

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No. *281-2* Press
Mis.

Dated *18-7-* 18 *57*

Not to be folded or roughly handled

No. 12. From W. MORGAN, Esq., Clerk of the Legislative Council; to T. PYCROFT, Esq., Chief Secretary to the Government of Fort St. George, dated Fort William, the 29th June 1857, No. 91.

SIR,

I have the honor to enclose for the information of the Right Honorable the Governor in Council of Fort St. George, a copy of a Minute by the Legislative Member for Bengal on the subject of the Bill "for the levy of Port-dues and Fees at Ports within the Presidency of Fort St. George, and to provide against the discharge of Ballast in certain Ports within the said Presidency" which was received with your letter of the 6th Ultimo.

(Signed) W. MORGAN,
Clerk of the Council.

MINUTE.

On the Bill "for the Levy of Port-dues and Fees at Ports within the Presidency of Fort St. George, and to provide against the discharge of Ballast in certain Ports within the said Presidency."

In accordance with the wish of the Madras Government, I brought this Bill before the Council, and in due course moved the second reading.

It was objected to the Bill—

First.—That it provides a uniform Maximum rate for the Levy of Port-dues at all Ports to which the provisions of the Harbour Act are to be extended; while no data are furnished to show what rates may be actually necessary at those Ports. When the Harbour Act was passed, it was expressly stipulated that the rates to be fixed for each Port should be regulated according to its actual requirements, *i. e.*, according to the expenses now incurred and the estimated cost of any improvements which may be projected for it. The Council are therefore unwilling to entertain a Bill which would fix a general rate for a number of Ports in respect of which no information of the kind indicated has been supplied.

The second objection is, that the Bill proposes to continue the Levy of dues (the rates not being specified) at a number of small Ports, to which it is not intended to extend the provisions of the Harbour Act. It is considered that dues should be Levied only at such Ports as may be subjected to the operation of the Act, and that if any measures are thought necessary for the prevention of injury to those inconsiderable Ports on which the general provisions to the Harbour Act are judged unsuitable, the proper course will be to provide by a separate enactment for the extension of certain clauses of the Act to those Ports.

In the face of these objections, which appear to me sound and unanswerable, I thought it unadvisable to press the second reading of the Bill. I think that it will be necessary to substitute for the present Draft two separate Bills, the one fixing rates of Port-dues for the several Ports, which are of sufficient importance to be subjected to the operation of the Harbour Act; the other to apply in the manner just mentioned to the smaller Ports at which no such dues will be Levied.

I conclude that the Madras Government will wish all the Ports enumerated in Schedule B, to be included in the latter Bill. For the preparation of the other Bill it will be necessary that Government should supply the information referred to in the Chief Secretary's letter to Mr. Elliott of the 26th March. When furnished with the requisite information, I shall be happy, if the Madras Government desire it, to prepare and bring in the Bills.

(Signed) E. CURRIE,
Member of the Legislative Council.

(True Copy.)

(Signed) W. MORGAN,
Clerk of the Council.

Fort Saint George, Marine Consultation, 21st July 1857.

No. 13. ORDER THEREON, No. 281; dated 18th July 1857.

The Clerk of the Legislative Council encloses a Minute by E. Currie, Esq., Member for Bengal, who had consented to take charge of the Bill transmitted by this Government to the Clerk of the Council on the 6th May last, and entitled "A Bill for the Levy of the Port-dues and " Fees at Ports within the Presidency of Fort Saint George, and to provide against the discharge " of Ballast in certain Ports within the said Presidency."

2. The Honorable Member found such strong objections against the Bill that he declined to press the second reading, and he has returned it to this Government with some suggestions. Copy of his Minute will be furnished to the Honorable Company's Solicitor and the Marine Board. The objections raised, it will be seen, are two-fold; *First*, that while provision is made for the Levy of Port-dues at all Ports to which the Harbour Act (No. XXII of 1855) is to be extended, *no data* are furnished to shew what rates may be actually necessary at those Ports; *Secondly*, that the Bill proposed to continue the Levy of dues (the rates not being specified) at a number of small Ports, to which it is not intended to extend the Provisions of the said Act. The suggestion made by the Honorable Member is, that, for the present Draft two separate Bills be substituted: one fixing rates of dues for the several Ports to be subject to the Harbour Act, the other providing for the extension of certain clauses of the said Act to such inconsiderable Ports as may be deemed too insignificant to be brought under the whole of the Act.

3. The Honorable Company's Solicitor will procure from the Marine Board, who will use the utmost diligence in preparing the same, the *data* referred to by the Honorable Mr. Currie and will then submit two fresh Bills as suggested above. Meanwhile as the Law at present does not provide for the levy of existing Port-dues beyond the 13th Proximo, the Government resolve to address the Government of India and the Clerk of the Council immediately, in view to the passing of a short Act, extending the period specified in Act XVI of 1856 to the 13th August 858, by which time it is hoped the Bills now ordered for preparation will have passed into Acts.

No. 14. THE CLERK OF THE LEGISLATIVE COUNCIL, dated 18th July 1857, No. 282.

SIR,

In acknowledging the receipt of your letter of the 29th Ultimo, giving cover to a Minute by the Honorable E. Currie, on the "Bill" submitted by this Government to your address under date 6th May last, regarding the Levy of Port-dues at Ports within this Presidency and providing against the discharge of Ballast in certain Ports, I am directed to tender the thanks of His Lordship in Council to the Honorable Member for his suggestions, and to state that the same have been brought to the notice of the Marine Board and the Honorable Company's Solicitor, in view to the preparation of two separate Bills in substitution for the present Draft.

2. Meanwhile, as the Levy of existing Port-dues would, as the Law at present stands, become illegal on and after the 13th Proximo, I am to request that measures may be taken to bring before the Council, as early as possible, a short Bill extending the provisions of Act XVI of 1856 for another year, by which time it is confidently hoped, the two Bills now under preparation may have passed into Law.

(Signed) E. MALTBY,
Acting Chief Secretary.

No. 15. From E. MALTBY, Esq., Acting Chief Secretary to Government, Fort Saint George; to the SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, dated the 18th July 1857, No. 283.

SIR,

In enclosing the correspondence, marginally noted, I am directed by the Governor in Council to bring to the notice of the Government of India, the fact that a
Letter from Clerk to Council, dated 29th June, No. 91.

Fort Saint George, Marine Consultation, 21st July 1857.

Enclosure, Minute by Honorable E. Currie. "Bill providing for the Levy of Port-dues at Ports in this Presidency" has, under the objections pressed against it, been withdrawn from the Legislative Council, by the Honorable Member for Bengal, who obligingly took charge of the Draft. As Act No. XVI of 1856 expires

on the 13th Proximo, the Levy of existing Dues will, as the Law now stands, be illegal after that date. It therefore becomes necessary that a short Act should be passed extending the provisions of the Act above mentioned for a further period. The Governor in Council suggests one year, which will allow the Draft now objected to being brought before the Council in a more satisfactory shape.

(Signed) E. MALTBY,
Acting Chief Secretary.

Exd. J. A. Wilson.

Minute

On the Bill for the levy of Port dues and fees at Ports within the Presidency of Fort St. George, and to provide against the discharge of ballast in certain Ports within the said Presidency.

In accordance with the wish of the Madras Government I brought this Bill before the Council, and in due course moved the second Reading.

It was objected to the Bill—

First—That it provides an uniform maximum rate for the levy of Port dues at all Ports to which the provisions of the Harbour Act are to be extended, while no data are furnished to show what rates may be actually necessary at those Ports. When the Harbour Act was passed, it was expressly stipulated that the rates to be fixed for each Port should be regulated according to its actual requirements i.e. according to the expenses now incurred and the estimated cost of any improvements which may be projected for it. The Council are therefore unwilling to entertain a Bill which would fix a general rate for a number of Ports in respect of which no information of the kind indicated has been supplied.

The second objection is that the Bill

proposes to continue the levy of dues (the rates nothing specified) at a number of small Ports, to which it is not intended to extend the provisions of the Harbour Act. It is considered that dues should be levied only at such Ports as may be subjected to the operation of the Act, and that if any measures are thought necessary for the prevention of injury to those inconsiderable Ports to which the general provisions of the Harbour Act are judged inapplicable, the proper course will be to provide by a separate enactment for the extension of certain clauses of the Act to those Ports.

In the face of these objections, which appear to me sound and unanswerable, I thought it inadvisable to press the second reading of the Bill. I think that it will be necessary to substitute for the present Draft two separate Bills, the one fixing rates of Port dues for the several Ports, which are of sufficient importance to be subjected to the operation of the Harbour Act; the other to apply in the manner just mentioned to the smaller Ports at which no such dues will be levied.

I conclude that the Madras Government will wish all the Ports enumerated in

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in Schedule B to be included in the latter Bill. In the preparation of the other Bill it will be necessary that Government should supply the information referred to in the Chief Secretary's letter to Mr. Elliot of the 26th March. When furnished with the requisite information, I shall be happy, if the Madras Government desire it, to prepare and bring in the Bills.

J. E. Currie
Member of the Leg. Council

The 29th June 1857.

(True Copy)

J. Murray

Clerk of the Council.

as recorded, no data are furnished to show what rates may be actually necessary at those Ports; Secondly, that the

Memorandum
24th Decr. 1857
Para 2

Marine Dept

11281

dated 18 July/57

Respectfully presenting to the
Hon. the Legislative Council. } Here entered No 91.
29th June/57.

The Clerk of the Legislative Council encloses
a Minute by E. Currie Esq. Member
for Bengal, who had consented to
take charge of the Bill transmitted
to him by the Clerk of the Council
on the 6th May last, and entitled
"A Bill for the levy of Port Dues &
"fees at Ports within the Presidency
of Fort St. George, & to provide for the
discharge of ballast in certain ports
"within the said Presidency."

The hon. Member founds such
strong objections against the Bill that he
declined to press the second reading,
& he has returned it to his hon. with
some suggestions. Copy of his Minute
will be furnished to the Hon. Sec. of the
Marine Dept. The objections raised,
it will be seen, are two fold; first,
that while provision is made for the
levy of Port dues at all Ports to which
the Harbour Act (No XXII of 1855) is to
be extended, no data are furnished to
show what rates may be actually necessary
at those Ports; Secondly, that the

Bill proposed to continue the
levy of dues (the rates not being speci-
fied) at a number of small Ports,
to which it is not intended to extend
the provisions of the said Act, &
The suggestion made by the Honble
Member is, that, for the present draft
two separate Bills be substituted:
one fixing rates of dues for the small
Ports to be subject to the Harbour Act,
the other for providing for the exten-
sion of certain clauses of the said
Act to such considerable ports
as may be deemed too insignifi-
cant to be brought under the whole
of the Act.

The H. C. Solicitor will procure
from the Marine Act, who will
use the utmost diligence in prepa-
ring the same, the data referred
to by the Honble Member, and
will then submit two fresh Bills
as suggested above. Meanwhile
as the Law at present does not
provide for the levy of existing
Port dues beyond the 13th August
pro^o. the hon^{ble} member to address
the hon^{ble} of India & the Clerk of the
Council immediately, in view to

the passing of a short Act,
extending the period specified
in Act LVI of 1856 to the 13th
August 1858. By which time it is
hoped the Bills now ordered for
preparation will have passed
into Acts.

Mr. Brown
Vols. — } Disp^d 18th
D. Clerk. } W-282
To Clerk of the Legislative Council

Sir.
In acknowledging the receipt of the
taken of the 29th ult^o, giving even to a
minute by the Honble E. Currie on the
Bill submitted by his hon^{ble} to your
address under date 6th May last, re-
garding the levy of Port dues at Ports
within his Presidency & providing
for the discharge of Ballast in certain
Ports. I am directed to tender the
thanks of his Lordship in Council
for the Honble Member for his sugges-
tion, & to state that the same have
been brought to the notice of the Marine
Act & the H. C. Solicitor, in view to
the preparation of two separate Bills
in substitution for the present draft.
Meanwhile, as the levy of existing
Port dues, as the Law at present
stands, become illegal on & after
the 13th August pro^o. I am to request
that measures may be taken to bring

before the Council at early as possible a short Bill, extending the period of the ~~provision~~ ^{provision} of Act VII of 1856 for another year, by which time, it is confidently hoped, the two Bills now under preparation may have passed into law.

18th July 1857
 To the Secy. Genl. of India
 Home Dept.
 Sir,

In enclosing the enclosed letter to Council, I enclose marginally noted, I am directed by the G. in C. to bring to the particular notice of the Govt. of India the fact that a Bill providing for the levy of Port dues at Ports in his Presidency, which I had introduced, under the objection proposed in Council, has been withdrawn from the Legislative Council by the Member for Bengal, who obligingly took charge of the draft. As Act VII of 1856 expired on the 13th August proximo, the levy of existing duties will no longer stand, & is illegal after that date. It therefore becomes necessary that a short Act should be passed extending the provisions of the Act above mentioned for a further period. The G. in C. suggests one year, which will allow of the Bill now drafted to being brought before the Council in a more satisfactory shape.

18th July 1857
 J. H. C. 15/7-57.

12-6-90

Manie L. to B. 2
24th Dec 1857 of 1857
Para 3



12-15

By b. Cou 21st July 1857.
Manie 1857 Dispar 40

No 281

Paolo Manie of Hon.

No 282

The Clerk of the Sup. Court

No 283

The Clerk of the Sup. Court of
Andia

13th July 1857

Refused to 21st July 1857

Ch. 3/15

Further from the Hawaiian Board of 27th July 1857 No 290.
Further from Clerk of the Legislative Council of 30th July 1857 No 291.