

MADRAS RECORD OFFICE.

Government of Madras.

Marine

DEPARTMENT.

G.O. No.

169

Press
Mis.

Dated

17-8-

1864

Not to be folded or roughly handled

*Proceedings of the Madras Government, Marine Department,
17th May 1861.*

No. 24. Read the following letter from J. J. FRANKLIN, Esq., Superintendent of Marine, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 13th May 1861, No. 1,359.

I have the honor at the request of the Collector of Malabar to submit for the consideration of Government the following circumstances.

2. The P. and O. Steamer "China" on the 15th February last, entered the outer roads of Cochin, and without anchoring lowered a boat and put a passenger on board a vessel lying in the roads. She then proceeded on to Bombay without further communication.

3. The Collector brought the circumstance to my notice at the time and inquired if she had rendered herself liable to the port due. My reply was in the affirmative, as the exemption from payment of the port dues is only applicable to vessels which may not discharge or take in any passenger or cargo. Application was therefore made to the Commissioner of Customs at Bombay for the recovery of the due, but payment is resisted by the P. and O. Company on the plea that the Steamer did not anchor, nor did she land any passenger, but merely put one on board a ship in the outer roads; and the Commissioner of Customs at Bombay holds the same opinion.

4. The Government will perceive that the Act does not require a passenger to be landed to render a vessel liable to port dues. It is sufficient that he is discharged from her in the port which was the case in the present instance. The passenger was put on board a ship in the roads, and it is presumed was landed from her. Nor does the Act require a vessel to be anchored in a roadstead before the due is leviable. Were that the case, Steamers might enter the port, remain under weigh and discharge any amount of cargo or passengers without payment.

5. The Collector of Malabar is doubtful whether the circumstances of the case warrant the levy of the due, and observes that if it is decided that passengers may be landed without the charge being enforced it would be a great boon to persons residing on that Coast. For this reason he is desirous that the question may be laid before Government in order that an authoritative decision may be arrived at.

6. The Act, I think, is definite on this point: the vessel entered the port and discharged a passenger: she is therefore liable to the due. But of course it is within the power of the Government to remit the payment. I would not however recommend that any general relaxation of the law be introduced, for it would no doubt be followed by many irregularities, and goods and passengers would be transhipped to vessels in the roads without the vessel bringing them being in any way accountable to the authorities. The principle intended to be carried out by the Section of the Act quoted seems to be that if a vessel earns freight or passage money by touching at a port she should pay the due. In the present case it is not shown whether the passenger discharged was a paying one or not, and in the absence of information on this point, I think the due should be enforced, although if it were hereafter proved that he was granted a free passage, the amount might be refunded.

No. 25. ORDER THEREON, 17th May 1861, No. 169.

The point at issue under the circumstances reported in this letter, will be referred to the Government Solicitor for the opinion of the Advocate General.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

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