

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No.	105	Press Mis.
Dated	14-3	18 61

Not to be folded or roughly handled

*Proceedings of the Madras Government, Marine Department,
14th March 1861.*

No. 50. Read the following letter from J. J. FRANKLIN, Esq., Superintendent of Marine, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 4th March 1861, No. 685.

I have the honor to inform you that a vessel called the "Cutch Merchant" of 700 tons touched at Cochin in December last, for water and provisions, and within 48 hours sailed for Bombay: Under Section 4 of Act XIX of 1860, she would have been exempted from payment of Port dues provided she neither discharged or took in passenger or cargo. It appears, however, that Captain Day, who was proceeding to Bombay by the "Cutch Merchant," landed at Cochin for the purpose of completing his voyage to that Presidency by one of the Coasting Steamers, and thus in strict accordance with the law rendered the vessel liable to the due. She sailed however without paying it, and on the Collector of Malabar applying to the Collector of Sea Customs at Bombay to recover it, he declined doing so under the impression that it was not fairly claimable.

2. The question has been referred for my decision, but although I think the rule will admit of relaxation in this case, the law is clearly in favor of the levy, and I do not consider I have authority to alter it. I would, however, recommend that as a special case the Government relieve the "Cutch Merchant," from payment of the due. Had she brought a passenger expressly to be landed at Cochin it would have been an ordinary Mercantile transaction from which profit was to be derived, and there could have been no valid claim for exemption; but in this case it is stated that Captain Day's landing was not pre-arranged, but that it was an after thought and was effected without the Commander having any control over his proceedings. For these reasons, I suggest that the claim be not pressed.

No. 51. ORDER THEREON, 14th March 1861, No. 105.

As a special case, the Government will allow the demand for Port dues at Cochin against the "Cutch Merchant," to be foregone.

(Signed) T. PYCROFT,
Chief Secretary.

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The Suptdt. of Marine

" Collector of Malabar

Dec 214-3-61.