

*Friday,  
19th December, 1890*

ABSTRACT OF THE PROCEEDINGS  
OF THE  
Council of the Governor General of India,  
LAW AND REGULATIONS

Vol. XXIX

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ABSTRACT OF THE PROCEEDINGS  
OF  
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,  
ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS,

1890

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*Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 & 25 Vict., cap. 67.*

The Council met at Government House on Friday, the 19th December, 1890.

PRESENT:

His Excellency the Viceroy and Governor General of India, G.C.M.G., G.M.S.I., G.M.I.E., *presiding.*

His Honour the Lieutenant-Governor of Bengal, K.C.S.I.

The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E., R.E.

The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.

The Hon'ble P. P. Hutchins, C.S.I.

The Hon'ble Sir D. M. Barbour, K.C.S.I.

The Hon'ble Sir C. H. T. Crosthwaite, K.C.S.I.

The Hon'ble R. J. Crosthwaite, C.S.I.

The Hon'ble Sir Alexander Wilson, Kt.

The Hon'ble F. M. Halliday.

The Hon'ble Rao Bahádur Krishnaji Lakshman Nulkar, C.I.E.

The Hon'ble Nawab Ashan-Ulla, Khan Bahádur.

The Hon'ble Sir Romesh Chunder Mitter, Kt.

MERCHANT SHIPPING ACT, 1880, AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR moved for leave to introduce a Bill to amend the Indian Merchant Shipping Act, 1880. He said:—

“Under the Indian Merchant Shipping Act of 1880 the Masters of British ships are required to mark on their ships, by means of discs, the maximum load-line in salt water to which it is intended to load such ships.

“The position of the maximum load-line in salt water is, however, under that Act left to the option of the Masters, subject to restrictions regarding the retention for certain periods of the discs by which the load-line has been marked.

“The Indian Merchant Shipping Act of 1880 follows in this respect the provisions of the English law which were in force when the Act of 1880 was passed. A very important change in the law has, however, been made by

[*Sir David Barbour.*]

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the English Merchant Shipping Act of 1890. The position of the disc which indicates the maximum load-line is no longer left to the discretion of the Masters of the ships; and the disc must now be placed at such distance below the deck line as may be approved by the Board of Trade, provided that the position of the disc shall be fixed in accordance with the table framed by the Load-Line Committee in 1885.

“Under any circumstances, it would be desirable that the law in reference to the fixing of the position of the maximum load-line should be the same in India as in England, and the English Act of 1890 will in fact apply to ships registered in India at the expiration of 12 months from the passing of the Act.

“The Bill which I propose to introduce has for its object the assimilation of the Indian to the English law in regard to the maximum load-line, and under it the maximum load-line will be fixed, as nearly as may be, in accordance with the Act of 1890, and the instructions of the Board of Trade issued under that Act. When the Bill has been passed it will be lawful to declare by an order in Council that any load-line fixed and marked under the Indian law, and any certificate given in accordance with that law, shall have the same effect as if it had been fixed, marked or given under the provisions of the English Act of 1890. There is at present another Bill before the Council which deals with the Merchant Shipping Law and I hope that it will be found possible to amalgamate that Bill with the one which I now propose to introduce. The present Bill has been introduced as a separate measure in order to prevent delay and to give greater prominence to the change which is being made than would be obtained by merely instructing the Select Committee to add the necessary provisions to the Bill which was introduced last year, and which is still before the Council.”

The Motion was put and agreed to.

The Hon'ble SIR DAVID BARBOUR also introduced the Bill.

The Hon'ble SIR DAVID BARBOUR also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the Fort St. George Gazette, the Bombay Government Gazette, the Calcutta Gazette and the Burma Gazette in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

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[*Sir David Barbour.*]

## ACT X OF 1841 AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR also moved for leave to introduce a Bill to amend Act X of 1841 (*Registration of Ships*). He said :—

“The tonnage of vessels registered under Act X of 1841 is ascertained by methods based on those prescribed by the English Law which was in force at the time when Act X of 1841 was framed.

“These methods have since been superseded by the English Merchant Shipping Act of 1854 and by the Merchant Shipping (Tonnage) Act of 1889.

“It is desirable on general grounds that the rules for the ascertainment of register tonnage should, so far as practicable, be the same in India and in the United Kingdom. In cases where dues are levied on the register tonnage there would in practice be inequality in the treatment of different classes of ships, all owned by British subjects, if the register tonnage of British and British Indian ships were not ascertained by the same methods.

“The Bill which I propose to introduce is very short, and has for its object to secure uniformity in the methods of ascertaining register tonnage.”

The Motion was put and agreed to.

The Hon'ble SIR DAVID BARBOUR also introduced the Bill.

The Hon'ble SIR DAVID BARBOUR also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the Fort St. George Gazette, the Bombay Government Gazette, the Calcutta Gazette and the Burma Gazette in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

The Council adjourned to Friday, the 2nd January, 1891.

S. HARVEY JAMES,

*Secretary to the Government of India,  
Legislative Department.*

FORT WILLIAM;

*The 19th December, 1890.*