under the authority conferred by sub-section (*1*) of section 6, clause (*p*), of the Indian Ports Act. The Government of Bombay accordingly issued the rules under the Ports Act, but subsequently represented that this course did not altogether overcome the legal difficulty. Accordingly, in August 1894, the Government of Bombay were directed to submit a draft of clauses amending clause (*p*) of sub-section (*1*) of section 6 of the Indian Ports Act so as to cover completely all matters dealt with, or which it was desirable to deal with, in local or general rules for the medical inspection of vessels.

With their letter No. 446, dated the 5th February 1895, the Government of Bombay forwarded a draft Bill having for its object the amplification of section 6 of the Indian Ports Act, 1889, in order to give legal validity to those sections of the Medical Inspection Rules, already acted on in that Presidency, which purport to deal with the enforcement of precautions when death or disease has occurred on a vessel before its arrival in port, and also to regulate and enforce the disinfection and, where necessary, the destruction of infected bedding, clothes and cargo. At the same time the Government of Bombay suggested that legal steps might be taken to provide, in the Medical Inspection Rules, clauses to the following effect:—

(*i*) that the Health Officer should be empowered to deal with vessels and cargo which, although free from certain infectious diseases, may be in such an insanitary condition on arrival, or may become so while in port, as to be a danger to the health of the crew, passengers or others;

(*ii*) that places should be established and regulated to be used as sanitaria for the segregation of persons among whom any infectious disease dangerous to life exists or has existed on boardship.

Before deciding whether it was necessary to undertake legislation, we referred the question in May 1895 to other Maritime Local Governments, and asked for a report on the working of the rules in force in the ports situated in those Provinces, and generally for any suggestions regarding the scope and extent of the rules. Opinion was specially invited on the question whether it is necessary or not that the authorities should have power to order the destruction of cargo. The Government of Bombay were at the same time asked for their matured opinion on the suggestions contained in their letter of the 5th February 1895.

4. The replies of the Local Governments showed a general consensus of opinion that it was desirable to legislate on the lines indicated by the Government of Bombay. That Government, with their letter No. 1299, dated the 18th March 1896, forwarded a draft Bill to amend clause (*p*) of sub-section (*1*) of section 6 of the Indian Ports Act, 1889, which embodied their matured opinion on the points referred to them. After carefully considering this draft and the opinions of the other Maritime Governments, we prepared and circulated, in July 1897, a draft of an amended clause based on that framed by the Bombay Government. The main points on which this draft differed from that prepared by the Government of Bombay were:—

(1) The provision contained in the draft submitted by the Government of Bombay for the destruction of infected cargo was omitted for the following reasons. We feared that it might be regarded as a serious and unnecessary interference with trade to authorize the destruction of the cargo of infected vessels. No similar provision was contained in the model A rules of 1879; and, although such a provision was incorporated in the rules prepared by the Bombay Government which were approved in August 1889 by the Government of Lord Lansdowne, this departure from the model rules of 1879 was probably overlooked at the time. We considered that the fact that no complaint had been made of the rule in Bombay was probably due to the circumstance that it had rarely, if ever, been acted upon, and that this was a stronger argument for omitting it as unnecessary than for retaining it. The English law does not empower the Board of Trade to deal with infected or suspected cargo, and the Medical Inspection Rules in force in parts of India other than Bombay do not authorize the destruction of cargo. Although we were of opinion that it was not necessary or desirable to authorize a general rule for the destruction of cargo that might be infected, we were nevertheless inclined to think that it might be necessary to frame special rules for dealing with the cargo of undecked native coasting vessels, which is peculiarly liable to contamination from the crew and to be fouled by choleraic excreta. We also considered it necessary to distinguish the case of cargo, such as food-stuffs, which owing to fermentation or decomposition is in a condition dangerous to health. It is necessary that the Health Officer should be empowered to destroy dangerous cargo of this nature, and provision to this effect was accordingly made in the draft Bill prepared by us in 1897.

(2) In sub-clause (*7*) of our draft an addition was proposed to the rules framed by the Government of Bombay authorizing the removal of the sick to the sanitaria contemplated in sub-clause (*4*).

(3) Under the rules framed by the Bombay Government any master, owner or ship's officer guilty of a breach of any of the rules was liable to six months' imprisonment or a fine extending to ₹1,000, or both. We considered this penalty to be unnecessarily rigorous, and accordingly proposed in our draft to impose only a fine which might extend to ₹1,000.

As the matters dealt with in the amending legislation proposed intimately concerned the mercantile interests of the ports, we requested Maritime Governments to obtain the views of the Chamber of Commerce, the Port Trusts and other Trade Associations, and to communicate them to us with any remarks they thought fit to make.

5. The Bill which is appended to this Despatch was prepared after considering the replies to the reference made to the Martime Local Governments in July 1897. A general concurrence was expressed with the views stated in our Circular, and the present Bill follows the lines of the draft which was forwarded with that Circular. The Government of Bombay expressed the opinion that special rules should be framed to deal with decked cargo generally, as well as with the cargo of undecked vessels, but we have accepted the view of the other Local Governments that it would be unnecessary and undesirable to adopt this course. The Bill provides for the disinfection of any infected cargo, and this will, we consider, be sufficient. We are also of opinion that it is not desirable to adopt the suggestion of the Government of Bengal that, even in

No. 33 OF 1898.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

SANITARY.

TO THE RIGHT HONOURABLE LORD GEORGE FRANCIS HAMILTON,
Her Majesty's Secretary of State for India.

Calcutta, the 29th December 1898.

MY LORD,

WE have the honour to forward, for Your Lordship's approval, a copy of a draft Bill which we propose to introduce into our Legislative Council to amend clause (*p*) of sub-section (*1*) of section 6 of the Indian Ports Act, 1889, and to repeal the Indian Quarantine Act, 1870.

2. The draft Bill empowers Local Governments to make rules for protection against the spread of any disease dangerous to life from vessels entering a port, for dealing with vessels which enter a port in a condition dangerous to health, or carrying cargo or food-stuffs which are in such a condition, and for imposing quarantine. It is the outcome of a protracted discussion, the course of which must be briefly narrated.

3. On the 9th May 1879 Lord Lytton's Government issued a general Resolution explaining the principles which should govern the imposition of quarantine. It was stated in this Resolution that a system of medical inspection was sufficient to meet the case of all vessels arriving with persons suffering from any disease which is endemic in India, and that quarantine should be reserved for occasions when there is danger of diseases being imported which are either unknown or not commonly rife in India. Appended to the Resolution were two sets of model rules, one set [the A rules] for medical inspection, which might remain continuously in force, and the other set [the B rules] for quarantine, which might only be issued as a temporary measure when the occasion should arise.

In July 1888 the Government of Madras made certain proposals for the amendment of the model A rules, which were circulated for the opinion of other Maritime Local Governments. In their reply the Government of Bombay stated that they had already prepared draft rules which embodied, with certain alterations, the Madras suggestions. At the same time the Government of Bombay expressed the opinion that the rules had not the force of law, and requested that legislation might be undertaken to remedy this defect. In August 1889 the Government of Lord Lansdowne approved of the rules proposed by the Government of Bombay, and, recognizing that neither the model A rules nor the rules proposed by the Government of Bombay could be enforced under

LIST OF ENCLOSURES.

1. Letter from the Government of Bombay, No. 446, dated the 5th February 1895, and enclosures.
2. Letter to the Governments of Madras, Bengal and Burma, Nos. 135—137, dated the 21st May 1895.
3. Letter to the Government of Bombay, No. 138, dated the 21st May 1895.
4. Letter from the Government of Madras, No. 235 (Marine), dated the 3rd August 1895.
5. Letter from the Government of Bombay, No. 1299, dated the 18th March 1896, and enclosures.
6. Letter from the Government of Bengal, No. 148-T. (Marine), dated the 28th August 1895.
7. Letter from the Chief Commissioner of Burma, No. 193—3-Z.—3, dated the 11th February 1896.
8. Letter to the Governments of Madras, Bombay, Bengal and Burma, Nos. 1856—1859, dated the 21st July 1897, and enclosure.
9. Letter from the Government of Burma, No. 618—3-Z.—24, dated the 24th September 1897, and enclosures.
10. Letter from the Government of Bengal, No. 212-T. (Marine), dated the 13th October 1897, and enclosures.
11. Letter from the Government of Madras, No. 940 (Marine), dated the 17th November 1897.
12. Letter from the Government of Bombay, No. 944, dated the 15th February 1898, and enclosures.
13. Bill to further amend the Indian Ports Act, 1889.

No.

1898.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

SANITARY.

No. 33, dated Calcutta, the 29th December 1898.

[Copy.]

Letter to Her Majesty's Secretary of State for India.

Subject.

Forwards with remarks a Bill to amend the Indian Ports Act, X of 1889.

G. I. C. P. O.—No. 709 H. D.—24-12-98.—119.—P. K. B.

(3)

A

BILL

TO

Further amend the Indian Ports Act, 1889.

Whereas it is expedient to further amend the Indian Ports Act, 1889; it is hereby enacted as follows:— X of 1889.

Short title and commencement.

1. (*1*) This Act may be called the Indian Ports Act, 1899; and

(*2*) It shall come into force at once.

Amendment of section 6, Act X, 1889.

2. (*1*) For clause (*p*) of sub-section (*1*) of section 6 of the Indian Ports Act, 1889, the following shall be substituted, namely:— X of 1889.

"(*p*) for any of the following matters, that is to say,—

(*i*) for regulating the action to be taken by a master on the arrival of his vessel within signalling distance of any such port;

(*ii*) for regulating the action to be taken by a master in any such port when—

there is a dead body on board his vessel, or

there is or has been disease or sickness on board his vessel;

(*iii*) for the medical inspection of any vessel arriving at any such port and of the persons on board;

(*iv*) for the disinfection in any such port of such parts of any vessel as may seem to be likely to be contaminated by any disease dangerous to life;

(*v*) for regulating and enforcing the disinfection, or, when the vessel is undecked, the disinfection or destruction of any infected cargo on board any vessel in any such port, and the disinfection or destruction of any infected baggage, property or thing, on board any vessel in any such port, and for providing for or apportioning the cost of any such disinfection or destruction;

(*vi*) for regulating the destruction of food-stuffs which are in a condition to be dangerous to the

health of the crew, passengers or others, and the action generally to be taken in respect of any vessel in any such port which, or the cargo of which, is in such a condition;

(*vii*) for the establishment and regulation of places to be used as sanitaria for the segregation of persons who are or have recently been suffering from any disease dangerous to life;

(*viii*) for the establishment and regulation of places for the reception of infected cargo, and for apportioning the cost of keeping and disinfecting such cargo;

(*ix*) for regulating the removal from any vessel in any such port to any place established under sub-clause (*vii*) or elsewhere of persons found on board to be suffering from diseases dangerous to life;

(*x*) for regulating the intercourse between ports where any disease dangerous to life prevails, and other ports;

(*xi*) for determining from time to time what diseases shall be deemed, for the purposes of this Act, to be dangerous to life;

(*xii*) for putting any vessel in any such port into quarantine; and

(*xiii*) for regulating the intercourse of vessels in quarantine in any such port with the shore or with other vessels."

(*2*) After clause (*q*) of the same sub-section the following shall be added, namely:—

"(*r*) generally, for any purpose subsidiary or incidental to the foregoing purposes."

(*3*) After the same sub-section the following sub-section shall be inserted, namely:—

"(*3*) If any person disobeys any rule made under clause (*p*) of sub-section (*1*), he shall be punished for every such offence with fine which may extend to one thousand rupees."

I of 1870. Repeal of Act I, 1870.

3. The Indian Quarantine Act, 1870, is hereby repealed.

G. I. C. P. O.—No. 827 H. D.—28-12-98.—50.—P. K. B.

(4)

India Office,

London, 4th May 1899.

Revenue,

No. 96.

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

MY LORD,

Indian Quarantine Bill.

On receipt of the Despatch of your Excellency's Government, No. 33 (Sanitary), dated 29th December 1898, relative to a Bill which it was proposed to introduce into your Legislative Council for enabling Local Governments to make rules for dealing with ships on their arrival with disease on board, I sent you the telegram* of which a copy is given in the margin.

* "Your Home Department letter dated 29th December 1898, amendment sanitary clauses Indian Ports Act. Await Despatch."

2. It is open to remark in the first place, that the wording of the Bill appears needlessly comprehensive, as it relates to "any disease dangerous to life." Assuming, however, that the intention was to restrict the proposed legislation to diseases of an infectious or contagious character not already endemic in India, there still appear to be serious objections to the principle of the Bill.

3. In this country, as your Excellency is aware, quarantine has been abolished, and the precautionary measures which are taken in lieu thereof are stated in the enclosed "Regulations" of the Local Government Board and note by their Medical Officer.

4. At the International Sanitary Conferences which have been held from time to time, the representatives of this country have sought, not without success, to impress upon those of other nations the views of their Government as to the inutility and harmful effects of quarantine; and the Secretary of State for the Colonies has recently had occasion to represent to various Colonial Governments the necessity for their regulations being framed in strict accordance with the last Venice Convention. Moreover, your Excellency's Government, in the recent case of the "Bhundara," protested against the action of the Zanzibar authorities in prohibiting the landing of grain cargo as opposed to the Venice Convention and injurious to Indian trade.

5. India, like Great Britain, has much to gain in her external trade from the abolition by other countries of antiquated, useless, and vexatious quarantine laws against shipping, and it is desirable that India should, as this country has done, set an enlightened example by abolishing quarantine. In framing your rules, I would suggest that your Excellency should be guided by Sir Richard Thorne's memorandum of the 7th June 1893, which was drawn up for the Foreign Office, and which, I understand, has been used in endeavouring to bring other countries into line with Great Britain as regards their regulations to prevent the importation of disease by sea.

6. In view of these facts, and of the general attitude of Great Britain and her dependencies in the matter, it would seem to be inexpedient that, at a time when the Indian law relating to quarantine is under revision, the provisions under which Local Governments are empowered to enforce quarantine at their ports should be re-enacted without modification.

7. I have, therefore, felt it necessary to ask your Government to reconsider that portion of the proposed measure which relates to quarantine.

8. Should any substituted Bill be submitted to me, I would request your Excellency's attention to the considerations that disinfection of cargo is contrary to the Conventions, and is often, as I am advised, impracticable. And if the destruction of food stuffs is to be provided for, it should be clearly stated that this power is given only in the case of food stuffs "which from decomposition or other causes are found unfit for human consumption."

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble Servant,

GEORGE HAMILTON.

Enclosure 6

35,420 (*9th November, 1896.*)

Regulations as to Cholera, Yellow Fever, and Plague: Ports.

(GENERAL.)

65

To all Port Sanitary Authorities:—

To all other Sanitary Authorities as herein defined;—

To the Queen's Harbour Masters of Dockyard Ports;—

To all Officers of Customs;—

To all Medical Officers of Health of the Sanitary Authorities aforesaid;—

To all Masters of Ships;—

To all Pilots;—

And to all others whom it may concern.

WHEREAS We, the Local Government Board are empowered by Section 130 of the Public Health Act, 1875, as amended by the Public Health Act, 1896, from time to time to make, alter, and revoke such Regulations as to Us may seem fit, with a view to the treatment of persons affected with Cholera or any other epidemic, endemic, or infectious disease, and preventing the spread of Cholera and such other diseases, as well on the seas, rivers, and waters of the United Kingdom, and on the high seas within three miles of the coasts thereof, as on land; and may provide for the enforcement and execution of such Regulations;

And whereas by Section 1 of the Public Health Act, 1896, it is enacted that Regulations of the Local Government Board made in pursuance of Section 130 of the Public Health Act, 1875, or in pursuance of that Section, as extended to London by the Public Health (London) Act, 1891, may provide for such Regulations being enforced and executed by the Officers of Customs and the officers and men employed in the Coastguard as well as by other authorities and officers, and without prejudice to the generality of the powers conferred by those Sections may provide for—

(*a*) the signals to be hoisted by vessels having any case of epidemic, endemic, or infectious disease on board; and

(*b*) the questions to be answered by masters, pilots, and other persons on board any vessel as to cases of such disease on board during the voyage or on the arrival of the vessel; and

(*c*) the detention of vessels and of persons on board vessels; and

(*d*) the duties to be performed in cases of such disease by masters, pilots, and other persons on board vessels: Provided that the regulations shall be subject to the consent—

(*a*) so far as they apply to the Officers of Customs, of the Commissioners of Her Majesty's Customs; and

(*b*) so far as they apply to officers or men employed in the Coast-guard, of the Admiralty; and

(*c*) so far as they apply to signals, of the Board of Trade.

And whereas by certain Orders dated respectively the 28th day of August, 1890, and the 6th day of September, 1892, We made Regulations with a view to the treatment of persons affected with Cholera, and for preventing the spread of the disease, and it is expedient that such Orders should be revoked, and that Regulations should be made as herein-after mentioned, to which the Commissioners of Her Majesty's Customs and the Board of Trade have respectively signified their consent so far as such Regulations respectively apply to the Officers of Customs and to signals:

NOW THEREFORE, We, the Local Government Board, do hereby revoke the aforesaid Orders, except in so far as they may apply to any proceedings now pending, and We do, by this Our Order, and in exercise of the powers conferred on Us by the Public Health Act, 1875, the Public Health (London) Act, 1891, and the Public Health Act, 1896, and every other power enabling Us in that behalf, make the following Regulations, and Declare that they shall be enforced and executed by the Authorities and Officers herein-after mentioned:—

PART I.

Art. 1.—In this Order—

The term "Ship" includes vessel or boat;

The term "Officer of Customs" includes any person acting under the authority of the Commissioners of Her Majesty's Customs;

The term "Master," used in relation to a ship, includes the officer, pilot, or other person for the time being in charge or command of the ship;

The term "Cholera" includes Choleraic Diarrhœa;

The term "Sanitary Authority" means every Port Sanitary Authority and every Council of a County Borough and every Urban or Rural District Council whose district includes or abuts on any part, of a customs port, which part is not within the jurisdiction of a Port Sanitary Authority;

The term "Local Authority" means any Council of a County Borough or any Urban or Rural District Council, and in the Administrative County of London any Sanitary Authority as defined by the Public Health (London) Act, 1891;

The term "Medical Officer of Health" includes any duly qualified Medical Practitioner appointed or employed by a Sanitary Authority to act in the execution of this Order.

The term "Infected" means infected with Cholera, Yellow Fever, or Plague: Provided that every ship shall be deemed infected in which there is or has been during the voyage, or during the stay of such ship in the port of departure or in a port in the course of such voyage, any case of Cholera, Yellow Fever, or Plague.

PART II.

Art. 2.—(1.) The Officer of Customs who, on the arrival of any ship from foreign, shall visit the ship shall ascertain, so far as possible, whether such ship is infected, and if he have any reason to suspect that the ship is infected or has come from any infected place shall require the Master of the Ship, or the Surgeon, if the ship carries a Surgeon, to give (in writing under his hand and in the form hereunto appended or in a form to the like effect) a true answer to the following question:—

Question.—Has any case or suspected case of

Cholera,

Yellow Fever, or

Plague

occurred in the ship , of which you are , during the voyage from , or during the stay of the ship in that port or in any other port in the course of the voyage?

Answer.— cases or suspected cases of occurred on board the during the voyage from [*or* during the stay of the ship in the port of].

or

No case or suspected case of Cholera, Yellow Fever, or Plague occurred on board the during the voyage from , or during the stay of the ship in that port or in any other port in the course of the voyage.

Signed _____,

Master [*or* Surgeon] of the _____.

(2.) The Officer of Customs who, on the arrival of any ship from foreign, shall visit such ship shall, if he find, or have reason to suspect, that the ship is infected, detain such ship, and order the Master forthwith to moor or anchor the same in such position as such Officer of Customs shall direct; and thereupon the Master shall forthwith moor or anchor the ship accordingly.

Art. 3.—Whilst such ship shall be so detained, no person (other than an Officer of Customs or a person acting in the execution of this order) shall leave the same.

Art. 4.—The Officer of Customs detaining any ship as aforesaid shall forthwith give notice thereof, and of the cause of such detention, to the Sanitary Authority of the place where such ship is lying.

Art. 5.—Such detention by the Officer of Customs shall cease as soon as the ship shall have been duly visited and examined by the Medical Officer of Health; or, if the ship shall, upon such examination, be found to be infected, as soon as the same shall be moored or anchored in pursuance of Article 10.

Provided, that if the examination be not commenced within twelve hours after the ship shall have been moored or anchored in pursuance of sub-division 2 of Article 2, the ship shall, on the expiration of the said twelve hours, be released from detention.

PART III.

Art. 6.—Every Port Sanitary Authority and every other Sanitary Authority within whose district persons are likely to be landed from ships coming foreign shall, with the approval of the Chief Officer of Customs of the port, fix some place where any ship may be moored or anchored for the purpose of Article 10; and shall make provision for the reception of patients and persons suffering from Cholera, Yellow Fever, and Plague, and removed under Articles 13 and 14. The place to be fixed as aforesaid, where any ship may be moored or anchored for the purpose of Article 10, shall be some place within the jurisdiction or district of the Sanitary Authority, unless We otherwise consent; in which case the place so fixed shall, for the purposes of this Order, be deemed to be within such jurisdiction or district.

Provided that, in the case of any Dockyard Port for which a Queen's Harbour Master has been appointed, the place where any ship shall be moored or anchored for the purpose of Article 10 shall from time to time be fixed by the Port Sanitary Authority with the approval of the Queen's Harbour Master, instead of with that of the Chief Officer of Customs of the Port.

Provided also, that where, in pursuance of the above-cited Order of the Twenty-eighth day of August, one thousand eight hundred and ninety, or of any Order by the said Order revoked, places have been fixed for the mooring or anchoring of ships for the purposes of the regulations by this Order revoked, such places shall be deemed to have been so fixed in pursuance of and for the purposes of this Order.

Art. 7.—The Sanitary Authority, on notice being given to them by an Officer of Customs, under Article 4, shall forthwith cause the ship in regard to which such notice shall have been given, to be visited and examined by their Medical Officer of Health for the purpose of ascertaining whether such ship is infected.

Art. 8.—The Medical Officer of Health, if he have reason to suspect that any ship coming or being within the jurisdiction or district of the Sanitary Authority, whether examined by the Officer of Customs or not, is infected, shall, or, if he have reason to suspect that the ship has come from an infected place, may, visit and examine such ship for the purpose of ascertaining whether such ship is infected; and may make the like visit and examination in the case of any ship coming or being within the jurisdiction of the Sanitary Authority which has come from an infected place The Master of any such ship shall permit the same to be so visited and examined.

The Master of any such ship shall also, on being required so to do by the Medical Officer of Health, cause the ship to be brought to, and, if necessary, moored or anchored in some convenient place while the same shall be visited and examined; but due regard shall be had to the safety of the ship and to the convenience of navigation.

Art. 9.—If the Medical Officer of Health on making such examination as aforesaid (whether under Article 7 or under Article 8) shall be of opinion that the ship is infected, he shall forthwith give a certificate in duplicate in the following Form, or to the like effect, and shall deliver one copy to the Master, and retain the other copy or transmit it to the Sanitary Authority. He shall also give to Us information as to the arrival of the ship, and such other particulars as We may require.

Certificate.

_____

_____*day of*_____, *189*__

_____DISTRICT [*or* TOWN] COUNCIL.

or

_____ PORT SANITARY AUTHORITY.

I hereby certify that I have examined the ship
of , now lying in the Port of [*or detained at*], and that I find that such ship is infected with [Cholera, *or* Yellow Fever, *or* Plague].

_____

Medical Officer of Health [or Medical Practitioner appointed or employed by the Sanitary Authority].

Art. 10.—The Master of any ship so certified to be infected shall thereupon moor or anchor such ship at the place fixed for that purpose under Article 6, and such ship shall remain there until the requirements of this Order have been duly fulfilled.

Art. 11.—No person (other than an Officer of Customs or a person acting in the execution of this Order) shall leave any such ship until the examination hereinafter mentioned shall have been made.

Art. 12.—The Medical Officer of Health shall, as soon as possible after any such ship has been certified to be infected, examine every person on board the same, and in the case of any person suffering from Cholera, Yellow Fever, or Plague, or from any illness which the Medical Officer suspects may prove to be Cholera, Yellow Fever, or Plague, shall certify accordingly.

Art. 13.—Every person certified by the Medical Officer of Health to be suffering from Cholera, Yellow Fever, or Plague shall be removed, if his condition admit of it, to some hospital or other suitable place appointed for that purpose by the Sanitary Authority; and no person so removed shall leave such hospital or place until the Medical Officer of Health shall have certified that such person is free from the said disease.

If any person so certified to be suffering from Cholera, Yellow Fever, or Plague cannot be removed, the ship shall remain subject, for the purposes of this Order, to the control of the Medical Officer of Health; and such person shall not be removed from or leave the ship, except with the consent in writing of the Medical Officer of Health.

Art. 14.—Any person certified by the Medical Officer of Health to be suffering from any illness which such Officer suspects may prove to be Cholera, Yellow Fever, or Plague, may either be detained on board the ship for any period not exceeding two days, or be taken to some hospital or other suitable place appointed for that purpose by the Sanitary Authority, and detained there, for a like period, in order that it may be ascertained whether the illness is or is not Cholera, Yellow Fever, or Plague.

If any such person, while so detained, shall be certified by the Medical Officer of Health to be suffering from Cholera, Yellow Fever, or Plague the provisions of Article 13 shall apply.

Art. 15.—No person on board such a ship as is mentioned in Article 12 who has not been certified as required by that Article shall be permitted to land unless he satisfy the Medical Officer as to his name, intended place of destination, and intended address at such place.

Such name, intended place of destination, and address shall forthwith be given by the Medical Officer of Health to the Clerk to the Sanitary Authority, and such Clerk shall thereupon transmit the same to the Local Authority of the District in which such intended place of destination is situate.

Every such person who, within forty-eight hours after landing, shall arrive at any place of destination or address other than such place or address as aforesaid, shall forthwith upon such arrival notify in writing his place of destination and address to the Medical Officer of Health of the Sanitary Authority, or to the Local Authority, of the District in which such place is situate.

Art. 16.—The Medical Officer of Health shall, in the case of every ship certified to be infected, give directions, and take such steps as may appear to him to be necessary, for preventing the spread of infection, and the Master of the said ship shall forthwith carry into execution such directions as shall be so given to him.

Art. 17.—In the event of any death from Cholera, Yellow Fever, or Plague taking place on board such ship while detained under Article 10, the Master shall, as directed by the Sanitary Authority or the Medical Officer of Health, either cause the dead body to be taken out to sea, and committed to the deep, properly loaded to prevent its rising, or shall deliver it into the charge of the said Authority, who shall thereupon cause the same to be otherwise lawfully and properly disposed of.

Art. 18.—The Master shall cause the clothing and bedding and other articles of personal use likely to retain infection which have been used by any person who may have suffered from Cholera, Yellow Fever, or Plague on board such ship, or who, having left such ship, shall have suffered from Cholera, Yellow Fever, or Plague during the stay of such ship in any Port, to be disinfected or destroyed; and if the Master shall have neglected to do so before the ship arrives in port, he shall forthwith, upon the direction of the Sanitary Authority or the Medical

Officer of Health, cause the same to be disinfected or destroyed, as the case may require; and if the said Master neglect to comply with such direction within a reasonable time, the Sanitary Authority shall cause the same to be carried into execution.

Art. 19.—The Master shall cause the ship to be disinfected, and every article therein, other than those last described, which may probably be infected, to be disinfected or destroyed, according to the directions of the Medical Officer of Health.

Art. 20.—Where a ship is not ascertained, or certified to be infected, but has passengers on board who are in a filthy or otherwise unwholesome condition, or has come from a place infected with Cholera, Yellow Fever, or Plague, the Medical Officer of Health may, if in his opinion it is desirable with a view to checking the introduction or spread of Cholera, Yellow Fever, or Plague, give a certificate in duplicate in the following form, or to the like effect, and shall deliver one to the Master, and retain the other or transmit it to the Sanitary Authority:—

CERTIFICATE.

_____

day of , 189 .

_____ DISTRICT [*or* TOWN] COUNCIL.

or

_____ PORT SANITARY AUTHORITY.

I hereby certify that I have examined the ship
from , now in the port of ,
and that such ship has passengers on board in a filthy or otherwise unwholesome condition [*or* has come from an infected place], and that, in my opinion, it is desirable with a view to checking the introduction or spread of Cholera, Yellow Fever, or Plague, that the persons on board such ship should not be allowed to land unless they satisfy me as to their names, places of destination, and addresses at such places.

Signed _____,

Medical Officer of Health (or Medical Practitioner appointed or employed by the Sanitary Authority).

Art. 21.—When such certificate has been given, no person on board the ship shall leave or be allowed to leave the same unless he satisfy the Medical Officer of Health as to his name, intended place of destination and intended address at such place; and such name, intended place of destination, and address shall forthwith be given by the Medical Officer of Health to the Clerk to the Sanitary Authority, and such Clerk shall thereupon transmit the same to the Local Authority of the district in which such intended place of destination is situate. Every such person who, within forty-eight hours after landing, shall arrive at any place of destination or address other than such place or address as aforesaid shall, forthwith upon such arrival, notify in writing his place of destination and address to the Medical Officer of Health of the Sanitary Authority or to the Local Authority of the district in which such place is situate.

Art. 22.—If the Medical Officer of Health have reason to believe that any ship coming or being within the jurisdiction of the Sanitary Authority is infected, or has come from an infected place, he may direct all bilge water and water ballast to be pumped out in some suitable place before such ship enters any dock or basin:

Provided that, in every case where there may be reasonable cause to apprehend that the ship may be endangered by the removal of the water ballast, the Medical Officer of Health may cause any tank or other receptacle containing

the water ballast to be sealed, and thenceforward, so long as the ship remains within the jurisdiction of the Sanitary Authority, no person shall without the permission of the Medical Officer of Health break or remove such seal, or discharge or remove from such tank or receptacle any part of the water ballast.

On the Sanitary Authority providing a proper supply of water for drinking and cooking purposes for persons on board any such ship, the Medical Officer of Health may direct all casks or tanks on board the ship containing water for the use of such persons to be emptied and cleansed, and the Master shall cause the said direction to be carried into effect.

Art. 23.—The Master of any ship, or any other person, shall answer truly all such questions put to him by and give all such information to any Officer of Customs or Medical Officer of Health as may be necessary for any purpose of this Order; and no person who is required in pursuance of this Order to give to the Medical Officer of Health or to notify to any Local Authority the name, and intended place of destination and address of such person shall knowingly give or notify a false or fictitious name, place of destination or address, or refuse to give or notify as aforesaid the true name, intended place of destination and address of such person.

Art. 24.—The Sanitary Authority may appoint one or more legally qualified medical practitioners to act in the execution of this Order, either in place of or as an assistant or assistants to the Medical Officer of Health, and may pay such practitioner or practitioners reasonable remuneration for his or their services.

PART IV.

Art. 25.—The Master of every ship infected with Cholera, Yellow Fever, or Plague shall, when within three miles of the coast of any part of England or Wales, cause to be hoisted at the masthead, or where best seen, a large flag of yellow and black, borne quarterly, and shall keep the same displayed during the whole of the time between sunrise and sunset, and no person (other than an Officer of Customs or a person acting in the execution of this Order) shall leave such ship until after such visit of the Officer of Customs as is mentioned in Article 2, or until after the visit of the Medical Officer of Health in pursuance of Article 8.

PART V.

Art. 26.—Nothing in this Order shall render liable to detention, disinfection, or destruction any article forming part of any mail (other than a parcel mail) conveyed under the authority of the Postmaster General, or of the postal administration of any Foreign Government, or shall prejudicially affect the delivery in due course of any such mail (other than a parcel mail) to the Post Office in accordance with the provisions of the Post Office Acts.

Given under the Seal of Office of the Local Government Board, this Ninth day of November, in the year one thousand eight hundred and ninety-six.

HENRY CHAPLIN,
President.

L. S.

HUGH OWEN,
Secretary.

NOTICE.—The Public Health Act, 1896, provides by sub-section (3) of section 1 that if any person wilfully neglects or refuses to obey or carry out, or obstructs the execution of, any regulation made under section one hundred and thirty of the Public Health Act, 1875, or in pursuance of that section as extended to London by the Public Health (London) Act, 1891, and as amended by the Public Health Act, 1896, he shall be liable to a penalty not exceeding one hundred pounds, and in the case of a continuing offence to a further penalty not exceeding fifty pounds for every day during which the offence continues.

Disease Prevention in England.

IN answer to the request of the Foreign Office to be supplied with a Memorandum "setting forth the general nature of the standing precautionary measures adopted in the United Kingdom to prevent the introduction of contagious or infectious diseases," I would observe that the details embodied in the following statement relate only to that portion of the United Kingdom, namely, England and Wales, over which the Local Government Board have jurisdiction. The practice of Scotland and Ireland does not, however, differ from that followed in England.

The diseases which are in question may conveniently be divided into two principal groups :—First, those which year by year maintain themselves, in greater or less amount, in this country, as for instance, small-pox, scarlet fever, diphtheria, typhoid fever, etc., and which, therefore, have been termed *endemic*; and second, those which appear in our midst only as the result of importation from abroad, such as cholera, yellow fever, etc., and which may be designated as *exotic*.

I. With regard to the *Endemic group*, English sanitary law and practice have as their basis the principle that for preventing the introduction of these diseases from abroad, no other measures are necessary than those adopted within this country for preventing extension of disease of this class from house to house, and from district to district. These measures consist, in the main, of :—prompt notification of the existence of the disease to the sanitary authority concerned, isolation of the infectious sick in hospital or otherwise, disinfection of infected articles, and prohibition as to the exposure of infected persons or infected things.

Where small-pox is in question, vaccination and re-vaccination are also resorted to. No detention of persons, other than those who are actually suffering from infectious disease, is contemplated, or, indeed, can be enforced; and, apart from occasional control of children in the matter of school attendance, no hindrance can be placed on the movements of persons not themselves the subjects of infectious illness.

The existence of infectious disease on any given premises, and similarly on board any ship, is commonly utilized by the sanitary officials for the abatement or removal of any local conditions which are deemed to be injurious to health.

II. The *Exotic group* needs division into two sub-groups; the first consisting of cholera, the second containing yellow fever and plague.

1st. Cholera.—As in the case of the endemic diseases, so also in the case of cholera, the Public Health Department of the State recognizes no system of quarantine, whether it be the "quarantine de rigueur" or the "quarantine d'observation." For nearly fifty years past it has been held that reliance on a quarantine system would be to a large extent impracticable, and that any attempt to carry it out would be injurious, both by reason of engendering a false sense of security, and by affording a pretext to sanitary authorities for avoiding expenditure of those local funds on which, in this country, we depend alike for effecting large schemes of sanitary improvement, and for carrying out our current sanitary administration. Hence, our principal trust has been in securing amendment in every way in the sanitary circumstances under which the population are living; and defence against cholera in this sense has been supplemented by the adoption of a series of Cholera Regulations, which apply to our ports and coastline, and which are aimed at preventing the introduction of cholera by means of shipping.

Every ship arriving from abroad has to be visited by a Customs Officer, who is required, under the Cholera Regulations, to detain any ship which he has reason to suspect is infected with cholera, and forthwith to give notice of the detention to the sanitary authority, so that the ship may, without delay,

be examined by the local Medical Officer of Health. The Medical Officer of Health has also the power of initiating such examination of any ship if he has reason to believe either that such ship is infected with cholera or has come from an infected port.

If, as the result of such examination, the Medical Officer of Health certifies a ship to be infected with cholera, the ship must be moored at a specified place, and every person on board is required to submit to examination. Every person who, as the result of that examination, is not certified to be suffering either from cholera or from any illness which the Medical Officer of Health suspects may prove to be cholera, is permitted to land immediately, on satisfying the Medical Officer of Health as to his name, place of destination, and address at such place. This information is communicated to the sanitary authority at the place of each such person's intended arrival, and it is for that other authority to take measures (which commonly include a visit, for some five consecutive days, on the newly-arrived person) such as may be expected to prevent extension of cholera, should that disease appear in any one after arrival in their district.

Any person on the ship who is certified to be infected with cholera is required to be removed to a hospital provided by the sanitary authority. Should the condition of the patient not permit of this, the ship is detained under the control of the Medical Officer of Health. And any other person certified to be suffering from an illness, which it is suspected may prove to be cholera, can similarly be detained for the purposes of diagnosis, for a period not exceeding two days.

The ship is required to be disinfected, and other precautionary measures have to be adopted as regards drinking-water, bilge-water, infected articles, dead bodies, etc., after which she is at once released.

The only instance in which any further measure of restriction can be applied is as to persons on board a ship which, though not infected with cholera, either carries passengers who are in a filthy or otherwise unwholesome condition, or has come from a place infected with cholera. If in any such case the Medical Officer of Health deems it necessary to intervence, with a view to checking the introduction or spread of cholera, he is required to give a certificate to that effect. When such certificate has been given no person is allowed to leave the ship unless he satisfy the Medical Officer of Health as to his name, place of destination, and address at such place, such information to be utilized in the same way as in the case of a ship certified to be infected with cholera. But beyond this, there is no right of interference either with the vessel or with those on board.

The English Cholera Regulations do not profess to be so framed as to prevent all chance of the importation of cholera into the country. They aim at detection and arrest of all actual or suspected cholera at our ports, and at giving the earliest possible warning to inland authorities as regards particular persons about to arrive in their respective districts. If, in spite of these measures, the disease should be imported, every sanitary authority has the responsibility for the maintenance of conditions which should enable them to deal with imported cholera in such a way as to prevent its extension.

2nd. Yellow Fever and Plague.—These two diseases still remain subject to "The Quarantine Act, 1825," and to Orders in Council made subject to that Act; that is to say, to legislation of an earlier period than that which regulates our action with regard to infectious diseases current in the country. Cases of yellow fever rarely reach our shores. The only occasion on which, during the past generation, the disease gained any footing in this country, was in 1865, when the cases were dealt with by the local sanitary authorities on the same principles which commonly govern their action in dealing with the fevers which are endemic with us.

Plague is not known to have been a cause of disease or death in England for some 200 years.

R. THORNE THORNE.

Local Government Board,

June 7, 1893.

G. C. Press, Simla.—No. 1157. H. D. 12-7-99.—150.

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BILL

Further to amend the Indian Ports Act, 1889.

WHEREAS it is expedient further to amend the Indian Ports Act, 1889; It is hereby enacted as follows :— X of 1889.

Short title and commencement.

1. (*1*) This Act may be called the Indian Ports Act, 1899; and

(*2*) It shall come into force at once.

Amendment of section 6, Act X, 1889.

2. (*1*) For clause (*p*) of sub-section (*1*) of section 6 of the Indian Ports Act, 1889, the following shall be substituted, X of 1889.

namely :—

"(*p*) for determining what are, for the purposes of this Act, to be deemed to be dangerous, infectious diseases, and whether such diseases are to be deemed to be common or uncommon in India, and for regulating the action to be taken—

(*i*) where a vessel on which there is or has been any case of dangerous, infectious disease common in India, enters or is in any such port ;

(*ii*) where a vessel on which there is or has been any case of dangerous, infectious disease uncommon in India, enters or is in any such port ;

(*iii*) where a vessel enters any such port from a port in which, or in the neighbourhood of which there is believed to be, or to have been at the time when the vessel left such port, any dangerous, infectious disease uncommon in India ;

(*iv*) where a vessel leaves any such port while there is in the port or in its neighbourhood any dangerous, infectious disease uncommon in India ;

(*v*) where there is a dead body on board a vessel in any such port ; or

(*vi*) where there are on board a vessel in any such port food-stuffs which, owing to decomposition or for any other reason, are, in the opinion of the health officer, unfit for human consumption."

(*2*) After the same sub-section the following sub-section shall be inserted, namely :—

"(*3*) If any person disobeys any rule made under clause (*p*) of sub-section (*1*), he shall be punished for every such offence with fine which may extend to one thousand rupees."

Repeal of Act I, 1870.

3. The Indian Quarantine Act, 1870, is hereby repealed. I of 1870.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

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BILL

Further to amend the Indian Ports Act, 1889.

( )

G. C. Press, Simla.—No. 1156 H. D.—7-7-99.—150.

(1)

No. 2184.

FROM

A. H. L. FRASER, Esq., C.S.I.,
Officiating Secretary to the Government of India,

TO The Secretary to the Government of Madras
Marine Department

Home Department.
Sanitary.

Simla, the 10th July 1899.

SIR,

WITH reference to the letter from the Government of Madras No. 940 M dated the 17th November 1897 I am directed to forward a copy of Despatches to and from the Secretary of State on the subject of the Bill to amend the sanitary clauses of section 6 of the Indian Ports Act, 1889.

Despatch to the Secretary of State, No. 33-Sanitary, dated the 29th December 1898 and Bill.
Despatch from the Secretary of State, No. 96-Revenue, dated the 4th May 1899, and enclosures.

2. The Secretary of State has taken exception to the draft Bill forwarded for his consideration on the ground that it infringes the principles followed by Her Majesty's Government for the protection of ports against the importation of dangerous infectious disease. To meet this objection, and in order to simplify the measure, a fresh Bill has been prepared which merely states the different classes of cases for which provision must be made, and leaves it to Local Governments to frame rules to regulate the manner of dealing with them. A copy of the revised draft is enclosed, and I am to request that the Government of Madras will favour the Government of India with an expression of their opinion on it after considering the comments made in the following paragraphs.

3. The Secretary of State assumes in paragraph 2 of his Despatch that the intention is to restrict the proposed legislation to diseases of an infectious or contagious character not already endemic in India. The first part of this assumption is correct, but not the second part. The present discussion began with the consideration of the manner in which legal force should be given to the rules devised in 1879, to regulate the action to be taken with respect to vessels on which there are cases of disease endemic in India. This portion of the legislation cannot, in the opinion of the Government of India, be abandoned, for it is essential that local authorities shall continue to take such simple precautions as are needed to prevent vessels arriving in port with cases of cholera or small-pox from diffusing the disease.

4. With reference to paragraphs 3 to 7 of the Secretary of State's Despatch, I am to say that the Government of India fully agree that power should not be taken to enforce quarantine at Indian ports. The present plague rules of the Maritime Local Governments do not authorize quarantine, and it may be regarded as an obsolete system in so far as India is concerned. The revised Bill omits

therefore all mention of quarantine, and rules framed under it by Local Governments should neither use the term nor authorize the practice.

5. Paragraph 8 of the Despatch from the Secretary of State deals with the special case of cargo. The Government of India did not read the Venice Convention of 1897 as prohibiting the disinfection of cargo; but they think that recent plague experience gives strong support to the objection against it. Speaking generally, it has been found neither needful nor practicable. The inward vessels rules framed by Local Governments under the Epidemic Diseases Act do not direct or give instructions for the disinfection of cargo, though some of them provide that cargo may only be landed under such precautions as the Health Officer may deem necessary. As far as the Government of India are aware, the disinfection of cargo as a plague precaution has been very rarely enforced, and they think that it need not be enjoined in any rules which may be framed under the proposed amendment of the Ports Act. The Governor General in Council would, however, retain as an exception to the above principle the rule dealing with undecked native craft which appears as part of sub-clause (5) in the Bill sent to the Secretary of State. The special danger of the contamination of food-stuff on such craft has been recognized, and the Governor General in Council decided, after a careful consideration of the opinions given on the subject, that destruction or disinfection must be permitted.

6. In paragraph 5 of the Despatch the Secretary of State suggests that in framing rules the guidance of Sir Richard Thorne's memorandum of the 7th June 1893 (of which a copy is appended) should be followed. The Plague Regulations issued under the Epidemic Diseases Act contain rules to meet the case of diseases uncommon in India which is provided for in sub-clauses (ii), (iii) and (iv) of the Bill. These rules have been carefully modelled on the Venice Convention. As regards diseases common in India the Government of India desire that the Government of Madras will draw up simple rules (eventually to be issued under sub-clause (i)) on the lines of Part I of Sir Richard Thorne's memorandum. It will probably suffice if such rules provide for—

(1) the giving of notice,
(2) the inspection of the vessel,
(3) the taking of the sick to hospital,
(4) the disinfection of infected articles,
(5) the disinfection of the infected parts of the ship, and
(6) the disinfection or destruction of cargo of undecked native crafts deemed to be contaminated.

All these precautions except the first should be carried out only when the Port Health Officer considers them necessary to prevent the spread of disease.

I am to request that a set of rules framed in accordance with these instructions may be submitted to the Government of India with the reply to this letter.

7. With reference to the present danger of the introduction of the pest of the *Jigger* into India, I am to remark that rules against vessels likely to be infested with the *Jigger* could be enforced under the proposed amendment of the law by a declaration of the Local Government that the disease caused by the *Jigger* is to be deemed a dangerous infectious disease uncommon in India for the purposes of the Act. Such a declaration would be good under the Act even though the *Jigger* be not actually dangerous to life.

I have the honour to be,

SIR,

Your most obedient Servant,

A A Fraser

Offg. Secretary to the Government of India.