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(2) Date of repair 19.4.1961

(3) Initials of the Referencer SP 21.4.61

MADRAS RECORD OFFICE

Government of Madras

Marine DEPARTMENT

G.O. No. 161 Press

~~B.P. No.~~ ~~Mis.~~

Dated 27.4. ~~195~~ 1888.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

Read—the following papers:—

From the Chairman, Chamber of Commerce, dated 21st February 1888.
From the Port Officer, Madras, dated 29th February 1888, No. G. 88.
From the Chairman, Harbour Trust Board, dated 5th and 9th March 1888, Nos. 6974 and 7054.
From the Port Officer, Madras, dated 17th March 1888, No. G. 119.

Order—dated 27th April 1888, No. 161, Marine.

In the letters read above, the Port Officer, the Harbour Trust Board, and the Chamber of Commerce reply to G.O., dated 17th January 1888, No. 15, on the subject of the arrangements to be made for the transfer of the conservancy of the Port of Madras to the Harbour Trust Board, and the steps to be taken to bring the rates of port dues now levied into strict accordance with the provisions of Act XII of 1875.

2. Taking the latter question first, the Government observe that all these authorities are unanimous in their recommendations. They all deprecate enhancement of the dues to be charged on coasting steamers; they all desire a reduction of the dues on foreign vessels, both at outports and at Madras, with a favorable rate for steamers homeward bound and calling at Madras for the first time in the voyage; and they all prefer that port dues should be charged on cargo landed and shipped, instead of on tonnage as at present. On this last point a further report is promised by the Harbour Trust Board.

3. His Excellency in Council will be glad to consider the report promised, but observes that a change of so vital a character cannot be adopted without prolonged and careful consideration of the circumstances, not only of Madras, but also of the outports, as to which information is at present entirely wanting. The proposal now made does not appear to rest on an entirely sound basis, because a vessel pays port dues for the benefits which she derives from a port and its appurtenances, and for the services she receives there, and these are in proportion to the nature and size of the vessel and not to the cargo she may discharge or receive. No system of levy would be satisfactory which does not include a tonnage due; though this might be combined with a charge for business done. Practical difficulties would also arise in levying from the ship, and as a port due, a charge of the latter character, though it might be easy to do so from consignees and exporters as a harbour due. Legislation preceded by elaborate inquiry will, at any rate, be necessary before the suggestion now made can be finally disposed of; and the Government pass to the other questions stated in paragraph 1.

4. The suggestion to reduce the dues on vessels other than coasting steamers at Madras and outports is accepted, as it is necessary to bring the scale of dues at once into conformity with the law. It involves a considerable loss to Port Funds, and when the revised accounts of balances are complete, it may be necessary to reconsider the question. Meanwhile, the notifications annexed to this order will be issued under Section 46, Act XII of 1875. The Government do not think that, as the law stands at present, the suggestion that steamers calling at Madras on the homeward voyage

should be admitted at a reduced rate can be complied with. Section 46, Act XII of 1875, empowers the Government "from time to time to vary the rate * * in such manner as * * it thinks expedient by reducing or raising the dues *or any of them.*" Whether the words italicised enable the Government to make a reduction in the case of a class of vessels arriving under particular circumstances seems very doubtful. The point will be referred for the opinion of the Advocate-General. The grounds of this proposal appear to be that, as the law now stands, vessels which call on the outward voyage and again on the homeward voyage are usually exempted from a second payment under the ninety days' rule, and thus practically pay at present 3 annas on each entry. This is evidently the basis of the 3-anna rate proposed for steamers calling on the homeward voyage, but it is not clear whether, if the general due is reduced from 6 to 4½ annas, the Board and Chamber would adhere to the 3-anna rate, nor how they would apply the ninety day rule in the case of a steamer which had paid the reduced rate when homeward bound, and again entered, outward bound, within 90 days—a very possible case. An estimate of the financial effect of the special rate must also be furnished before Government can deal finally with the proposal.

5. Captain Street's suggestions for re-grouping the ports cannot be considered with advantage until the revised accounts of receipts, charges and balances of individual ports are available.

6. The Government now turn to the arrangements for the transfer of the conservancy, &c., of the Madras Port to the Harbour Trust Board. The suggestion that the dues shall be collected as at present by the Collector of Sea Customs is accepted, and accordingly no orders will be issued under Section 48, Act XII of 1875. The views which the Harbour Trust Board have expressed as to their position under the new arrangements indicate a belief that it is intended to constitute them a Port Trust. It is possible that this may eventually be done, but the measure would need legislation, and what is now contemplated in the appointment of the Board as Conservator of Madras is altogether different, and implies a position of much less freedom. Under section 8 of the Act, Conservators are to be subject to the control of any intermediate authority which the local Government may appoint. This intermediate control has always been exercised by the Port Officer, Madras; and though this officer is, and doubtless always will be, a member of the Harbour Trust, it is, in the opinion of Government, essential to preserve his position as the administrative head of the department and the independent adviser of Government in marine affairs. It was intended to convey this in clear terms in paragraph 4 of G.O., 17th January 1888, No. 15, where it is stated that the Board will be subject to the same administrative control as Conservators of other ports. It is also essential that, in cases of emergency, the Port Officer, as presumably the most competent professional person connected with the service of the port and of Government, should have the power of interference as an individual. The Government therefore consider that correspondence between the Harbour Trust Board and the Government on matters connected with Port conservancy should pass through the Port Officer, who should also have power on his individual responsibility to suspend, pending reference to Government, any orders of the Board in their capacity as Conservator of the Port, and in emergent cases to issue his own orders to the executive. The present Assistant Port Officer will become the Executive Officer of the Board. He will be appointed by the Government of India as at present, and that Government will be asked to sanction a change of his official designation to Deputy Conservator, Madras Port, and of that of the Port Officer, Madras, to Presidency Port Officer, if the title of Superintendent of Marine is objected to.

7. With regard to accounts and audit, the Board may, if they wish, keep the accounts in the Harbour Trust Office, but they must be rendered through the Port Officer, Madras, to the Accountant-General and audited as at present. It is essential that the transactions of the Madras Port Fund shall appear in the Indian Finance accounts together with those of other ports, and that the fund shall similarly be kept in the public treasury. The Government, however, will make no objection to the Pilotage fees being separately dealt with by the Harbour Trust Board, nor to the change of

designation of the Pilots if after the transfer and consideration of the rates and scale of establishment, the Board again propose it. The balance of Pilotage fees when separated from the Port Fund proper will be made over to the Harbour Trust Board. The suggestion that the special dues levied under Act IV of 1881 shall be separately made over at once to Harbour Funds is impracticable, and seems based on a misapprehension. The higher maximum provided for under Act IV of 1881 is incorporated in Act XII of 1875, and there is no such thing as "the ordinary dues under Act XII of 1875." The whole of the dues levied at Madras are on the same footing, and are equally parts of the Madras Port Fund. The proposed separation cannot be made, and the object of it is not apparent, inasmuch as the whole surplus revenues of the port will be transferred annually for Harbour purposes.

8. A Notification under sections 8 and 47 of Act XII of 1875, as appended to this order, will now issue.

9. The boat maintained for the use of the Port Officer may be charged to the Port of Madras alone. The whole cost of maintaining the Port Office building cannot be so charged, as a large portion of it must be a general charge. A fixed share of the cost, such as may be considered fair, should be charged to Madras and the rest to all ports. As to pensions, the appointment of the Harbour Trust Board to be Conservator of Madras Port will make no change in the position of servants paid from Port Funds, who will continue to be so paid. Pensionary charges on Port Funds had better be treated in the revision of accounts and hereafter as a general charge. The attempt to debit them to particular ports would lead to great confusion and vain trouble. The Lighthouse at Madras will be a general charge, and should be under the inspection of the new Assistant to the Port Officer. Separate orders have been passed regarding store accounts.

(True Extract.)

H. E. STOKES,
Chief Secretary.

To the Port Officer, Madras.
" Harbour Trust Board.
" Accountant-General.
" Advocate-General, with reference to para. 4.

[Appendix.

APPENDIX.

NOTIFICATIONS.

Under the provisions of Section 46 of the Indian Ports Act, XII of 1875, and in modification of Notifications B and E published in the *Fort Saint George Gazette* of 28th June 1881, page 307 *et seq.*, His Excellency the Governor in Council is pleased to notify that from and after the 1st June 1888, the highest rate at which port dues shall be charged at any out-port in the Madras Presidency shall be 2 annas a ton in the case of seagoing vessels other than coasting steamers, and 3 annas a ton in the case of coasting steamers. At out-ports where higher rates than these have hitherto been charged on seagoing vessels other than coasting steamers, the rates shall from the date aforesaid be as above.

Under the provisions of Section 46, Act XII of 1875 and Section 2, Act IV of 1881, and in modification of the notification published in the *Fort Saint George Gazette* of 16th March 1881, page 143, His Excellency the Governor in Council hereby notifies that from and after the 1st June 1888, the rate of port dues to be levied on vessels entering the port of Madras shall be reduced from 6 annas to 4½ annas per ton, half such rate being charged in the case of vessels employed in the coasting trade not being steamers.

In exercise of the powers conferred on him by Sections 8 and 47 of the Indian Ports Act, XII of 1875, His Excellency the Governor in Council is pleased to appoint the Madras Harbour Trust Board to be Conservators of the Port of Madras under Section 8 for the purposes of the said Act, and to keep the accounts of the Port Fund of the port aforesaid under Section 47. And this order shall have effect from and after the 1st June 1888.

Exd. A. Raitt.

Govt. of {1888} Madras.

MARINE.

Issued

Recd. Encl.

G.O., 27th April 1888, No. 161.

APRIL.

Port of Madras.

Passing orders transferring the conservancy of the — to the Harbour Trust Board.

ET

Papers | 4

27th April 1888, No. 161, Marine.

~~PH~~ 21 apr

W 24 Apr

C /

H.E. ordered that the papers should be sent to Capt. [illegible] for remarks. This has been done & his D.O. 14 April is put up. There is nothing in it.

[illegible] 19 apr

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

Read—the following papers :—

131 — From the Chairman, Chamber of Commerce, dated 21st February 1888.

158 — From the Port Officer, Madras, dated 29th February 1888, No. G. 88.

173 & 194 From the Chairman, Harbour Trust Board, dated 5th and 9th March 1888, Nos. 6974 and 7054.

220 — From the Port Officer, Madras, dated 17th March 1888, No. G. 119.

Order—dated 27th April 1888, No. 161, Marine.

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2. Taking the latter question first, the Government observe that all these authorities are unanimous in their recommendations. They all deprecate enhancement of the dues to be charged on coasting steamers; they all desire a reduction of the dues on foreign vessels, both at outports and at Madras, with a favorable rate for steamers homeward bound and calling at Madras for the first time in the voyage; and they all prefer that port dues should be charged on cargo landed and shipped, instead of on tonnage as at present. On this last point a further report is promised by the Harbour Trust Board.

3. His Excellency in Council will be glad to consider the report promised, but observes that a change of so vital a character cannot be adopted without prolonged and careful consideration of the circumstances, not only of Madras, but also of the outports, as to which information is at present entirely wanting. The proposal now made does not appear to rest on an entirely sound basis, because a vessel pays port dues for the benefits which she derives from a port and its appurtenances, and for the services she receives there, and these are in proportion to the nature and size of the vessel and not to the cargo she may discharge or receive. No system of levy would be satisfactory which does not include a tonnage due; though this might be combined with a charge for business done. Practical difficulties would also arise in levying from the ship, and as a port due, a charge of the latter character, though it might be easy to do so from consignees and exporters as a harbour due. Legislation preceded by elaborate inquiry will, at any rate, be necessary before the suggestion now made can be finally disposed of; and this Government pass to the other questions stated in ~~the last~~ paragraph 1. e

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8. Notifications under sections 8 and 47 of Act XII of 1875, as appended to this order, will now issue.

9. The boat maintained for the use of the Port Officer may be charged to the Port of Madras alone. The whole cost of maintaining the Port Office building cannot be so charged, as a large portion of it must be a general charge. A fixed share of the cost, such as may be considered fair, should be charged to Madras and the rest to all ports. As to pensions, the appointment of the Harbour Trust Board to be Conservator of Madras Port will make no change in the position of servants paid from Port Funds, who will continue to be so paid. Pensionary charges on Port Funds had better be treated in the revision of accounts and hereafter as a general charge. The attempt to debit them to particular ports would lead to great confusion and vain trouble. The Lighthouse at Madras will be a general charge, and should be under the inspection of the new Assistant to the Port Officer. Separate orders have been passed regarding store accounts.

(True Extract.)

Chief Secretary.

The Port Officer Madras 6
" H. T. Bd. 6
" Acctt Genl 6
" Advo Genl with refce to para 4 / 6
put under cover to Govt Colr

Despd 4/5/88

Exd. A. Raitt.

Notification

Under the provisions of sec 46 of the Indian Ports act, XII of 1875, & in modification of notifns B & E published in the Fort St. George Gazette of 28th June 1881 p. 307 et seq., H.E. the G in C is pleased to notify that from & after the 1st July 1888 the highest rate at which Port dues shall be charged at any out-port in the Madras Pres.y shall be 2 as a ton in the case of ships other than coasting steamers, & 3 as a ton in the case of coasting steamers. At out-ports where higher rates than these have hitherto been charged on ships other than coasting steamers the rates shall from the date aforesaid be as above.

1st June

PPH.

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the Gov in C hereby notifies
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the Port of Madras shall be
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per ton, half such rate being
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employed in the coasting
trade not being steamers

Issue
18 apl

HCS

The notifn of 25 July 81, [illegible]
provides that payment at one
Eastern Coast
Port of a shall protect vessel and
to credit [illegible] payment at Madras

HCS

Notification

In exercise of the powers
conferred on him by secs 8 &
47 of the Indian Ports Act
XII of 1875, H.E. the Gov in C
is pleased to appoint the
Madras Harbour Trust
Bd to be Conservators of the
Port of Madras under sec 8
for the purposes of the said
act, & to keep the accounts
of the Port Fund of the Port
aforesaid under sec 47
And this order shall have
effect from & after the 1st
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[illegible]
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The notifn of 25 July 81, [illegible]
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June
July 1888

[illegible]
18 Apl

HCS

A

Order transferring the Conservancy of the Port of Madras to the Harbour Trust Board

5004

To be issued [illegible] copies [illegible] 1604 same time [illegible] 27/4

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8 [illegible] 18

Letter from Chamber of Comm. 28/2/88

[illegible] 2 [illegible] 6/4/88

Chairman H T Board

& 5 & 7 March /88 No 674

No 17057 [illegible] 6/4/7

[illegible]

In the letters read above the Port Officer, the Harbour Trust Board & the Chamber of Commerce reply to G.O. 17 January 1888 No 75, on the subject of the arrangement to be made for the transfer of the Conservancy of the Port of Madras to the Harbour Trust Board, & the steps to be taken to bring the rates of port dues now levied into strict accordance with the provisions of Act XII of 1875.

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4. Captain Steel's suggestions for regrouping the ports cannot be considered with advantage until the revised accounts of port receipts, charges & balances of individual ports are available.

5. The Govt. now turn to the arrangements for the transfer of the conservancy &c of the Madras Port to the Harbour Trust Board. The suggestion that the dues should be collected as at present by the Collector of Sea Customs is accepted and accordingly no orders will be issued under section 48 Act XII of 1875. The views which the Harbour Trust Board

have expressed as to their position under the new arrangements ~~would~~ indicate a belief that it is intended to ~~[illegible]~~ constitute them a Port Trust. It is possible that such may eventually be formed, but the measure involves new legislation, and what is now contemplated in the appointment of the Bd. as conservators of Madras is altogether different and implies a position of much less freedom. Under sec 8 of the Act the Conservators are to be subject to the control of any intermediate authority which the local Government may appoint. This intermediate control has always been exercised by the Port Officer, Madras; and though this officer is, and doubtless always will be, a member of the Harbour Trust it is in the opinion of Govt. essential to preserve his position as the administrative head of the department & the independent adviser of Govt. in marine affairs.

was intended to convey this in clear terms in para 4 of G.O. 17 Jan 1888 No 75, where it is stated that the Board will be subject to the same administrative control as Conservators of other ports. It is also essential that in cases of emergency the Port Officer as presumably the most competent professional person connected with the service of the Port & of Govt. should have the power of interference as an individual. The Govt. therefore consider that correspondence between the Harbour Trust Board & the Govt. on matters connected with Port Conservancy should pass through the Port Officer, who should also to have power on his individual responsibility to suspend pending reference to ~~orders of~~ Govt. any orders of the Board in their capacity as Conservators of the Port, and in emergent cases to issue his own orders to their execution. The present

Assistant Port Officer will become the Executive Officer of the Board. He will be appd. by the Govt. of India as at present & that Govt. will be asked to sanction a change of ~~the~~ his official designation to Dy. Conservator Madras Port, & of that of the Port Officer Madras to Presidency Port Officer, if the title of Superintendent of Marine is objected to.

6. With regard to accounts & audit, the Board may if they wish keep the accounts in the Harbour Fund Office but they must be rendered through the Port Officer Madras to the Acct. General and audited as at present. It is essential that the transactions of the Madras Port Fund shall appear in the Indian Finance accounts together with those of other ports, and that the fund shall similarly be kept in the public treasury. The

Govt. however will make no objection to the Pilotage fees being separately dealt with by the Harbour Trust Board previous to the change of designation if after the transfer & consideration of the rates & scale of establishment the Board again propose it. The balance of pilotage fees when separated from the Port fund proper will be made over to the H. T. Board. The suggestion that the special dues levied under Act IV of 1881 shall be separately made over at once to Harbour Fund is impracticable, & seems based on a misapprehension. The higher maximum provided for under Act IV of 1881 is incorporated in Act XII of 1875, and there is no such thing as "the ordinary dues under Act XII of 1875". The whole of the dues levied

at Madras are on the same footing, and are equally parts of the Madras Port Fund. The proposed separation cannot be made & the object of it is not apparent inasmuch as the whole surplus revenue of the Port will be transferred annually for Harbour purposes.

7. Notifications under secs 8 & 47 of Act XII of 1875, as appended to this order will now issue.

8. The boat maintained for the use of the Port Officer may be charged to the Port of Madras alone. The whole cost of maintaining the Port Office building ~~it~~ cannot be so charged, as a large portion of it must be a general charge. ~~The~~ A fixed share of the cost, such as may be considered fair, should be charged to Madras & the rest to all ports. As to pensions, ~~these~~ the appointments of the

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H. T. Bond to be conservator of Madras Port will make no change in the position of servants paid from Port Fund, who will continue to be so paid.

Pensionary charges on Port funds in the revision of acct. & hereafter had better be treated as a general charge. The attempt to debit them to particular ports would lead to great confusion and vain trouble. The Light House at Madras will be a general charge & should be under the inspection of the new Assistant to the Port Officer. Separate orders have been passed regarding these accounts.

W.E.
9 Apr.

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Port of Madras. Passing orders transferring the Conservancy of the ——— to the Harbour Trust Board.

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