

**(MARINE.)**

**(Rules for Pilots and Pilotage for the Port of Moulmein,- dated the 29th March 1873.)**

**No.5**

**The 24th April 1873.**

No.5.- The 24th April 1873.- The following Rules for Pilots and Pilotage for the Port of Moulmein are published for general information, and in supersession of all previous rules:-

**Rules for Pilots and Pilotage for the Port of Moulmein,- dated the 29th March 1873.**

- I. LICENSES will be granted by the Master Attendant, under the authority of the Chief Commissioner of British Burma, to qualified persons, authorizing them to act as Pilots for the port of Moulmein; and no person shall act as Pilot without such license. All Pilots now holding licenses signed by the authority of the Commissioner of Tenasserim shall be subject to these rules from the date of their publication.
- II. The qualifications for a license are, a knowledge of general seamanship, a capability of giving intelligible orders in the English and Native languages in working a ship, and a thorough acquaintance with the Moulmein River and the Channels leading thereto. In addition to this, the applicant must produce certificates of general good conduct and sobriety.
- III. Candidates for the office of Pilot will forward their applications to the Master Attendant, who will submit them to the Commissioner of the Tenasserim Division.
- IV. If the Commissioner is satisfied, on a perusal of the report of the Master Attendant and the testimonials forwarded, that the candidate possesses the necessary qualifications in respect of character and general seamanship, he will direct the Master Attendant to nominate a Committee to examine the candidate, of which Committee the Master Attendant shall sit as President. The members shall be at least two masters of vessels in the harbour, who may be willing to give their services for the purpose, and one of the European full draft licensed Pilots belonging to the port of Moulmein. The candidate shall be questioned on the pilotage of the river and its approaches, and all replies shall be reduced to writing by the President of the Committee, who will take notice of and record in writing any incorrect answer given by the candidate.
- V. On a candidate being reported qualified by the Committee, and on the proceedings being confirmed by the Commissioner of the Tenasserim Division, the Commissioner will submit the application and the report of

the Committee, with his own opinion thereon, to the Chief Commissioner, who will then, if he see fit, direct that a license shall be given to the candidate under the signature of the Master Attendant, in the form in the Schedule (B) appended to these Rules; and his admission on the roll of licensed Pilots shall be duly notified for public information in The British Burma Gazette, and he will from that date be subject to these Rules.

VI. The ordinary Pilot Station will be 6 miles to the westward of Double Island, taking it as a centre between the bearings of south-west and north-west; the ordinary place for a Pilot to leave an outward-bound ship will be one mile to the southward and westward of the Patch, or Outer Buoy.

VII. Every Pilot shall, when required, produce his license to the master of any vessel requiring a Pilot. He is, when on the look-out for a vessel, to fly his Pilot flag, which he is also to hoist in some conspicuous place while in charge of any vessel.

VIII. Every Pilot shall be ex-officio a Preventive Officer of Customs, and shall be responsible, as Preventive Officer, for any breach of the customs law which shall take place when he is in pilotage charge of a ship.

IX. The Pilot flag is to be four feet square, red and white horizontal for European Pilots, and vertical for Native Pilots; and the number of the license is to be shewn on the flag in figures of two feet in length.

X. No vessel at sea need be boarded unless the signal for a Pilot be hoisted, in which case it is imperative for a Pilot to proceed on board without delay.

In the event of a Pilot boarding a ship with a Pilot signal flying, the Pilot, if not under draft, shall be entitled to his full pilotage, although the master may afterwards bring in his own ship, unless he can show sufficient cause for having dispensed with the Pilot's services after having demanded them by signal. This applies to a vessel at sea only.

XI. Pilots on the Pilot Station will give preference to the following vessels:-

1. H.M.'s Men-of-war.
2. Troop Ships.
3. Mail Steamers.

XII. Any Pilot who may demand or receive a higher rate of pilotage than he is entitled to under these Rules will be liable to such suspension or deprivation of his license as shall be considered by the Commissioner of the Tenasserim Division necessary in the case.

XIII. Any Pilot leaving a ship from any cause (except sickness, default on the part of the ship, or with the master's consent) before she has been taken to sea or anchored in the river according to the rules of the

port, will not be entitled to any portion of the pilotage; and any Pilot leaving a ship under his pilotage charge, unless under a medical certificate, or with the permission of the Master Attendant, will be deemed to be guilty of misconduct within the meaning of these Rules.

XIV. No Pilot shall take charge of a ship or move her within the port of Moulmein, after she has once been moored, without the order of the Master Attendant,- which order, without the sanction of the Master Attendant, is not transferable to any other Pilot. Any detention which may occur in carrying out any duty is to be reported to the Master Attendant. The completion of the duty is also to be reported.

XV. Pilots, in bringing ships into port, are to pay the strictest attention to the directions of the Master Attendant as to the places in which they are to moor; vessels must be moored with not less than 30 of fathoms of cable each way.

XVI. Every Pilot shall report his arrival in town to the Master Attendant, and deposit his certificates in the office; and every Pilot shall report himself daily at the Master Attendant's Office while such Pilot is in town.

XVII. Pilots shall proceed to the Pilot Station when ordered by the Master Attendant; and any Pilot becoming sick and unfit for duty is immediately to forward a medical certificate to the Master Attendant.

XVIII. One Pilot cannot relieve another Pilot in charge of an inward-bound vessel, unless such Pilot is unable to proceed with his charge from sickness, or from having an under-draft license.

XIX. Every Pilot that brings a vessel from sea to town is entitled to have the pilotage charge of such vessel outward, if he is available (24) twenty-four hours previous to her intended date of departure.

XX. The rate of pilotage for vessels is as shewn in Schedule C; subject however, to modifications according to the situation where the vessel is boarded or left, in the manner indicated in Schedule C.

Vessels towed by steamers will pay two-thirds of the rate of pilotage.

Steamers drawing under 15 feet will pay half the rate; those over that draft, three-fifths.

The pilotage distance is divided into fifths, for charging broken or intermediate pilotage; but the least sum payable to a Pilot for taking a vessel from outside the Patch Buoy to town, or from town to outside the Patch Buoy will be 25 Rupees.

#### **Inward Pilotage.**

From outside Patch Buoy to New Channel	...	...	1-5 <sup>th</sup> .
From New Channel to anchorage off Fishing Village, or below the flats	...	...	1-5 <sup>th</sup> .
From anchorage off Fishing Village or below the flats to Half-way Creek	...	...	1-5 <sup>th</sup> .
From Half-way Creek to Natmoo	...	...	1-5 <sup>th</sup> .
From Natmoo to Moulmein	...	...	1-5 <sup>th</sup> .

Outward Pilotage.

From off Moulmein to Natmoo	...	...	...	1-5 <sup>th</sup> .
From Natmoo to Half-way Creek	...	...	...	1-5 <sup>th</sup> .
From Half-way Creek to anchorage off Fishing Village, or below the flats	...	...	...	1-5 <sup>th</sup> .
From anchorage off Fishing Village or below the flats to New Channel	...	...	...	1-5 <sup>th</sup> .
From New Channel to outside Patch Buoy	...	...	...	1-5 <sup>th</sup> .

XXI. Any Pilot holding a license who observes any alteration in the position or condition of the sands or channels, or that any buoys or beacons are driven away or injured, shall immediately report the fact in writing to the Master Attendant.

XXII. Pilots noticing any infringement of the Port Rules, or any other provisions of Act XXII of 1855, are to report the same at once to the Master Attendant, with particulars in full.

XXIII. Pilots who may ground vessels are to report the occurrence to the Master Attendant in writing with as little delay as possible, specifying the place and time, state of the weather, direction and force of the wind, time of tide, period on shore, extend of damage, and every particular. This report is to be certified by the master of the vessel.

XXIV. When anchors or cables are lost, the Pilot in charge shall report the occurrence in writing, specifying the time and place, time of tide, size of anchor and chain, quantity of cable, buoyed or not, and the bearings of the nearest well-known objects ashore.

XXV. The Pilots are bound to pay strict attention to the orders of the Master Attendant; and for grounding a vessel or any other proved misconduct on board a vessel whilst in pilotage charge, or for any other neglect of any rule or regulation of the Port, or any instructions issued with reference thereto by the Conservator of the Port, or any infringement of, or disobedience of, the Rules, a Pilot may be temporarily suspended by the Master Attendant, the circumstances of the case being fully reported to the Commissioner, Tenasserim Division, within 24 hours of such suspension; and the Pilot's license may be suspended, revoked or modified under the orders of the Commissioner, Tenasserim Division.

XXVI. When any charge is preferred against a Pilot of carelessness, misconduct, neglet, unskilfulness or disobedience, or for grounding or otherwise endangering the safety of a ship of which he is in pilotage charge, the Commissioner, Tenasserim Division, may direct that an enquiry into such charge shall be held by a Court of Enquiry. In such case an officer shall be appointed by the Commissioner, Tenasserim Division, to be President of the Court, and one or more masters of vessels in the harbor, one merchant, and one or more licensed Pilots shall be members. The Master Attendant shall conduct the prosecution, but shall not take any part in the finding of the Court. The Court thus constituted shall examine any persons who may be in attendance for that purpose, recording their statements and the explanation or defence of the Pilot, and also the statements of such witnesses as he may produce in his defence, and shall, on the conclusion of the enquiry, submit its proceedings, with the opinion of the members, to the commissioner, Tenasserim Division. It will also, in recording its opinion, if such opinion be adverse to the Pilot, state what deprivation or suspension it considers the said Pilot should be subjected to, and the finding of the Court may be either confirmed, modified or reversed by the Commissioner.

XXVII. If, however, it shall appear to the Commissioner, Tenasserim Division, to be advisable that the enquiry should be held by a single officer, the Commissioner may appoint an officer to hold an enquiry into such charge, and such officer may proceed to hold an enquiry either with or without the assistance of assessors, and shall record evidence on oath and take the defence of the Pilot or evidence of any persons whom he may desire to call in his defence, in the same manner as if the proceedings were held in an ordinary Court of Justice, and shall forward the proceedings to the Commissioner, Tenasserim Division, with his finding and the recommendation of the amount of punishment which should in his opinion be awarded.

XXVIII. In case when Pilots are suspended from duty, their licenses are to be delivered up to the Master Attendant for the period of their suspension.

XXIX. Licensed Pilots shall, for any proved misconduct, insobriety, disobedience, carelessness, neglect, or unskillfulness in matters connected with their profession, be subject to the following deprivations by order of the Commissioner, Tenasserim Division, either on the report of the Master Attendant, or on the proceedings of a Court of Enquiry held in either of the modes before described:-

- 1.- Deprivation of license.
- 2.- Reduction from full draft to limited draft for such a period as the Commissioner, Tenasserim Division, may think fit.
- 3.- Suspension of license.

In all cases in which a Pilot is sentenced to reduction to limited draft, or to suspension for more than six months, he shall be required to appear before an Examination Committee before his license is restored to him. When a Pilot has been found guilty of misconduct, neglect, or unskillfulness, when in pilotage charge of a vessel, it shall be competent for the Commissioner, Tenasserim Division, in passing an order of deprivation as before provided, to direct that the Pilot shall have no claim against the said vessel in respect of any pilotage fees that would otherwise have been claimable; and in the latter case , any deposit in the Master Attendant's Office of pilotage fees made on account of the said vessel shall be returned to the party depositing the same.

XXX. In any case in which a Pilot is deprived of his license, or sentenced to suspension of license for a period exceeding one year, the order of the Commissioner shall be subject to the confirmation of the Chief Commissioner of British Burma.

XXXI. Inside the Fair-way Buoy off Amherst—that is, to the northward of it —Pilots of the Moulmein river are prohibited from keeping vessels drawing ten feet and upwards under weigh, or from moving such vessels in the river, between sunset and daylight, except with the special sanction of the Master Attendant.

XXXII. Pilots are prohibited from leaving any vessel they may be in charge of, at single anchor, in the river, and are to remain in charge until the vessel is moored.

XXXIII. Pilots, when posted to outward-bound vessels, are to see that their Port clearances are in order, and are on no account to take them away from the Port of their clearances are not properly signed.

XXXIV. A table shewing the names of the licensed Pilots, and the limit of the draft assigned to them, and their respective numbers, is, for the information of the public, to be exhibited in the Office of the Master Attendant and in the Office of the Collector of Customs; and any change amongst the Pilots, either by the admission of a new Pilot, or by casualty, as also the final orders in the case of any enquiry made into the

conduct of any licensed Pilot as hereinbefore provided, shall be duly published in The British Burma Gazette.

XXXV. Commanders of vessels requiring a Pilot are to give a written notice at the Master Attendant's Office, specifying the day and date on which he will be required, two days previous to clearing out.

XXXVI. If, after a Pilot has been appointed, the vessel shall not move on the day and date specified, the Pilot having been in attendance, he shall be entitled to fifteen (15) rupees, as if the duty had been performed, provided the detention shall not have arisen from desertion of seamen, wind and weather, or tide, or any other cause which could not have been foreseen.

XXXVII. On any case of detention occurring within the limits of the Port, the commander will make out a written statement of the reason and deliver it to the Master Attendant, stating whether he requires the Pilot's attendance the following day or not.

XXXVIII. Any Pilot being detained on board a vessel out of the limits of the Port by the desertion or misconduct of the seamen, or from any unforeseen casualty over which the commander could have no control, shall be bound to remain with the vessel without any extra remuneration for the space of 24 hours, after which, should the detention continue, the commander of the vessel will pay fifteen (15) rupees for every day of his detention, failing which, the Pilot may after the expiration of 24 hours leave the vessel, provided the detention has not been caused by contrary winds, weather, or tides, for which no claim shall be admitted.

XXXIX. The commander of a vessel, on arrival within the limits of the Port, may detain the Pilot for 24 hours while waiting for orders, &c., but he must pay such Pilot fifteen (15) rupees for the detention, in addition to the pilotage fees.

XL. Any Pilot, on attaining the age of 55 years, if he desires to remain in the service, will produce a medical certificate of fitness for his duties, signed by the Civil Surgeon in the form exhibited in Schedule E. The first certificate will be for any term not exceeding three years. At the expiration of the term of the first certificate, a second may be obtained, and so on till the Pilot is found unfit for further service.

XLI. All punishments awarded, or orders passed, under these rules, are appealable to the Chief Commissioner of the Province.

**Note.-** Section XII of Act No. XXII of 1855 having been specially extended to the Port of Moulmein by Notification dated 19th October 1857, pilotage fees are leviable from all vessels of 200 tons and upwards entering or leaving the port.

H.T.DUNCAN, MAJOR,  
Offg. Secretary.

----- Attachment -----

[ ATTACH LIST 1 ] 01 SCHEDULE A. PROCEEDINGS OF A COMMITTEE ASSEMBLED BY ORDER OF THE COMMISSIONER, TENASSERIM DIVISION, FOR THE EXAMINATION OF MR. \_\_\_\_\_, A CANDIDATE FOR LICENSE AS A PILOT.

[ ATTACH LIST 2 ] 02 SCHEDULE B. FORM OF PILOT'S LICENSE.

[ ATTACH LIST 3 ] 03 SCHEDULE C. MOULMEIN PILOTAGE, CHARGEABLE ON VESSELS INWARD OR OUTWARD BOUND.

[ ATTACH LIST 4 ] 04 SCHEDULE D. PROCEEDINGS OF A PILOT'S COURT OF ENQUIRY ASSEMBLED BY ORDER OF THE COMMISSIONER, TENASSERIM DIVISION, FOR ENQUIRY INTO THE CONDUCT OF MR. \_\_\_\_\_ LICENSED PILOT.

[ ATTACH LIST 5 ] 05 SCHEDULE E. FORM OF PILOT'S CERTIFICATE.

[ ATTACH LIST 6 ] 06 SCHEDULE F. LIST OF LICENSED PILOTS IN THE PORT OF MOULMEIN.