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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.	6272	Press.
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Dated	6. 11. 1877	197 .

Not to be folded or roughly handled.

GOVERNMENT OF MADRAS.
MARINE DEPARTMENT.

30th October 1877, No. 587.

Registration of Vessels.

Read the following paper:—

No. 63. From G. D. LEMAN, Esq., Collector and Registrar of Shipping, Kistna District, to the Chief Secretary to Government, dated Masulipatam, 2nd October 1877, No. 2183.

I have the honor to submit copy of a letter from the Master Attendant, Madras, and to request that the subject be referred, if the Government deem it necessary, for the opinion of the Advocate-General. It seems to me he is all wrong.

2. The facts are as follow.

3. In June last, Nakhoda Mahomed Saheb, a merchant of this port (Masulipatam), applied for the registration of his barque (*Faizal Karim*) under Act No. X of 1841, but being himself laid up with some illness he sent a duly-empowered Vakil to make the declaration (Section 5), whereon the vessel was registered and a certificate (No. 32 of 1877) issued. As registering officer I was satisfied that this man was the owner's duly constituted Agent and that the transaction was perfectly *bona fide*.

4. Captain Taylor's objection to a Vakil making the declaration in behalf of the principal seems to me unreasonable, and must, if allowed to stand, do much harm to business: a bed-ridden owner or a minor is debarred from taking a certificate.

5. A pass, as he calls it, has been granted by Captain Taylor in lieu of the certificate withdrawn "for the said vessel to proceed direct to Masulipatam only, in order to enable her owner to take out a fresh register."

6. The Act speaks of no pass whatever, and the only temporary certificate which the law sanctions is the one given under Section 2 to enable the vessel to make her first voyage from the place of building to the port at which she is to be registered. The present pass is not for this purpose, and is, I consider, illegal. I request the decision of Government on this point also, as I have on one occasion—a very similar one—refused to give a temporary certificate to enable an owner to bring his vessel to Masulipatam for a new certificate of register.

ENCLOSURE No. 1.

From Lieutenant J. H. TAYLOR, Esq., R.N.R., Master Attendant and Registrar of Shipping, Madras, to the Registrar of Shipping, Masulipatam, dated Madras, 21st September 1877, No. 107.

Administrative Department.

I have the honor to forward copy of a pass issued by me to the Barque *Faizal Karim* as well as the register* of that vessel granted at

* No. 32 of 1877.
Masulipatam, and to state that, as the procedure relating to the declaration was in contravention to Section 5 of Act X of 1841, it was deemed advisable to withdraw the register and to have a fresh one issued. The section quoted requires that the declaration shall be made or subscribed by the owner or major part of the owners of the ship, but in this case it was signed by the Vakil of the owner, thus infringing the law and rendering the succeeding act—the issue of the register—illegal. I have to request you will have the goodness to issue instructions so as to ensure in future a strict conformity with the provisions of the Act, and to grant without charge to the Barque *Faizal Karim* a fresh register on the prescribed declaration being subscribed before you by the owner himself.

ENCLOSURE No. 2.

No. 1 of 1877.

I do hereby certify that the Barque *Faizal Karim*, of the burthen of 220 tons, whereof Musa is at present Master, arrived at Madras from Eskapulli on the 11th instant; that it is shown in her register, No. 32 of 1877, issued at the port of Masulipatam, that the prescribed declaration of ownership was subscribed to by Arza Venkataswami, being the Vakil of the owner Nakhoda Mahomed Saheb, merchant of Malakapatam, in Masulipatam, instead of by the owner himself, as required by Section 5 of Act X of 1841; that the register of that vessel is thereby rendered null and void, and has consequently been withdrawn, to be returned to the Registrar of Shipping, Masulipatam, for cancellation and the issue of a fresh register upon the prescribed declaration being signed before that officer by the owner Nakhoda Mahomed Saheb himself. Hence this pass or license is granted for the said vessel to proceed direct to Masulipatam only, in order to enable her owner to take out a fresh register as above mentioned.

Given under my hand at the Shipping Registry Office at Madras this twenty-first day of September 1877.

(Signed) J. H. TAYLOR,
Registrar of Shipping, Madras.

No. 64.

ORDER THEREON, 30th October 1877, No. 587.

It is observed that an Act of Parliament of 1833 appointed "the Collector of 3 and 4 Gul. IV, Cap. LV, Section 3. duties at any port in India or any other person of six years' standing in the Company's service who might be appointed by any of the Governments" to register British ships. The Indian Act X, 1841, in pursuance of certain enactments of the Imperial Act quoted, framed regulations by which ships owned by Her Majesty's subjects and built in India might be admitted to Registry and be deemed British ships. After this, the Indian Act No. XI of 1850 declared that ships entitled to registry under Act X of 1841—employed only in coasting voyages or between any port in the Continent of India and Ceylon, might be registered according to such Rules as the Government of each Presidency might make.

2. No such Rules have been passed: meanwhile the Imperial "Merchant Shipping Act, 1854," continues the above-named officers as Registrars, except that at Madras the Master Attendant shall be the Registrar of the Port, and that at all other ports the Registrar must be not only in the Company's service, of a certain standing, but in the Company's Civil Service.

3. In the letter above recorded, the Collector of the Kistna District reports having registered at Masulipatam, on the declaration of the owner's duly-empowered Attorney—the owner himself being laid up with sickness—a certain barque named *Faizal Karim*. On the vessel arriving at Madras, the Master Attendant drew up a formal proceeding; in which he withdrew or cancelled the Collector's Certificate as null and void by reason of its not being issued on the owner's declaration: gave a "Pass" permitting the vessel to return to Masulipatam; and finally called upon the Collector to observe more care in future.

4. The Governor in Council is surprised at the course taken by the Master Attendant, who is a co-ordinate functionary only, in the matter of Registry of Ships, with the Collectors of districts; and should have reported to Government anything he considered irregular, instead of dealing with it himself. Referring moreover to the alleged oversight of the Collector—it is true no provision is made in Act X, 1841, for any one but the owner or major part of the owners making the requisite declaration; but the Merchant Shipping Act of 1854, which is *in pari materia*, supplies the defect. Section 97 enacts that the Registrar may, with the sanction of the Commissioners of Customs (for whom "the Governor" is to be read in the case under consideration—*vide* Section 31) dispense with the owner's personal declaration, upon the production of such evidence and subject to such terms as he may think fit. The

Sections 5 and 6.

the Registrar may, with the sanction of the Commissioners of Customs (for whom "the Governor" is to be read in the case under consideration—*vide* Section 31) dispense with the owner's personal declaration, upon the production of such evidence and subject to such terms as he may think fit. The

Collector having pronounced the transaction to be perfectly *bona fide*, His Grace the Governor is pleased to sanction his proceedings.

5. The Government must however on this part of the subject observe that to refer each case of the kind for the decision of the Government of the Presidency appears a very cumbersome formality. In regard to Coasting vessels, at all events, the remedy is in the hands of the Government, they having the power to make general rules for the registry of such ships, as already noted. A Petition* is now before Government, in which a very aged person, in bad health, living at Cocanada, is refused registry of his ship at Negapatam, unless he appears before the Registrar of that port, in person. On Government inquiring who the Registrar is, the principal Civil Officer of the Port replies "the local Master Attendant" but adds that there is "no order, appointing him." The Master Attendant, Madras, will state if he can offer any explanation on this: stating the names of the Registrars at each port, and under what authority appointed—unless by statutory one. Meanwhile the petitioner is exempted from personally appearing. Captain Taylor will draft a set of Rules, to regulate the registration of Coasting vessels, under Act XI, 1850.

Act XI, 1850.

* No. 2414 and 2557, 1877.

(True Extract.)

for Chief Secretary.

To the Collector (and Registrar of Shipping) of the Kistna District.
 „ the Master Attendant, Madras.
 „ the Petition Department.
 „ all Collectors of Coast Districts.
 „ the Revenue Department. ✓

Edw. A. S. Rodgers.

Revenue Report

No 4633

of US 71 3010123
MARINE.

THE COLLECTOR
AND REGISTRAR OF SHIPPING,
OF THE KISTNA DISTRICT.

For the year 1871.

Mar 2nd

G.O., 30th October 1871, No. 587.

OCTOBER.
Nos. 63-64.

Rebution of Fees &c.—The proceedings of the
Collector of the Kistna District in respect to the
registration of the Burque *Forat Korum*, sero-
tomer, and the Master Attendant, Madras,
requested to draft a set of Rules to regulate the
regulation of existing vessels, under Act XI of
1850.

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Comd of the
Board of Revenue
6. Nov 73

3-0 K. P. Room 97-11-73