M.R.O. 1—82 400—22-11-30

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No. 32-33 Press ~~Mis.~~

Dated 13th. January. 1858.

Not to be folded or roughly handled

23/11/57

No 125

From

J. J. Franklin Esqre

Secretary Marine Board

To

T. Pycroft Esqre

Chief Secretary to Government

Fort Saint George

Sir, Rd 9 Feby 1858

I have the honor by desire of the Marine Board to inform you that in compliance with the instructions conveyed in the 1st para of Extract Minutes of Consultation of the 23d December 1857 No 535. They have conferred with the Chairman of the Chamber of Commerce on the 1st section of the proposed bill for the levy of port dues in the fourteen ports of the Madras Presidency at which it is contemplated to introduce Act XXII of 1855. They have subsequently perused the Chambers letter to Government on the general bearing of the Act, and I am directed by them to make the following remarks.

2 The objections of the Chamber to the bill are six and to these the Board will principally confine themselves. There are other points in the letter on the general

policy of levying port dues at all, but as these are beside the question under consideration the Board will not advert to them further than by observing that they consider the Act XXII of 1855 fixed their levy on a just and equitable principle; namely, that of each port bearing its own expenses. It was, moreover, provided by that Act that the dues raised at a port should be expended on the improvements of the port.

3 The Chamber's first objection is that whereas veſsels of upwards of 700 tons now pay only on that tonnage, they will be required to pay on each ton. There is no doubt that the former mode was based on an erroneous principle, and there is no reason why this should not now be remedied. If a veſsel carrying 700 tons pays on each ton there can be no question that one of 1000 tons or upwards may be called upon, without unfairneſs, to pay upon her tonnage in a similar manner.

4 Their second objection is that all veſsels, except donies and Coasting Craft, will be required to pay port dues on every occasion of entering each port, instead of as now being exempt for six months after one payment. This is the only point treated of in the letter of the Chamber which the Board think requires the re-consideration of the Legislative Council. They cannot admit the soundneſs

of

of the reasoning that compares the Coasts of the Madras Presidency with the Rivers Indus and Hooghly. These are the highways by which trade flows in and out of the Country to and from the European ships engaged at one particular place to discharge or receive it. On this Coast the circumstances are not analogous, and the outports are not now the feeders of the Capital. Formerly a coasting trade existed which brought the produce to the Presidency to be laden on ships which remained at Madras for its reception. The Government have, by causing the Coast to be surveyed, and by facilitating its navigation by the publication of Charts and the establishment of lights, opened up many of these minor ports to the large European Ships which have driven out of the field the smaller Coasting veſsels formerly engaged in this traffic; and trade has consequently been greatly benefitted by being relieved from the expense attending a double shipment. No reasonable objection can therefore be offered to the Government requiring the trade thus benefitted to pay its fair share towards the expenses incurred in obtaining the additional advantages conferred on it, and this is all the Act requires - namely that the ports shall be self-supporting. But the Board do think that, as veſsels frequently touch at several ports, discharging and taking in Cargo at each before they finally complete their lading, the rule which before obtained, that a veſsel should only pay the due once in six months at the same port, should be continued under the new Act.

5

5 To shew how heavily the proposed measure would weigh in some cases the Board may state that occasionally a veſsel arrives from England at Madras, discharges part or the whole of her cargo, takes in dead weight, proceeds up the Coast to one or perhaps two ports to load more, and returns to Madras again to complete. Here then for the same, lading taken in at the same port, on the same mercantile voyage, although at different times with a short interval of absence between the commencement and the completion, a ship is burthened with a double due. It is to avoid such an imposition that the Board recommend that the old rule should not be departed from, and that no veſsel of any description shall be required to pay the due more than once in six months at the same port. The Honorable Mr Eliott objected to raise the maximum rates at the ports to four annas on the ground that their expenses, as shewn in the Board's Schedules, did not require so high a levy. If this ground is tenable it must be equally clear that the additional fees to be obtained by exacting the due on each occasion of a veſsel entering a port are unneceſsary.

6 The 3rd objection is that it increases the charges on a veſsel leaving a port within 48 hours. As this is already the law in the Bengal and Bombay Presidencies the Board see no valid reason why a difference should be made in the territories of Fort Saint George.

The

7. The Chamber next objects to the donies and Coasting trade being charged only half the rate, and they advocate that they should be required to pay equally with European veſsels. The Chamber evidently has no interest in the Coasting Craft. They are small veſsels, sailed and chiefly commanded by natives, and their profits being trifling, they cannot bear the same burdens as the large European Ships. The Board therefore cannot recommend that these craft should be called upon to pay a higher rate than half that of European ships. The Act provides that it should be levied once in sixty days. The Board would extend this to six months as now.

8. The fifth objection is evidently based on a misconception of the Act. Section 48 of Act XXII of 1855 provides that dues shall be levied on the registered tonnage of a veſsel; while section 6 of the Act under consideration provides a scale of fees to be charged for measuring veſsels. This was never intended as an

obligation that registered vessels should be measured, but to provide against heavy or arbitrary charges for measuring those, many of them small craft, which had not been registered, and upon which dues could not be correctly levied unless measured and registered. With this explanation the Board believe that the Chambers objection to this portion of the proposed act will be withdrawn.

9. Their last objection is that the Act is confined to fourteen ports instead of being extended to all. The Government are aware of the Board's views on this point. The Act XXII of 1855 Confers great powers on the Conservator of the port, and where there is no Establishment competent to carry out it's provisions, they objected to its introduction.

10. The Chamber moreover advocates that the trade should not bear the entire burden of the expenses. A cursory examination of the papers which accompany the proposed Bill will shew ~~that~~ such is not intended In every port a certain proportion of the Cost of the establishment is a Charge of Government.

11. Finally the Chamber recommends that one due levied at any port in the Madras Presidency shall exempt a vessel from all further charge at that or any other port for the space of six months. The Chamber can hardly have given this proposition their serious consideration. A due levied in this way must be raised considerably beyond the 3 Annas a ton now proposed if the ports are to be self supporting, which is one of the points insisted on in Act XXII of 1855. The measure would therefore perfectly annihilate that class of Country trading vessels frequenting our ports, the dues on which would be augmented most unjustly. A vessel trading between Vizagapatam and Rangoon instead of as now paying her one anna per ton would probably have to pay six or Eight

which would in all likelihood be a bar to her further employment

12. The Board do not agree with the Chamber generally in the views expreſsed. They think that Act XXII of 1855 provides for the levy and disposal of the dues in an equitable and liberal manner, but they do not think that the proposed act now under consideration gives the local Government sufficient power to undertake improvements:- Had a maximum rate of due been established efforts might have been made to establish buoys and beacons and introduce improvements to meet the expense of which, when neceſsary, the due could be raised: but now as it has been the policy of the Legislative Council to limit the due to what was barely neceſsary for present requirements, and as each port is to support itself, no additional expense can be incurred without first obtaining a fresh Bill unleſs the trade increases to such an extent as to augment the port funds to the requisite amount.

I have the honor to be
Sir
Your most Obedient Servant
Wm H Walker
Secretary

Madras:
Marine Board Office
9th January 1858.

C Meeting
R/16..

Marine Lr to Cong
16th February No 4 of 1858
Para 4

16.

L. G. B. Cons: 19 Jany/58.
Marine. 1858. Dept

From the Secy: to the
Marine Board No. 125.

S.D. No 32
S.L. " 33
D/9
Dd 10 Jany 1858.

No. 12.

With reference to E. M. C.
23d Ulto No 535: submits
Boards remarks on the
proposed Bill for the
levy of Port dues in the
fourteen Ports of the
Madras Presidency
as which it is con-
-templated to introduce
Act XXII of 1855.

Vol 6

Chamber of Commerce
Madras 5th January 1858

To
The Clerk of the Legislative Council of India
Calcutta

Sir,

1 The attention of the Chamber having been directed to the subject of the Port Dues of this Presidency in consequence of the Bill which was read a second time in the Legislative Council of India on the 12th Ultimo, and which a Select Committee is to report upon on or after the 17th Instant, and the Chamber not approving the proposed Bill which it conceives is based,+ like the previous legislation on this question, on erroneous principles arising from a misconception of all the circumstances of the case, has resolved to direct me to lay before your Honorable Council its views generally on this most important subject.

+ it is based - that
is it supposed that
Act + 11 - 1855 &
hn the power in force
on wh. port dues
are to be levied
was established ?
views appr

2 The following is a brief history of these Port Dues.

Act XIII of 1839

Consolidated from 1st August 1839 Anchorage Duty, Light house Duty, Regular Boat hire, and report Catamaran hire into one charge called Port Dues leviable at 3 annas per ton on Vessels not Foreign European or American, and provided that Vessels over 700 tons were not to pay on the excess.

[illegible]

Six pice per ton more was charged on Foreign European and American Vessels.

Any Vessel leaving without breaking bulk within 48 hours was to pay $\frac{2}{5}$th and over 48 hours and within 4 complete days $\frac{7}{10}$th Port dues.

At the subordinate Ports the rate of Port due was fixed at 1 Anna per ton for British and Native Craft, and 1 Anna 4 pice for Foreign Vessels.

[illegible]

Act XXII of 1855.

Came into force on the 13th August 1856 and did not alter the rate of Port Dues but Clause XLII gave the local Government certain powers from time to time of alteration as therein particularised.

[illegible]

[illegible]

Clause XLVIII provided that tonnage of Vessels liable to Port Dues should be ascertained by the Ships register. If the Ship had no register she was to be measured at the expense of the master.

Act XVI of 1856 &

Act XXIV of 1857.

merely extend Act XXII of 1855 to the 13th February 1858, when a further extension or a new Act will be required, and hence the proposed new Act.

[illegible]

The Chamber's objections to this proposed Act are as follows.

1st It withdraws the privilege of large ships not paying Port dues on the excess of tonnage over 700 tons and orders Port Dues to be levied on every ton.

2nd It withdraws the privilege of paying Port Dues at the same Port only once in 6 months and orders Port Dues to be levied on every entrance into the same or any Port.

3rd It withdraws the present privilege of exemption from the payment of any dues of a ship leaving Port within 48 hours without breaking bulk, and orders that ships so leaving shall pay $\frac{1}{2}$ Port dues which is even less liberal than Act XIII of 1839 which provided $\frac{2}{5}$ths Port dues for under 48 hours and $\frac{7}{10}$ths for over 48 hours and under 4 complete days.

Same at the Ports

4th It provides that Dhonies and Country vessels employed in the Coasting trade shall only pay half the Port dues chargeable in respect of other vessels, but makes such Port dues leviable once in 60 days instead of the same rate as other vessels once in 6 months as at present.

which pays once in 6 months [illegible] pays once in 60 days

5th It withdraws the privilege of allowing a ships register to be the proof of her tonnage and orders a scale of fees for measuring any ship in any Port, which fee in the case of ships of 300 tons and upwards is fixed at Rupees 30.

Not of any [illegible] work [illegible] Sec VIII Act XXII 55

6th It only includes the Ports of Madras, Tuticorin, Cocanada, Cochin, Bimlipatam, Vizagapatam, Masulipatam, Cuddalore, Tranquebar, Negapatam, Calicut,

Tellicherry

Tellicherry, Cannanore, and Mangalore, and excludes the Ports enumerated in the margin. These omitted Ports form the subject of another draft Bill, on the ground that they are not considerable enough to be made subject generally to the provisions of Act XXII of 1855, vide the Honorable D. Eliott's statement of objects and reasons for the Bill which he therein states he submits at the instance of the Government of Madras dated 12th Ultimo.

And at these no ports dues are charged — on the ground that Act XXII 1855 cannot fully be [illegible] in force in the [illegible] Coasting [illegible] [illegible]

The Chamber will now state the principles and facts which it conceives should regulate the amount of Port Dues leviable in the case of the Ports on the Coasts of Coromandel and Malabar. The Chamber considers that inasmuch as any Government benefits largely by the trade carried on at its Ports, the Government of India should not throw upon the trader the whole expenses of Ports. The advantages arising from Ports are mutual to the Government and the trader, and the expenses should be mutually borne.

so says [illegible] in the Administration of the Port giving have been framed allowance is made for part of the other on falling or &c.

Next the proportion of expenses to be borne by the trader should bear some relation to the advantages of the Port afforded by the Government.

The advantages of Ports of course — vary.

so they do x

Some afford all the safety which a ship enjoys in a docks surrounded by quays. dry docks &c.

x There are natural advantages arising from the configuration of the coast or of the proper [illegible] [illegible]

Others have none or only some — of such advantages.

The Madras Ports both on the Coasts of Coromandel and Malabar have none of these advantages but are simply open Roadsteads separated from the shore by a raging surf always more or less dangerous, with scarcely an exception. In fact Ships are constantly in the greatest danger when at anchor and are frequently lost while discharging and lading or moving from one Port to another, and the risk and annoyance of the Surf is notorious. Even lights on this most dangerous Coast are much too few and far between.

May be by harbour works altered & Flag Staffs & the small piers within the dangerous breaker.

Again it is a common occurence for a ship to take in and discharge Cargo at several Ports:- this is not an advantage to the owner of the Ship but a necessity arising from the fact that the Sea board of the Coast of Coromandel is to the Ports on that Coast, and the Sea board of the Coast of Malabar is to the Ports on that Coast, much the same that the river Indus is to Bombay and the river Ganges to Calcutta, and the Chamber would just as soon advocate the levy of a toll at intervals of 50 miles on Goods passing up or down those Rivers as recognise the justice of the principle involved in the Law which now compels the payment of Port dues at every Port which any one Ship may enter during one discharging and lading at the Ports subject to the Government of Fort

Saint George. A fortiori the Chamber desires me solemnly to protest against any new Act like the draft Act in question which would aggravate the present undue burden on trade.

The Chamber can see no reason why Dhonies and Country Vessels employed in Coasting trade should be more favored than other Vessels employed in much the same Duty.

The Chamber in conclusion desires me to state that its prayer is that the proposed Bill be abandoned, as well as the proposed Bill for the omitted Ports, and that an Act be passed fixing a rate of Port dues to be levied once in 6 months upon every Vessel (on her register tonnage, or by measurement of a Government Officer if she has no register, at the master's expense) at the first Port she breaks bulk at (no charge to be made if she leaves without breaking

bulk

[illegible]

[illegible]

bulk under 4 days but if she remains over 4 days even if she does not break bulk to pay full Port dues) and one payment at any one Port on either Coast subject to this Government to free a ship at any of the other Ports or all of them during the 6 following months. Every place on either Coast at which a ship takes in any Cargo of whatever description to be considered a Port under the Act, and that the rate of Port dues shall be 3 annas per ton register or ton of measurement according as the ship had or had not a register.

If the Council should not see fit to adopt the Chamber's views the Chamber at least solicits the extension of the present Act for a short time to allow of more consideration being afforded to a subject of so great importance.

I have the honor to be
Sir
Your most obedient Servant
(Signed) John Vans Agnew
Chairman

(True Copy)

John Vans Agnew
Chairman

Marine Letter to Eng[land]
16th February No. 4 of 1858
Para 4

R/50/8
Ex No 17

a

5-7 from Jn Travis Agnew
Chairm

Chamber of Commerce
Madras 6th January 1858.

To
Thomas Pycroft Esqre
Chief Secretary to Government
Fort Saint George

[illegible]

Sir

I have the honor by desire of the Chamber of Commerce to forward for the information of the Right Honorable the Governor in Council Copy of a letter addressed by it yesterday to the Clerk of the Legislative Council of India on the subject of the proposed Bills for the Levy of Port Dues and for the regulation of Certain Ports within the Presidency of Fort Saint George, which are now under the consideration of the Council, and to solicit His Lordship's support of the Chamber's views on the ground that those views if acted upon are calculated to subserve the requirements of the Trader and agriculturist and promote the extension of Cultivation and the general improvement of the Country, any thing tending to which you recently justly observed must have a direct effect in increasing the Public Revenue.

I have the honor to be

Sir

Your most obedient servant

Chairman

Looking to the principle
on which the bill is
based. as established.
& not to be departed from

I am disposed generally
to concur with the
views expressed by
the Marine Board.
but I should certainly

Marine Ltr to Engd
16th February No. 4 of 1858
Para 4

In 17th Cons. 19 Jany 58.
Marine. 1858. Deptt.

From the Chairman of
the Chamber of Com-
-merce.

No 32
33
D/6
Rd 14 Jany /58.

No 17
Recd

Forwards for the information
of Govt. Copy of a letter ad-
-dressed by the Chamber to
the Legislative Council of
India on the subject of the
proposed Bills for the levy of
Port dues and for the regula-
-tion of certain Ports within
the Presidency of Fort St.
George which are now
under the consideration
of the Council & solicits
support of the Chamber's
views.

15.

C 14th Jany
R 16.

Europe & generally both

for such ports.

A

I do not see the [illegible]

Of the six grounds of objection urged by the Chamber I am only disposed to concur in the justice of the second wh I think may be recommended on the ground of the peculiar circ.es attend.g the trade & communications of this part of India wh obliges ships to take in cargo at several ports & to be absent from the one at wh duties were first paid more than 60 days

I would support the request that vessels should only pay port dues once in 6 months at the same Port –

also the non-payment of dues – if a vessel leaves any port within 48 hours without breaking bulk

13

I think so likewise.

C 14th Jany
1816.

…Ports within
the Presidency of Fort St.
George which are now
under the consideration
of the Council & which
[illegible] the Chamber's
view. —

Marine Departt

No. 32.

Extract from the Minutes of Consultation
Dated 16 January 1858

From the Chairman of the Chamber of Commerce
6th January 1858.

From Secretary to the Marine Bd. 10th idem

~~Resolved~~ The Rt Hon the Govr in C having carefully considered the objections to the Madras Port dues bill urged by the Chamber of Commerce in their Chairman's letter to the Clerk to the Legislative Council under date the 5 inst — as well as the remarks upon the same subject made by the Marine Bd in their Secretary's letter of the 10th idem, resolves strongly to urge upon the Council

P.S. The Board's letter of the 9 Jan/58 was forwarded to Mr Chott with Letter No 21. Mar: Dept that the Member for the Presidency that the existing practice, when no vessel of any description is required to pay port dues more than once in six months at the same port, may be maintained – He will also recommend that a vessel leaving a port within 48 hours after her ~~arrival~~ arrival without breaking bulk be exempt from port dues –

The Govt is not prepared to go into the other suggestions and propositions

18x

contained in the Chairman's letter – The principle according to which the levy of port dues at British Indian ports is to be regulated, has been laid down in Act XXII. 1855 and it is not probable that the Leg: Council would depart from it –

To the Chamber of Commerce
–"– Marine Bd.

Despd 18th

Ordered that the following letter be despatched –

Dupte 18th
Duplicate Despd 18th for Pt Steamer –

No. 33.

Hon D Eliott
Member for Madras
of the Legislative
Council of India
Calcutta –

With reference to my letter to your address with ~~copy~~ of a communication from the Marine Bd. despatched to you by the Steamer "Sparrow Hawk"

I am desired to forward to you copy of an Ex. C under this day's date and to state that on the grounds set out in paras 4 & 5 of Mr. Franklin's letter, this Govt would strongly urge on the Legislative Council that the present practice - whereby no kind of vessel is required to pay port dues oftener than once in 6 months at the same port - may be maintained - They are also of opinion that vessels remaining less than 48 hours in a port, and leaving without breaking bulk should not be charged with port dues

I have the [illegible] [illegible] [illegible] [illegible] correspondence [illegible]

Fort St George
16 January 1858

2 Copies -

JP

6

Marine Lr. to Engd.
16th February No. 4 of 1838
Para 4

In G. Cons: 19th Jany /58
Marine 1858 Depart.

No. 32

Extract Mins of Cons.

No. 33

To
The Member of the
Legislative Council
for Madras
d/16 January /58

Further from Chamber of Commerce 22d Jany /58 No. 31

15-18 16-17 18

C 11 Jany
R 18 ..