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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.	6302	Press.
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Dated	8. 11. 1877	197

Not to be folded or roughly handled.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

27th October 1877, No. 580.

Ships—Lights.

Read the following paper :—

No. 52. *From C. J. LYALL, Esq., B.A., Under Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce, to the Chief Secretary to Government, dated Simla, 7th September 1877, No. 357.*

Commerce and Trade.

In continuation of my letter, No. 182, dated the 11th May 1876, and with reference to yours, of the 3rd August of the same year, No. 292, I am directed to forward copy of a despatch from the Secretary of State, No. 118, dated the 2nd ultimo, and of a portion* of its enclosures, as well as of paragraphs 1 to 3 of the reply of the Government of India to His Lordship's despatch, and to request that, in accordance with paragraph 3 of the last-mentioned paper, the Port Rule, No. 10, regarding the exhibition of anchor lights by ships in ports in Madras, may be amended so as to bring it into exact accordance with the Regulations of the Board of Trade.

ENCLOSURE No. 1.

Despatch from the Most Honorable the Secretary of State for India, to His Excellency the Right Honorable the Governor-General of India in Council, dated India Office, London, 2nd August 1877, No. 118.

Statistics and Commerce.

I forward, herewith, for the information of your Excellency in Council, and for such action thereon as you may deem proper, a copy of a letter from the British India Steam Navigation Company, dated the 7th of May, with its enclosures, and of two communications from the Board of Trade, dated the 18th and 26th July, on the subject of the Regulations in Indian Ports as to Anchor Lights.

ENCLOSURE No. 2.

EXTRACTS from Captain Smith's letter referred to, dated at Madras, 30th March 1877.

"On arrival at Masulipatam received a copy of Port Rules apparently from Master Attendant in which I observed Rule 10 (relating to the light to be exhibited while at anchor) had been erased, and in a written foot-note which bore no signature whatever appeared the following: "All vessels in the roadstead of Masulipatam, whether steamships or sailing vessels, shall, when at anchor between sunset and sunrise, exhibit at the starboard foreyard-arm—but at a height not exceeding twenty feet above the hull—a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unobstructed light visible all round the horizon, and at a distance of at least one mile."

I would not trouble you with the subject of anchor lights, or with the above extract from the Masulipatam Port Rules, but that I consider, after the unfortunate affair of the *Dacca* and *Michelino*, and the reversal by the Home Court of Appeal of the judgment which was given in favor of the *Dacca* in India, that it is high time we knew definitely where we can hoist the warning light while at anchor without subjecting ourselves to a fine, or prejudicing employers' interests. Sir W. Mitchell, in reviewing the Indian judgment before its reversal at home, said :—

"Of all the ships at anchor in the vicinity (of port of Rangoon) the master of one only, it would appear, complied with the law, and that one was the Captain of the *Michelino*, and for

not showing an anchor light above twenty feet from the hull he was pronounced to be in fault and condemned in costs." The Captain of the *Micheline* had placed his light in accordance with Board of Trade Rule, &c., VII, "Steamships or sailing ships when at anchor shall exhibit where it can best be seen—but at a height not exceeding twenty feet above the hull—a white light, &c."

Now, this Rule it appears is the only one recognised by the Court at home which has the power of reversing an Indian judgment. It forms part of the International Steering and Sailing Rules which have been agreed to, and are acted on, by thirty-four Maritime nations, and therefore there is little likelihood of any change being made in it to suit the ancient rules which the Marine Authorities of India and Burmah still enforce with a penalty of Rupees 100 on disobedience.

As it stands now, the International Rule overrides and is counter to the Indian, and Ship-masters obeying the latter in Indian Ports escape certainly the penalty of Rupees 100, but in event of an accident they place their employers in the worst position that is possible for them to occupy. It appears to me that the Master Attendant at Masulipatam is aware of the absurdity and danger of having two rules, which are opposed to each other in force at the same time and place, consequently the erasure of the printed Rule 10 in his Regulations (the rule now in force at Madras and other Indian Ports), and the introduction of the written foot-note. In this his intention has evidently been to blend the two rules; but I think on careful reading it will be seen that he complies with neither. Besides, I question his power to make a new rule respecting anchor lights without reference to higher authority. He says, "exhibit at the starboard foreyard-arm—but at a height not exceeding twenty feet above the hull—a white light, &c."

This would involve in almost all Company's Steamers the unslinging of the foreyard and lowering it half-way down the mast which would be always absurd and sometimes dangerous, in fact it could not be done. Since the settlement of *Dacca's* case, I have always hoisted two lights—one in accordance with Indian and the other with International Rule, now we have a Masulipatam Rule. It is impossible to say how soon the next serious accident may happen in which the position of an anchor light will decide who shall pay thousands, therefore I shall be obliged if you will let me have the benefit of your instructions on this matter for my future guidance while at anchor.

ENCLOSURE No. 3.

Despatch from the Government of India, to the Most Honorable the Secretary of State for India, dated Simla, 10th September 1877, No. 48.

We have the honor to acknowledge receipt of your Lordship's Despatch, No. 118 (Statistics and Commerce), dated the 2nd ultimo, forwarding, for our information and for such action as may be deemed necessary, correspondence on the subject of the rule to be observed by ships exhibiting lights when at anchor in Indian ports and roadsteads.

Letter to Governments of Madras, Bombay, and Bengal, Nos. 182-184, dated the 11th May 1876.

Letter to Chief Commissioner of British Burma, No. 186, dated the 11th May 1876.

Letter from the Government of Bengal, No. 1956, dated the 15th July 1876.

Letter from the Government of Madras, No. 292, dated the 3rd August 1876.

2. In reply, we beg to inform your Lordship that, on the 11th May 1876, we directed the adoption at all ports in India of the rule laid down by the Board of Trade as Article 7 of the "Regulations for preventing collisions at sea," and this rule is now in force, as will be seen from the correspondence enclosed.

3. Our attention has been drawn by the papers forwarded by your Lordship to an inaccuracy in the rule adopted in Madras and Bengal, which differs from the Board's rule (where it is prescribed that the light shall be placed "where it can best be seen") by directing that the light shall be exhibited "at the starboard foreyard-arm." Captain Smith points out that to hang the light on the starboard foreyard-arm "would involve in almost all the British India Steam Navigation Company's steamers the unslinging of the foreyard and lowering it half-way down the mast." Those Governments will be instructed to amend the rule so as to bring it into exact accordance with the Regulations of the Board of Trade.

No. 53.

ORDER THEREON, 27th October 1877, No. 580.

In conformity with the instructions of the Government of India, conveyed in the foregoing letter, the following Notification will be published in the *Fort St. George Gazette* under Section 42 of "The Indian Ports Act, 1875":—

NOTIFICATION.

In supersession of the Rule contained in paragraph 1 of the Notification in this Department, dated the 3rd August 1876, published in the *Fort St. George Gazette*

of the 7th idem, the Governor in Council is pleased to prescribe the following Rule, under clause (m), Section 7, of "The Indian Ports Act, 1875," for enforcing and regulating the use of signal lights by vessels at anchor in the several ports in this Presidency subject to the aforesaid Act:—

Every vessel, whether a steamer or a sailing vessel, when riding at anchor, shall exhibit, where it can best be seen—but at a height not exceeding twenty feet above the hull—a white light, in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light visible all round the horizon, and at a distance of at least one mile.

(By Order of His Grace the Governor in Council.)

Secretary to Government.

To the Master Attendant, Madras.
" Collectors of Maritime Districts.
" Revenue Department.

Ed. J. Wright.

Revenue *St. John*

No 4903

Boat of 1877 *St. John*

MARINE.

THE MASTER ATTENDANT

Boat, St. John, Ac.

Dated October, 27th.

Revenue *St. John*

Boat, *St. John*

G.O., 27th October 1877, No. 380.

OCTOBER.
Nos. 52-53.

Ship—Light.—Notification presenting a rule for
the exhibition of a white light by vessels fishing
at anchor, referred to be published in the Port St.
George Gazette.

116302

Connoisseur

Board of Revenue

8. Nov 77.

250 King's Road (9-11-77)