

MADRAS RECORD OFFICE.

Government of Madras.

Marine

DEPARTMENT.

G.O. No. *260*

Press
Mis.

Dated

6 - 7 -

1857

Not to be folded or roughly handled

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Fort Saint George, Marine Consultation, 7th July 1857.

No. 12. From J. J. FRANKLIN, Esq., Secretary Marine Board; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 26th June 1857, No. 2232.

SIR,

With reference to Extract from Minutes of Consultation of the 9th Instant, recording that the Supreme Government had approved the draft Notification declaring the port of Madras subject to the provisions of Act XXII of 1855, together with the Port Rules, slightly altered, for its regulation, both of which have since been published, I have the honor by desire of the Marine Board to point out that in accordance with Clause 6 of the Act, it will be necessary that some one should be nominated to be the Conservator of the Port. The Master Attendant, or, in his absence, the Deputy Master Attendant, should be invested with this duty.

2. I am also directed to observe that Clause 41 requires that the levy of Port dues shall be fixed by an Act yet to be passed, draft of which was to be forwarded by this Government to the Supreme Government, as recorded in Extract Minutes Consultation of 6th May 1857.

3. It will moreover be necessary, as intimated in the Board's letter of the 13th March last, No. 1093, that Clauses 37 and 40 should be specially extended to the Port of Madras,

(Signed) J. J. FRANKLIN,

Secretary.

No. 13. ORDER THEREON, No. 260, dated 6th July 1857.

The first point referred to in the foregoing letter from the Marine Board is the appointment of a Conservator to the Port of Madras, under Act XXII of 1855.

2. The sanction of the Supreme Government, it is observed, has already been given to the 'Rules' proposed by this Government for the Port of Madras, and therewith the definition of the Port limits have been published, subsequently, as required by the Act (Section VIII) in the Fort Saint George Gazette, *vide* Notification dated June 16th last. But by some oversight the appointment of a Conservator, to whose Office and Duties constant reference is made in the 'Rules,' has not been notified.

3. Section VI of the Act enacts that the Conservator shall be appointed by the Local Government, and that 'in Ports where there is a Master Attendant, such Master Attendant shall be Conservator,' Captain Biden, therefore, will be appointed. In his absence, the Officer Acting for him will, of course, be Conservator. His proceedings will be under the control of the Marine Board.

4. The Board next remind the Government that, under Section XLI of the Act, provision has yet to be made by Legislative Enactment for the levy of Port dues. The Government have not lost sight of this. A Draft of a proposed Act prepared by the Honorable Company's Solicitor was forwarded to the Clerk of the Legislative Council on the 6th May last. By Section XLI of Act XXII of 1855, a period of one year from the passing of that Act (13th of August 1855) was assigned during which the Dues and Fees then usually collected might continue to be so collected; and by Act XVI of 1856, a further period of one year was allowed. This latter term expires on the 13th August, proximo. If the subject is not shortly mooted in the Legislative Council, the Governor in Council will again communicate with the Clerk and the Government of India.

5. Sections XXXVII and XL of Act XXII of 1855, which relate to unauthorized creeping or sweeping for lost stores and anchors, and to the removing of stones, shingle, &c., without the permission of the Conservator, may be specially extended by the Local Government to any Port. The Board recommend that they should be declared applicable to the Port of Madras. This will be notified.

6. In the Board's letter, Sections of the Act are referred to as Clauses, this is incorrect. A Clause is a sub-division of a Section.

Traverse Sept 6

Exhibit. Minut. Cont. ~~Standard~~
Dated 6 July 1857

Hand. Chain of survey } here enter 26th June/57.
Cey. to the Marine Board

The first point referred to in the
proceedings taken from the Marine Bd.
is the appointment of a Conservator to the
Port of Madras, under act ~~XXII~~ of
1855.

2. The sanction of the Supreme Govt.,
it is observed, has already been given
to the 'Rules' proposed by his Govt. for
the Port of Madras, and these with the
definition of the Port limits have
been published, subsequently, as re-
quired by the act (sect VIII) in the
Gazette of India - vide Notice
dated June 16th last. But by some
misapprehension the appointment of a Conservator,
whose office & duties are not referred
to in the 'Rules', has not been
notified.

3. Sect VII of the act enacts that the Con-
servator shall be appointed by the local
Govt., & that in Ports where there is a
Madrass Attendant, such Madras At-
tendant shall be Conservator. Captain

Bedon, therefore, will be appointed.
In his absence, he often acting for
himself, because, the Conservator.
his proceedings will be under the
control of the shipping Dept.

4. The 13th must remind the Govt.
that, under Sect XL of the act,
permission has yet to be made by legis-
lative enactment for the levy of
Port dues. The Govt. have not lost
sight of this. a draft of a proposed
act prepared by the H. C. Police.
has been forwarded to the Clerk

of the Legislative Council on the
13th inst. last. By Section XL
of Act XXII of 1855, a period of
one year from the passing of that
act (13th of August 1855) was al-
lowed during which the dues & fees
then usually collected might continue

to be collected; and by act XXII
of 1856 a further period of one year
was allowed. This latter term
expired on the 13th August, 1857.
If the subject is not shortly moved
in the Legislative Council, the G.
will again communicate

with the Clerk & the Govt. of India.
5. Sects XXVII and XL of act
of 1855, which relate to

unauthorized creping or sweeping
for lost stones & anchors, & to the
removing of stones, shingle &c. with-
out the permission of the Conserva-
tor, may be specially extended
by the local Govt. to any Port. The
13th enactment but being at the
declared applicable to the Port of
Madras. This will be notified.

6. In the 13th inst., Sections of
the act are referred to as clauses.
This is incorrect. a clause is a
subdivision of a section.

Marine Board
Sept 11th

Ordered that the following be published in the
Gazette of the 'Fort St George Gazette'.
Notification

The continuation of the Notification
of the 16th June last, defining the limits
of Port of Madras, & enacting that
Port Rules, it is hereby notified that
in his absence the Deputy Master of the
Master of the Port has been ap-
pointed Conservator of the Port,
and that Sects XXVII & XL of
act XXII of 1855 are specially
extended to the same.

(Thereafter the said Sections)

Para 7 to the Light House Bill
Printed

By order of the H. C. Secy. &c.

Wm

Sy. 2/4.57.

Port of Madras

Chamie Lito Eng
11th Decr. 1837
Page 3

Under memo: 9th July
o. Maurice 1837 Departs

No 260

Arthur M. W. H. H. H.

11th July 1837

260

2nd July
R. H. n