

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No.

497

Press

~~Mis.~~

Dated

24-11-

1857

Not to be folded or roughly handled

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24-11-57

Fort Saint George, Marine Consultation, 24th November 1857.

No. 11. From the Secretary Marine Board; to the Secretary to Government, Military Department, Fort Saint George, dated 6th November 1857, No. 3819.

SIR,

No. 3738. The Marine Board reported to Government in their letter of the 30th Ultimo, the terms on which they had engaged the Steamer "Carthage" as a monthly Transport. I have now the honor by their desire to forward an application from the Agents of the Vessel, Messrs. Binny and Co., asking that the Vessel be relieved from the payment of Port dues.

2. The Board cannot admit that the Agents have any reasonable claim for the remission sought. The terms of engagement were arranged personally between one of the managing Owners, one of the Firm of Binny and Co. and their Secretary; and it was distinctly understood that the stipulations of agreement were to be similar to those of the "Manila." The managing Owner subsequently declared that he was under the impression that all monthly Transports were exempt from dues. His impression however does not alter the case. The agreement was clear, and the Charter party has since been executed without any stipulation relieving the Vessel from the payment of Port dues; but as it was promised that their application should be submitted to Government, the Board now do so with the foregoing explanation.

3. Having expressed their opinion on the case in question, I am desired to add a few remarks on the principle involved. When Vessels are engaged by Government by the month, the Board think that during their period of Service they should be held as belonging to Government, and as such be exempt from Port and Pilot Charges, as are those Transports actually the property of the State. The Board advocated this system in their letter of the 19th October 1853, No. 2229, but the Government in their order thereon of the 8th of November following, No. 301, did not consider it necessary, as there were then no Transports so engaged, to authorize any alteration in the system then in practice. All monthly Transports engaged at Madras have therefore paid the dues, which has frequently been pointed out as a hardship while Vessels similarly engaged at Calcutta and Bombay are exempt.

(Signed) J. J. FRANKLIN,

Secretary.

From Messrs. BINNY and Co; to J. J. FRANKLIN, Esq., Secretary Marine Board, Madras' dated 3rd November 1857.

SIR,

We have the honor to acknowledge receipt of your letter, No. 3739, of the 30th Ultimo, and to state that we agree to the terms as therein specified for the Charter by Government of the Steamer "Carthage" as a Transport.

There is one point however not mentioned in your letter and which did not come under discussion in arranging the terms of Charter. That is the payment of Port and Pilot dues. The managing Owners of the "Carthage" are Bombay Merchants and their understanding in sanctioning the terms agreed on was that these dues should, agreeably to the practice in Bombay, not be paid by the Ship, while she may remain in Government employment.

We know the practice here is that the Ship should pay Port dues unless it is specially provided in the Charter that it should not do so. We desire that it should be so provided, and as our verbal arrangement was concluded on a misunderstanding on this point we request you will allow this question to remain open, pending a reference on the subject to the Right Honorable the Governor in Council. We trust you will take advantage of the occasion to point out that when

Fort Saint George, Marine Consultation, 24th November 1857.

a Steamer is in Government employment by the month liable to be sent to any and every Port in the Indian Seas, it is only fair and reasonable that she should be exempt from the payment of Port dues.

(Signed) BINNY AND Co.

(True Copy.)

(Signed) J. J. FRANKLIN,
Secretary Marine Board.

No. 12.

ORDER THEREON, No. 497; dated 24th November 1857.

The Right Honorable the Governor in Council is of opinion that when Vessels are taken up by Government, not for the trip but for a period, fixed or unlimited, and are liable, as Messrs. Binny and Co. state, to go any where or every where within that period, they should be exempt from Port and Pilotage dues, and this would seem to be the practice in Bengal and Bombay. When engaged by the trip, it should be as arranged at the time and entered in the Charter party.

2. Under this view of the case, the Government direct that the Steamer "Carthage," which has been engaged as a *monthly Transport*, be relieved from the payment of the dues in question.

Exd. J. A. Wilson.

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Memo.

It seems to me that when
vessels are taken up by Govt
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If this is approved, the
• Lanthan might have the
benefit of it as then seems
to have been some misun-
derstanding about her dis-
cussion to it

JP

10.12.57

I approve

At
Jy

W. W.

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A. 21/5/57

Exd. J. A. Wilson.

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Marine Department.

No. 1497

Extract from the Minutes of Consultation
under date 24 November 1857.

Read the following
letter from the Marine
Board.

(Dated 5th Nov. 1857. No. 3819)

The R. H. the Gover-
nor in Council is of
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JF

To the Marine Board. Sept 20th 1840

Witness in Dec 1857/58

Marine Dr to Eng

16th Dec 1857 to 14th of 1858

James 58

Dec 1857 in 1858

Marine. 1857 & 1858

28.4.97

Debate of 1857

1857

49

56/57

11-12

7 Con 8th Dec 57 No 344.
Further from Mar 10th March 58 at 101.
Further from Dec 23rd April 58 at 114.
Further No 228 of 1860.