

(1) Number of pages 30(2) Date of repair 10-9-38(3) Initials of the Referencer [Signature]

## MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

|          |              |                      |
|----------|--------------|----------------------|
| G.O. No. | <u>460</u>   | Press<br><u>Mis.</u> |
| Dated    | <u>7-11-</u> | <u>1876.</u>         |

Not to be folded or roughly handled



PROCEEDINGS OF THE MADRAS GOVERNMENT.

MARINE DEPARTMENT.

7th November 1876. No. 460.

BOAT RULES.

No. 13. Read the following letter from J. H. TAYLOR, Esq., Lieutenant, R.N.R., Master Attendant, Madras, to the Chief Secretary to Government, dated Madras, 18th October 1876, No. 7283 :—

Administrative Department.

I have the honor, in concurrence with the Collector of Malabar, to solicit the sanction of His Grace the Governor in Council to certain modifications in the Miscellaneous Boat Regulations in force at the port of Cochin with a view to bring the boats and their owners more under the immediate control and management of the Master Attendant in order to improve their general efficiency, which at present cannot be said to be satisfactory.

2. The schedule of rates laid down by Government appears to be a dead letter so far as the mercantile firms are concerned, and the result is that the larger European firms, by outbidding the smaller ones, manage to monopolize the greater number of boats, and on steamer days the Master Attendant finds himself literally unable to secure the services of a single boat. The boat-owners positively refuse to let their boats except to such firms as pay the highest rates regardless of the Boat Rules, of the existence of which they are apparently ignorant. None of the boats have registered crews; in fact, the men plying in them refuse to register themselves for fear of becoming amenable to the Boat Rules. They are fishermen, and come principally from a village called Coyencollam, about fifty miles south of Cochin, arriving before the season commences and leaving for their homes as soon as the port is closed by the south-west monsoon; so that, however desirable, and even necessary, it may be to register the crew of each boat as required by the Boat Rules, it seems to be impolitic to enforce registration at all events for the present, and it is not unlikely that the men will desert the port altogether if any coercion is used in this respect.

3. But there is another difficulty experienced at Cochin in connection with the boat system, which ought to, and can be remedied. The boats in the inner harbor lie scattered over the extensive area of the estuary from the Custom-house to Pierce Leslie's Wharf and up the Chellar Canal; and, as there is no restriction to secure the attendance of boat-owners or tindals at any particular spot, the greatest possible difficulty is experienced in securing a boat when urgently required as neither owners nor tindals can be found. The prevalence of this lax system, combined with the fact that the boats are compelled to work according to the state of wind, frequently leaving the inner harbor for the shipping in the outer roads so early as 3 A.M. and returning late at night, throws facilities in the way of the dubashes for carrying on smuggling transactions with passing vessels whenever opportunity offers. With a view to check these irregularities, it has been resolved to concentrate all the boats belonging to the port at one particular spot of the harbor, to be styled the boat bunder, where all licensed unemployed boats should be compelled to moor abreast of, or be hauled up on, shore. The principle boat-owners are in favor of this measure provided they are permitted to erect small huts round the shores of the prescribed space in which to keep their boat gear to be available at a moment's notice.

4. The Collector of Malabar is making arrangements for fixing the exact site for the boat bunder, and in the mean while I respectfully solicit the early sanction of Government to its estab-



lishment, as well as to re-extend to Cochin the Miscellaneous Regulations numbered 1, 2, 3, and 5, which are in force at the other ports of the district, together with an additional rule regarding the boat bunder. I accordingly submit herewith a revised schedule of subsidiary rules for the port of Cochin in supersession of previous rules and for due publication in the *Fort St. George Gazette*.

No. 1635.

Referred to the Collector of Malabar for his remarks.

FORT ST. GEORGE,  
23rd October 1876.

(Signed) W. HUDLESTON,  
Chief Secretary.

No. 14. Read also the following letter from W. LOGAN, Esq., Collector of Malabar, to the Chief Secretary to Government, dated Calicut, 27th October 1876, No. 81 :—

With reference to the accompanying letter and its enclosure from the Master Attendant, Madras, forwarded with your endorsement, dated 23rd instant, No. 1635, I have the honor to observe that the subsidiary boat rules for the port of Cochin sanctioned in G.O., dated 27th March 1868, No. 105, contained some very good miscellaneous regulations embodied in them, but in the revised rules sanctioned by Government in their Proceedings of the 16th December 1873, No. 317, some of these have been left out. Captain Bartlett is desirous of re-introducing these rules with a view to the better control and management of the boat establishment.

2. It is also proposed to set aside a spot in the inner harbor as a boat bunder where all licensed unemployed boats shall be moored abreast of, or hauled up on, shore.

3. The above proposals have been prepared in consultation with me and have my entire support.

No. 1681.

Referred, through the Government Solicitor, for the opinion of the Advocate-General.

FORT ST. GEORGE,  
30th October 1876.

(Signed) W. HUDLESTON,  
Chief Secretary.

No. 15. Read also letter from ERNEST BARCLAY, Esq., Government Solicitor, to the Chief Secretary to Government, dated Madras, 2nd November 1876, No. 531, forwarding the following opinion of the Advocate-General :—

#### OPINION.

The power of making rules as to boats and catamarans is conferred on the Local Government by Act IX of 1846 and the Indian Ports Act XII of 1875, Section 7 (k). The former Act allows rules to be made for any port in the Presidency as to the matters provided for the port of Madras by Act IV of 1842. Such rules, however, require to be submitted to the Governor-General for sanction. As this is not necessary in the case of rules made under the Indian Ports Act, and as this is the more recent enactment, it is better that rules should be made for the future under that Act; but as there might be a doubt whether Section 7 (k) authorizes the Government to fix the rate of boat-hire, and as Act IV of 1842 clearly does confer that authority, it will be better not to supersede the existing rules on this point (which I presume have been duly sanctioned), but to issue fresh rules dealing with the particular points which in the Master Attendant's opinion require regulation.

2. They should be headed "Rules made under Section 7 (k) of the Indian Ports Act, 1875, for licensing and regulating of cargo and other boats and catamarans plying for hire in the Port of Cochin."

3. A note might be added calling attention to the penalty provided in Section 42.

4. The Rules 1—8 submitted by the Master Attendant appear to me unobjectionable with the exception of Rule 3, which I have slightly amended.

(Signed) H. S. CUNNINGHAM,  
Advocate-General.

1st November 1876.

No. 16.

ORDER.—The Advocate-General's opinion will be communicated to the Master Attendant, Madras, who will revise the draft rules with reference to his remarks and submit them for sanction.

(True Extract.)

W. HUDLESTON,  
Chief Secretary.

To the Master Attendant, Madras, with rules.

Exd J. W. Fischer.



Madras  
Marine Office  
28 May 1877.

My Dear Sir,

I shall feel very much obliged if you will kindly tell me whether the Cochin Boat Rules, advertised to in G.O. No. 460, dated the 7<sup>th</sup> Nov 76, are in your Office, because the Advocate General, in his opinion upon those rules, which is recorded in the same G.O., states in the last para, that he slightly amends clause 3 of the rules, and we wish

Boat. of 1876 Madras.

MARINE.

To  
THE MASTER ATTENDANT,  
Madras.

Dated November, 7th.

Issued

Recd.

Encl.

G.O., 7th November 1876, No. 460.

NOVEMBER.  
Nos. 13-16.

Boat Rules.—Advocate-General's opinion respecting certain subsidiary boat rules proposed for the port of Cochin communicated to the Master Attendant for revision in accordance therewith.



Administrative Department.

No. 283

MADRAS,  
Marine Office,

18<sup>th</sup> October 1876.

From

J. H. TAYLOR, Esq., LIEUT., R.N.R.,

Master Attendant,  
Administrative Department,  
Madras,

To

The Honorable W. H. Huddleston

Chief Secretary to Government,  
Marine Department,  
Fort Saint George.

SIR,

I have the honor, in communication with the Collector of Malabar, to solicit the sanction of His Grace the Governor in Council to certain modifications in the Miscellaneous Boat Regulations in force at the port of Cochin, with a view to bring the boats and their owners more under the immediate control and management of the Master Attendant, in order to improve their general efficiency, which at present cannot be said to be satisfactory.

2

The schedule of rates laid down by Government appears to be on

dead



second letter so far as the Mercantile  
firms are concerned, and the result is  
that the larger European firms by  
outbidding the smaller ones manage  
to monopolize the greater number of  
boats, and on a steamer voyage the Master  
Attendant finds himself literally unable  
to secure the services of a single boat.  
The boatowners positively refuse to let  
their boats except to such firms as pay  
the highest rates, regardless of the  
Boat Rules, of the existence of which  
they are apparently ignorant. None  
of the boats have registered crews, in  
fact the men flying in them refuse  
to register themselves for fear of becoming  
amenable to the Boat Rules. They are  
fishermen, and come principally from  
a village called Coymesallan, about  
50 miles south of Cochin, arriving before  
the season commences, and leaving for  
their homes as soon as the port is  
closed by the South West Monsoon.

So

So that, however desirable and <sup>280</sup> ~~even~~ <sup>11</sup>  
necessary it may be to register the crew  
of each boat, as required by the Boat  
Rules, it seems to be impolitic to enforce  
registration at all events for the present,  
and it is not unlikely that the men  
will desert the port altogether, if any  
coercion is used in this respect.

3 But there is another difficulty  
experienced at Cochin in connection with  
the boat system, which ought to, and  
can be, remedied. The boats in the  
inner harbor are scattered over the  
extensive area of the estuary, from the  
Customs house to Pinner Leslie's Wharf  
and up the Chellan Canal, and as  
there is no restriction to secure the  
attendance of boat owners or tindals  
at any particular spot, the greatest  
possible difficulty is experienced in  
securing a boat when urgently required,  
as neither owners nor tindals can be  
found. The prevalence of this loose  
system, combined with the fact

that



that the boats are compelled to work according to the state of wind, frequently leaving the inner harbour for the shipping in the outer roads as early as 3 A.M., and returning late at night, throws facilities in the way of the dealers for carrying on smuggling transactions with passing vessels, whenever opportunity offers. With a view to check these irregularities, it has been resolved to concentrate all the boats belonging to the port at one particular spot of the harbour, to be styled the Boat Bunder, where all licensed unemployed boats should be compelled to moor abreast of, or be hauled up on, shore. The principal boatmen are in favour of this measure, provided they are permitted to erect small huts round the shores of the prescribed space, in which to keep their boat gear to be available at a moment's notice.

4 The collector of Malabar is

1380  
is making arrangements for fixing the exact site for the boat bunder, and in the meanwhile I respectfully solicit the early sanction of Government to its establishment, as well as to resuspend to Cochin the Miscellaneous Regulations numbered 1-2-3 and 5, which are in force at the other parts of the district, together with an additional rule regarding the boat bunder. I accordingly submit herewith a revised Schedule of Subsidiary Rules for the port of Cochin, in supersession of previous rules, and for due publication in the Fort Saint George Gazette.

I have the honour to be  
Sir  
Your Most Obedt Servant  
W. Taylor  
Master Attendant  
Administrative Department.

APR





No 13 -

Handwritten note: *Handwritten entry 1963*

Handwritten text: *Mr. C. M. ...*

No 1635



Handwritten text: *Mr. ...*

Handwritten text: *... 10/10/96*

Handwritten text: *No: 7283*

Recommendations for ...



Malabar Collectors Office

Calicut 27<sup>th</sup> October 1876.

N<sup>o</sup>. 81

From,

W. Logan, Esq<sup>re</sup>,

Collector of Malabar;

To,

The Hon<sup>ble</sup> W. Huddleston

Chief Secretary to Government

St. George -

Sir,

With reference to the accompanying letter and its enclosure from the Master Attendant, Madras, forwarded with your endorsement dated 23<sup>rd</sup> instant, N<sup>o</sup> 1635, I have the honor to observe that the Subsidiary Boat Rules for the port of Cochin, sanctioned in G. O. dated 27<sup>th</sup> March 1868, N<sup>o</sup> 105, contained some very good miscellaneous regulations embodied in them, but



in the Revised Rules sanctioned by Government in their Proceedings of the 16<sup>th</sup> December 1873, n<sup>o</sup> 317, some of these have been left out. Captain Bartlett is desirous of re-introducing these rules with a view to the better control and management of the Boat Establishment.

2. It is also proposed to set aside a spot in the inner harbour, as a Boat Bunde, where all licensed unemployed boats shall be moored abreast off or hauled up on shore—

3. The above proposals have

been prepared in consultation with me, and have my entire support—

I have the honor to be,  
Sir,

Yours most obedient Servant

W. C. C.

Collector—



Opinion.

The power of making rules as to Boats and Catamarans is conferred on the Local Government by Act IX of 1846 and the Indian Ports Act XII of 1875. Sec. 7 (k). The former Act allows rules to be made for any port in the Presidency as to the matters provided for the Port of Madras by Act IV of 1842. Such rules however require to be submitted to the Governor General for sanction. As this is not necessary in the case of rules made under the Indian Ports Act, and as this is the more recent enactment, it is better that rules should be made for the future under that Act - but as there might be a doubt whether Section 7 (k.) authorizes the Government to fix the rate of Boat hire, and as Act IV of 1842 clearly does confer that authority, it will be better not to supersede the existing rules on this point, (which I presume have been duly sanctioned), but to issue fresh rules dealing with the particular points which, in the Master Attendants' opinion, require regulation.

They should be headed "Rules made under Section 7 (k.) of the Indian Ports Act 1875 for Licensing and Regulating of Cargo and other Boats and Catamarans plying for hire in the Port of Cochin."

No. 1681  
1876

1876 Mysore  
from, (Boat Hire)

The Collector of Malabar

To,

The Chief Secy. to Govt

at St. George.

Dated 27<sup>th</sup> Dec 1876.

No. 87.

Enclosure 2

Referring in letter to me

enclosed from the Master

Attendants, Madras, here

with reference, forwarded

with enclosure of 27<sup>th</sup> Dec

Oct 28 1875

Referring

682

Approved by the Govt. Secy. to Govt.  
Opinion of the Govt. Secy. to Govt.

W. H. Murray

C. A. M.

to be revised by 1876

to be revised by 1876  
to be revised by 1876  
to be revised by 1876



A note might be added calling attention to the penalty provided in Section 42..

The rules 1-8 submitted by the Master attendant appear to me unobjectionable with the exception of Rule 3, which I have slightly amended.

/Signed/ H. L. Cunningham.

1<sup>st</sup> November 1876.

/True Copy/

Ernest Harclay

Government Solicitor.



N<sup>o</sup> 531.

25

Madras, 2<sup>nd</sup> November 1876.

No 14

From

Ernest Barclay  
Government Solicitor  
Madras.

To

The Honorable W. Huddleston  
Chief Secretary to Government  
Fort St. George.

Sir,

1. I have the honor to acknowledge receipt of the Order of Government dated 30<sup>th</sup> October 1876, N<sup>o</sup> 1681, (made on letter from the Collector of Malabar to Government dated 24<sup>th</sup> October 1876, N<sup>o</sup> 81) and its enclosures, requesting the Advocate General to submit his opinion on certain subsidiary Boat rules for the port of Cochin.
2. I submitted the matter for the consideration of the Advocate General and I now forward herewith a copy of his opinion and return the enclosures which accompanied the above Order of Government.

I have the honor to be,

Sir,

Your most Obedient Servant,  
*Ernest Barclay*  
Government Solicitor.

Enclosure in letter from  
the Government dated 30<sup>th</sup> October  
to the Chief Secretary to  
Government, dated 2<sup>nd</sup>  
November 1876, N<sup>o</sup> 531.

L. Huddleston  
N<sup>o</sup>.



Govt. of 1876 Madras.

marine

G. O., 7 Nov 1876, No. 460

Nos. 13-16

Boat rules. Advocate  
General's opinion res:  
pecting certain sub-  
sidiary Boat rules  
proposed for the  
port of Cochin, com-  
municated to the  
Master attendant  
for revision in  
accordance there-  
with.