

MADRAS RECORD OFFICE.

Government of Madras.

Marine

DEPARTMENT.

G.O. No.

261

Press
Mis.

Dated

21-7

1860

Not to be folded or roughly handled

C1

*Proceedings of the Madras Government, Marine Department,
21st July 1860.*

No. 54. Read the following letter from J. J. FRANKLIN, Esq., Superintendent of Marine, to the Chief Secretary to Government, Fort Saint George, dated 13th July 1860, No. 3,263.

I have the honor to bring to the notice of Government a case that has been transferred to me for disposal from the Board of Revenue, and to solicit orders thereon.

2. The Collector of Vizagapatam reports that the Barque "Tullochgoram," put into the Port of Vizagapatam in distress on the 15th ultimo, having sprung a leak two days before at sea; and that being unable to keep her afloat she was run ashore on the 18th where she was entirely wrecked. Under Section I of Act VII of 1858, Port dues were demanded but payment was refused, the Master believing that the vessel was not liable under the circumstances.

3. A case has likewise been brought to my notice of a vessel named the "Defiance," which put into Cocanada last month from stress of weather and was charged Port dues. The Commander paid them but brought the matter to my notice on his arrival at Madras, thinking that his vessel was exempt.

4. Neither in Act XXII of 1855 nor in Act VII of 1858, is any provision made for relieving a vessel from the charge of the customary dues in the event of her putting into a Port from stress of weather other than to which she was bound. In the Notification of the Supreme Government of the 10th May 1845, having reference to the dues raised under Act XIII of 1839, the Governor General in Council authorized the Government of Fort Saint George to remit the dues in all cases of a vessel driven into a Port from stress of weather, and this Government issued a notice accordingly on the 3rd October following. This exemption, however, was not adopted in the new Acts, and I have no doubt that its omission was not the result of oversight but of careful consideration. A ship pays dues for the advantages a Port affords and there seems no reason why a vessel in distress and when she calls for assistance more than at any other time, should not pay them. Act XIX of 1860, Section 4, provides for vessels, whether in distress or not, anchoring in a Port free of charge for 48 hours and with a payment of half the due for 7 days, conditionally on their neither discharging or receiving cargo or passengers during that time. There seem therefore no grounds for altering the law as regards the dues to be charged on vessels touching at a Port from stress of weather.

5. But at the same time I think there are cases in which special exemption may be granted, and that of the "Tullochgoram" appears to be one in which the privilege may be judiciously exercised. I would suggest therefore that Government remit the dues on that vessel.

No. 55. ORDER THEREON, 21st July 1860, No. 261.

Under the special circumstances of the case, the Honorable the Governor in Council resolves to remit the claim for Port dues payable on account of the late Barque "Tullochgoram" at the Port of Vizagapatam.

(Signed) T. PYCROFT,
Chief Secretary.

N^o. 261 — 21 July 1860 —

Under the special circumstances of
the case, the Hon^{ble} the Governor in
Council resolves to remit the claim

for port dues payable on account of
the late barge "Tullochgoram" at
the port of Vinagapattam.

L.S.W.
Jy
57 255

W.W.

J.P.

The Suptdt. of Marine. Dated 20th

George's
No. 261 1845. Aug 25 583-
and 8743-

Pro^o of 3rd July
Name 1860 Diphantth

from
The Superintendent
of Marine

To
The Chief Secretary
to Government

For Ld. George

Dated 13th July 1860
Per 14th

N^o 256.

N^o 2263.

Reports that the
vessel "Tullochgoram" & "Sylam"
had put into the port of
Vinagapattam and Coimbatore
respectively, in distress, that at
Coimbatore of the former vessel
= "Sylam" to pay port dues, & that
of the latter paid them, but
brought the matter to his no-
= tice on his arrival at
= Vinagapattam thinking that his
= vessel was exempt.

Suggests for serious
consideration that Gov^{mt} remit
the dues on the "Tulloch"
= "Sylam".

With and Order.