

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No.

241

Press
Mis.

Dated

24-7-61

1861

Not to be folded or roughly handled

*Proceedings of the Madras Government, Marine Department,
24th July 1861.*

No. 37. Read the following letter from A. M. MONTEATH, Esq., Under Secretary to the Government of India; to T. PYCROFT, Esq., Chief Secretary to Government of Fort Saint George, dated Fort William, the 28th June 1861, No. 1,282.

HOME DEPT.
Marine.

I am directed to acknowledge the receipt of your letter, No. 196, dated the 8th instant, requesting the opinion of the Supreme Government upon the general principle involved in a question relative to the scope and meaning of Section IV, Act XIX of 1860, (an Act for the levy of Port dues in the Madras Presidency,) which has arisen out of a case at Cochin in which a Steamer, belonging to the Peninsular and Oriental Steam Navigation Company, entered the roads and put a passenger on board another vessel without anchoring, and claimed exemption from Port dues, on the ground that though a passenger had been transhipped, none had been "landed."

2. The Governor General in Council agrees in the opinion expressed by the Advocate General of Madras to the effect that a vessel entering a Port named in the Schedule to Act 7 of 1858, and transferring any cargo or passenger from herself either to the land or any vessel lying in the Port, cannot claim exemption under Section IV, Act 19 of 1860, inasmuch as the condition of leaving the Port "without discharging or taking in any cargo or passenger" is not fulfilled.

3. The terms "discharging" and "landing" are not synonymous, and the limitation of the former to the meaning of the latter is opposed both to the letter and the spirit of the law.

No. 38.

ORDER THEREON, 24th July 1861, No. 241.

Communicated to the Superintendent of Marine.

(Signed) T. PYCROFT,
Chief Secretary.

Recd 8th June/61. 30.1.196.

M

Yr

The Suptt. of Marine.
" Collr. of Malabar.

30-56
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No. 241 - 24th July 1861.
Communicated to the Su-
perintendent of Marine.

37-38

11/12/61
223

Marine 1861 Sept.

From The Under Secy to the
Govt of India - Home Dept
1862

Of 28th June 1861
Ref 12th July 1861

6 papers
not read
No. 2-13.

With reference to the letter
No. 196 of 8th June 61 from this
Office relative to the practice
of the principle involved in
a question concerning the deple-
tation of Dec: 14, No. 197/60
expressing the opinion of that
Govt on the subject.

With an Order.