

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	<i>302</i>	Press Mis.
Dated	<i>16</i>	19. <i>47</i>

Not to be folded or roughly handled

*Proceedings of the Madras Government, Marine Department,
from 2nd to 8th July 1859.*

Read the following letters.

No. 16. From THOMAS SYDNEY SMYTH, Esq., Advocate General; to the Chief Secretary to Government, Fort Saint George, dated 15th June 1859.

I have the honor to acknowledge the receipt of the order of Government, No. 261, Marine Department dated 13th June 1859, respecting Mr. Forbes' letter, dated Calcutta 3rd June, referring to the proposed Act to amend Act XXII of 1855.

2. I must say that I entirely agree in the view taken by Mr. Forbes, and that had I known the facts were as he states, viz., that the evasion of Port dues has occurred only three times in all, and only at one Port in the Madras Presidency, under circumstances which raise a fair doubt whether the blame does not rather attach to the Cochin Officials for inactivity, than to the Masters for dishonesty, I should never have considered it a case to call for Legislative interference.

3. When I see the Bill, I shall report upon it.

No. 17. From JOHN J. FRANKLIN, Esq., Superintendent of Marine; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 21st June 1859, No. 2458.

I have the honor to acknowledge receipt of the Proceedings of the Madras Government of the 13th Instant, No. 261, and to inform you that having communicated with the Advocate General on the subject therein treated, that Officer has forwarded to me a copy of his letter to Government of the 15th Instant, wherein he records his concurrence with Mr. Forbes in thinking it unnecessary to Legislate for checking an infraction of Act XXII of 1855, which has occurred but three times, and these only at one Port. Mr. Smyth further thinks with Mr. Forbes that the cause may be ascribed to the inertness of the Officials at that Port, whose duty it is to collect the Port dues.

2. I cannot view the matter in this light, and it seems clear to me that, however few the evasions may be at first, they will rapidly increase when it is found that the law is powerless to punish. The case of the Eliza Stewart was a direct setting at defiance the Officers of Government. The Commander was requested to pay the dues, and instead of doing so he set sail for Bombay, and although subsequently applied to, he refused, and ultimately proceeded to England leaving the claim unsettled.

3. The Act is the more required because Commanders of Vessels think they have a right to object to the payment of dues when they only touch at a Port to land or take in passengers and their baggage; and it is on these occasions that the law is evaded; a somewhat similar case having occurred at Cocanada in April, since the subject was last submitted to Government.

4. That a Vessel landing a passenger at a Port is liable to the due, seems clear from Section 3 of Act VII of 1858, which places a passenger and Cargo in the same category as imposing dues. If a Vessel leave a Port within seven days without landing or taking in any *Cargo or passenger*, half the due only is chargeable. A passenger landed during the period of her stay however short, renders her liable to the full due; and as this has been successfully evaded—whether through the inertness of the Officials or not, does not seem to affect the question—I still think that the law should be able to reach offenders: otherwise we shall have many Commanders following a similar course and refusing dues which they find cannot be enforced.

No. 18. From THOMAS SYDNEY SMYTH, Esq., Advocate General; to the Chief Secretary to Government, Fort Saint George, dated 1st July 1859.

I have the honor to state that I received Mr. Forbes's Bill for preventing evasions of the payment of Port dues &c., from the Superintendent of Marine on the 27th Ultimo and returned it to him, with a few verbal alterations, on the 29th Ultimo.

It appears to me well calculated to answer the purpose for which it was intended, but as I have already mentioned, had I known the facts stated by Mr. Forbes in his letter accompanying

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the Bill, I should have doubted, with him, whether the case was one that called for additional Legislation, although the principle of the present Bill, is, I think a sound one, and one which it would have been well that the original Act should have contained.

No. 19. From H. FORBES, Esq., Member of the Legislative Council; to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, dated Fort William, the 18th June 1859.

I have had the honor to receive your letter of the 17th Ultimo.

At the meeting of the Legislative Council this day I moved that the papers should be referred for the consideration and report of the Select Committee on the Bill to amend Act XXII of 1855, of which Law Act VII of 1858, is a part and with which it is to be read.

I stated the whole case of the Cochin Mercantile Community to the Council, and I hope to be able to induce the Select Committee to report in favor of such an alteration of Act VII of 1858, as will exempt from Port dues all Vessels calling at Ports at which no light is shewn, which may not break bulk, or land and take in a passenger.

I draw this distinction between Ports that have and have not a light, because it appears to me that the Section in the Act objected to at Cochin was adopted with sole reference to Madras, and that it is not unreasonable to demand dues from Vessels which derive equal convenience and safety from a light whether they break bulk or not.

No. 20. ORDER THEREON, 6th July 1859, No. 302.
Ordered that the following letter be despatched.

(Signed) T. PYCROFT,
Chief Secretary

No. 21. To H. FORBES, Esq., MEMBER FOR MADRAS OF THE LEGISLATIVE COUNCIL OF INDIA, dated 6th July 1859, No. 303.
SIR,

I am directed by the Honorable the Governor in Council to acknowledge the receipt of your letter, under date the 3rd Ultimo, forwarding draft of a Bill in Amendment of Act XXII 1855, to prevent the evasion of Port dues, and submitting at the same time your doubts, for reasons which you have explained, whether there be sufficient cause for Legislative interference on the subject.

2. Your letter and its accompaniment have been referred for the remarks of the Advocate General and the Superintendent of Marine.

3. The former it will be observed approves of the draft Bill, but concurs with you in thinking that no case for Legislative interference has been made out.

4. Mr. Franklin on the other hand adheres to the opinion that such a measure is required on the ground chiefly that although few instances have as yet occurred in which payment of Port dues has been evaded, such cases are likely to become more frequent when it is discovered that they may be committed with impunity.

5. It appears to the Madras Government that there is force in this remark. They would not however have been disposed to press the measure, if it required to be provided for by a separate and Special Act. It is observed however that the Amendment of the Harbour Act XXII 1855, is at present before the Legislative Council. There would therefore seem no reason why the matter now in question should not find a place in any Act for the Amendment of Act XXII 1855, so that the improvement may be as complete as possible.

From Member for Madras of the Legislative Council, 18th June 1859.

why the matter now in question should not find a place in any Act for the Amendment of Act XXII 1855, so that the improvement may be as complete as possible.

*Proceedings of the Madras Government, Marine Department,
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6. I am directed by the Honorable Governor in Council to take this opportunity of acknowledging the receipt of your letter of the 18th Ultimo, relative to the Memorial from the Cochin Chamber of Commerce transmitted to you with my letter of 17th May last. As you will already have learnt by my Telegraphic Message, there is a Light House at Cochin. The grounds for exempting from the payment of Port dues Vessels remaining for less than 48 hours, and not breaking bulk, must therefore be sought among the various considerations urged by the Chamber. You will observe that the Madras Government advocated such an indulgence originally when Act VII 1858, was before the Council.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. A. P. W. Begbie.

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Rep. Marine.
Initials on the letter.

Proceedings of the Madras Govt.

Read the following letters —

From the Advocate General — Enter 15 June 1859 N^o X.

" the Superintendent of
Marine — " 22 do — " 2458.

" the Advocate General — " 1 July — " X.

" the Member for Madras
of the Legislative Council — " 18 June — "

Order thereon — 6 July 1859 N^o 302

Ordered that the follow-
ing letter be despatched.

To the Member for Madras
of the Legislative Council — Enter 1 July 1859 N^o 313.

[Signature]

Supd of all of
with stamped and printed
Bill in which alterations were
made by the Attorney General

Marine Department

No. 303.

To, H. Forbes Esquire
Member for Madras of the
Legislative Council of India.

Sir, I am directed by the
Honorable the Governor in
Council to acknowledge the
receipt of your letter under
date the 3^d ultimo forwarding
draft of a Bill in
Amendment of Act ~~XXII~~
1855, to prevent the evasion
of port dues and submitting
at the same time your
doubts, for reasons which
you have explained, whether
there be sufficient cause for
Legislative interference on
the subject.

2.- Your letter and its
accompaniment have been
referred for the remarks
of the Advocate General
and the Superintendent of
Marines.

Yours

Chennai 1858 23/11/11

No. 303

Secretary of Government

11th July 1859

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 1858 was before the
 Council.

I have, &c. &c.
 J.P.

Port Saint George,
 6 July 1859.

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 11 July 1859

J. M. L.

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Extract Mins.

Dated

