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MADRAS RECORD OFFICE

Government of Madras

Marine

DEPARTMENT

G.O. No.
B.P. No.

2

Press
Mis.

Original

Dated

2nd January

1877
195

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
MARINE DEPARTMENT.

2nd January 1877, No. 2.

Port Dues on Foreign Vessels.

Read the following paper :—

No. 1. *From C. J. LYALL, Esq., Under Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce, to the Chief Secretary to Government, dated Calcutta, 1st December 1876, No. 623.*

Commerce and Trade.

With reference to the Proceedings of the Government of Madras in the Marine Department of the 7th September 1876 (No. 20 to 22-A), sanctioning "Rules for the guidance of Masters Attendant and Conservators of Ports in the Madras Presidency with regard to the measurement of foreign vessels for tonnage dues," I am directed to point out that it is not consistent with Section 51 (b) of Act XII of 1875 (The Indian Ports Act) to issue rules for the guidance of Conservators when the law gives them a discretion in such matters. Instructions on the manner in which the discretion should be exercised would, the President in Council apprehends, be unobjectionable.

No. 2. ORDER THEREON, 2nd January 1877, No. 2.

With reference to the letter above recorded, the following instructions will be issued to Masters Attendant and Conservators of Ports in this Presidency for their guidance in taking action under Section 51, Clause (b), of "The Indian Ports Act, 1875," in supersession of the rules embodied in the Proceedings of Government, dated 7th September 1876, No. 352 :—

"Instructions for the Guidance of Masters Attendant and Conservators of Ports in the exercise of the discretionary power vested in them by Clause (b), Section 51, of "The Indian Ports Act, 1875.

1. All Conservators of Ports, so far as they are concerned, may accept the tonnage of French, German, Swedish, and Spanish ships as indicated in their national papers.

2. If a Conservator has reason to doubt the tonnage of any vessel belonging to the above-mentioned nationalities and has reasonable cause to suspect that any such vessel has been altered to an extent interfering with her original capacity as denoted in her register or other national papers, he may measure the vessel on his own responsibility and for his own satisfaction in accordance with the powers vested by him by Section 51, Clause (b), of Act XII of 1875, which section has reference, and is applicable, to all vessels not registered under the Imperial Merchant Shipping Act of 1854 or under the Indian Acts X of 1841 and XI of 1850 respectively, i.e., to all foreign vessels.

*Chas. J. Lyall
To the Secy to the Govt of India*

3. Foreign vessels not belonging to any of the nationalities above-mentioned may be relieved from the requirement of a measurement certificate, provided that the Master of the vessel is able to produce bills or receipts as evidence to prove that the vessel has paid dues upon a certain tonnage in a port of the United Kingdom within a period of two years from the date at which tonnage dues are demanded. In such case the vessel should be assessed for dues on the tonnage on which she has so paid dues in the United Kingdom; provided that (1) she has not been altered within the said period to an extent interfering with her original capacity, and (2) that stores, cargo, or passengers are not carried in any space which has not been included in, or which has been deducted from, the gross tonnage.

4. In the event of the Master of the vessel being unable to produce the evidence required by the preceding paragraph or fail to satisfy any Conservator of her true tonnage, then the Conservator may take action as indicated in paragraph 2.

5. As, under Section 16 of Act XII of 1875, Conservators of Ports have power to board any vessel in the discharge of their duty, it seems desirable that all foreign vessels, of whatever nationality, should be so boarded on arrival, in order that the Conservator may satisfy himself, by a careful inspection of the vessel, that no reasonable cause exists for doubting the tonnage of the vessel as denoted in her register or other national paper."

(True Extract.)

W. HUDLESTON,
Chief Secretary.

To the Master Attendant, Madras.
„ Revenue Department.

No. 623.

FROM

C. J. LYALL, ESQUIRE,

Under-Secretary to the Government of India,

Department of Revenue, Agriculture,

and Commerce,

TO

The Chief Secretary to the Government of
Madras.

Calcutta dated the 1st December 1876.

Commerce
and Trade.

SIR,

With reference to the proceedings of the Govern-
ment of Madras in the Marine Department for the
7th 9th September 1876 (Nos 20 to 22 A), sanctioning "rules
"for the guidance of Masters Attendant and Conservators
"of Ports in the Madras Presidency with regard to
"the measurement of foreign vessels for tonnage dues,
I am directed to point out that it is not consistent
with Section 51 (b) of Act XII of 1875 (the Indian
Ports Act) to issue rules for the guidance of
Conservators, when the law gives them a discretion
in such matters. Instructions on the manner in
which the discretion should be exercised would, the
President in Council apprehends, be unobjectionable.

I have the honour to be

your most obedient servant.

Chas. J. Lyall

W. Secy. to the Govt. of India

Obt. of 1877 Madras.

MARINE.

To THE MASTER ATTENDANT,

Madras, &c., &c., &c.

Dated January, 2nd.

Issued

Recd.

G.O., 2nd January 1877, No. 2.

JANUARY.
Nos. 1-2.

Port Dues on Foreign Vessels.—Instructions
issued to Masters Attendant and Conservators of
Ports in the exercise of the power vested in them
by Section 51 of The Indian Ports Act.

No. 623.

FROM

C. J. LYALL, ESQUIRE,

Under-Secretary to the Government of India,

Department of Revenue, Agriculture,

and Commerce,

TO

The Chief Secretary to the Government of
Madras.

Calcutta dated the 1st December 1876.

Commerce
and Trade.

SIR,

With reference to the proceedings of the Government of Madras in the Marine Department for the 9th September 1876 (Nos. 20 to 22 A), sanctioning "rules for the guidance of Masters Attendant and Conservators of Ports in the Madras Presidency with regard to the measurement of foreign vessels for tonnage dues," I am directed to point out that it is not consistent with Section 51 (b) of Act ~~XII~~ of 1875 (the Indian Ports Act) to issue rules for the guidance of Conservators, when the law gives them a discretion in such matters. Instructions on the manner in which the discretion should be exercised would, the President in Council apprehends, be unobjectionable.

I have the honour to be

your most obedient servant.

Chas. J. Lyall

To the Secy. to the Govt. of India

Obdt. of 1877 Madras.

MARINE.

To

THE MASTER ATTENDANT,

Madras.

Dated January, 2nd.

Issued

Recd.

G.O., 2nd January 1877, No. 2.

JANUARY.
Nos. 1-2.

Port Dues on Foreign Vessels. — Instructions issued to Masters Attendant and Conservators of Ports in the exercise of the power vested in them by Section 51 of The Indian Ports Act.

With reference to the
letter above recd, the
following instructions
will be issued to Masters
Attendant & Conservators
of Ports in this Presidency,
for their guidance in
taking ^{action} under ^{Section 31} Clause (b)
of "The Indian Ports Act,
1875," in supersession
of the Rules embodied
in The Proceedings of Govt
(dated)

Martini (1876) [M. J. M.]
[university of Oregon]
[M. J. M.]
[university of Oregon]
[M. J. M.]
[university of Oregon]
[M. J. M.]
[university of Oregon]
[M. J. M.]
[university of Oregon]

1/2 7/12

I point out that
it is not consistent
with section 51(b) of
Art. VII of 1975. The
Indian Arts and
Crafts rules for the
guidance of Convention
when the law gives
them a decision
in the matter.

dated 7th September 1876,
No. 352.

Instructions for the guidance
of Masters Attendants & Conservators of
Ports in the exercise of the discretionary
power vested in them by Clause (b)
Section 51 of "The Indian Ports Act, 1875"

1. All Conservators ^{of Ports}, so far as they are concerned, may accept the tonnage of French, German, Swedish and Spanish ships as indicated in their national papers.

2. If a Conservator has reason to doubt the tonnage of any vessel belonging to the above-mentioned nationalities, and has reasonable cause to suspect that any such vessel has been altered to an extent interfering with her original capacity as denoted in her Register or other national papers, he may measure the vessel on his own responsibility, and for his own satisfaction, in accordance with the powers vested by him by Section 51, clause (b), of Act XI of 1875 - which Section has effect, and is applicable to all vessels not registered under the Imperial Merchant

Merchant Shipping Act 1854 or under the Indian Acts X of 1841 and XI of 1850, respectively - i.e. to all foreign vessels.

3. Foreign vessels not belonging to any of the nationalities above-mentioned, may be relieved from the requirement of a Measurement Certificate, provided that the Master of the vessel is able to produce bills, or receipts, as evidence to prove that the vessel has paid dues upon a certain tonnage in a port of the United Kingdom within a period of two years from the date at which tonnage dues are demanded. In such case, the vessel should be assessed for dues on the tonnage on which she has so paid dues in the United Kingdom; provided that (1) she has not been altered within the said period to an extent interfering with her original capacity, and (2) that stores, cargo or passengers are not carried in any space which has not been included in, or which has been deducted from, the gross tonnage.

4. In the event of the Master of the vessel being unable to produce the evidence required by the preceding para-
or,

or fail to satisfy any Conservator of her
true tonnage, then the Conservator may
take action as ^{indicated} suggested in para. 2.

5. As under Section 16 of Act XII
of 1875 Conservators of Ports have power
to board any vessel in the discharge
of their duty, it seems desirable
that all foreign vessels of whatever
nationality should be so boarded on
arrival, in order that the Conservator may satisfy
himself, by a careful inspection of the
vessel, that no reasonable cause
exists for doubting the tonnage of
the vessel as denoted in her regis-
ter or other national papers."

L.D.

Desp
19/11/77
The Master Attend. Madras
The Revenue Dept.

Cut
20/12/76

Tonnage of
Foreign Vessels

Dispatch

2-16-05 ✓

12-33 ✓

B-3-52/6