[illegible]
22.3.28 LL ✓
4.6.31 ✓
15.5.52.26 ✓
29.11.62 /

M.R.O. 1—77,006—8-4-37.

(1) Numbe pages 56

(2) Date of r air 8. 2. 40

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No. 321 Marine Press / Mis.

Dated 11th April 1877.

Not to be folded or roughly handled

Marine (1899) Department.

G.O., No. 321 Marine

DATED 11 April 99

11/4/99
R.F. 45 Mar
13/5/22

[Despatch Abstract.]

Port Conservancy Board, Cocanada

Passing orders relating
certain Changes in the Establishment
of the

100/11

02/4

Government (1899) of Madras.

MARINE.

Recd. } 1899. Enclosures

Regd. Spare copies

G.O., No. 321, 11th April 1899.

APRIL.

Port Conservancy Board, Cocanada.

Passing orders relative to certain changes in the constitution of the —.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—again the following paper :—

G.O. No. 255, Marine, dated 4th April 1898.

Read—also the following paper :—

Letter from the Collector of Gódávari, dated 20th August 1898, No. 666.

ORDER—No. 321, Marine, dated 11th April 1899.

On reconsideration, His Excellency the Governor in Council is pleased to accede to the wishes of the local mercantile community in regard to the constitution of the Conservancy Board at Cocanada. The Vice-Chairman of the Board will be elected by the members, and the number of members of the Native Chamber of Commerce will be increased from two to three.

2. The notification published in Part I, page 322 of the *Fort St. George Gazette*, dated 19th April 1898, will accordingly be modified as follows :—

NOTIFICATION.

The Gódávari District Ports Conservancy Board appointed in the notification published on page 357, Part I of the *Fort St. George Gazette* of 27th May 1890, having become *functus officio*, His Excellency the Governor in Council is pleased, in exercise of the powers conferred on him by section 7 (1) of Act X of 1889, the Indian Ports Act, to appoint the following persons to be Conservator of the Port of Cocanada under the said section :—

Chairman.

The Collector of the district.

Members.

The Port Officer of the port.
The Superintending Engineer of the Circle.
The Executive Engineer of the division.
Three members of the European Chamber of Commerce to be elected annually.
Three members of the Native Chamber of Commerce to be elected annually.

This notification supersedes Notification No. 34 on page 322, Part I of the *Fort St. George Gazette*, dated 19th April 1898.

3. As thus constituted, the Port officer will, equally with other members, be eligible for election as Vice-Chairman, and the Board will exercise all the powers and functions enumerated in the orders of 4th April 1898, No. 255, Marine.

4. The Collector will, as soon as possible, submit the names of the non-official gentlemen to be placed on the new Board.

5. His Excellency the Governor in Council trusts that the Board as thus constituted will work harmoniously in the best interests of the port, and that due consideration will be given to the position of the Port officer who, though the Executive officer of the Board in its capacity of Conservator of the Port under Act X of 1889, has independent powers under various other legislative enactments, and is expected to safeguard the interests of the public generally.

(True Extract.)

Under Secretary to Government.

To the Presidency Port Officer.
„ Collector, Gódávari district.
„ Revenue Department.
„ Public Works Department.
„ Superintendent, Government Press.

Exd. P. Seetharam.

---

urgent

Press 3/ Marine DEPARTMENT. 5

READ ~~the following :~~ again

G.O. 255 Marine dated 4th April 1898

Read also

Letter from the Collector of Godavari, No. 666. dat
20th August 1898.

Conservancy Board Coca

28

Circulated to

Excellency the Governor

ORDER. No. 321 Mar 11-4-9

On reconsideration, His Excellency the Governor in Council is pleased to accede to the wishes of the local mercantile community in regard to the constitution of the Conservancy Board at Cocanada. The Vice Chairman of the Board will be elected by the members and the number of members of the Native Chamber of Commerce will be increased from ② two to ③ three

2. The notification publ in Part I, Page 322, of the Fort St George Gazette dated 19th April 1898 will accord be modified as follows

Appd.
S. S. H.
8-4-99.

AA
8.4.99.

HS
8-4-99

AS

P. W. 4
900—14-11

llows:—

"Notification

he Godavari District Ports rvancy Board appointed in otification published on p 357, Part I of the Fort int George Gazette of 24th May 10, having become functus officio, .. xcellency the Governor in Council pleased, in exercise of the powers nferred on him by Section 7(1) f Act X of 1889, the Indian Ports ct, to appoint the following rsons to be Conservator of the Port of Cocanada under the said ction:—

Chairman. The Collector of the District
members. The Port officer of the port
The Superintending Engineer
of the Circle
The Executive Engineer
of the Division
Three members of the European
Chamber of Commerce
to be elected annually.
Three members of the Native
Chamber of Commerce
to be elected annually.

notification Supersedes Notification No. 34 on page 322, Part I of the Fort St. George Gazette of 19

As thus Constituted, the Port fficer will, equally with other mbers, be eligible for election as Vice-Chairman, and the Board will exercise all the powers and functions enumerated in the orders of the 4th April 1898. No. 255 Marine.

4. The Collector will, as soon as possible, submit the names of the non official gentlemen to be placed on the new Board.

5. His Excellency the Governor in Council trusts that the Board as thus Constituted will work harmoniously in the best interests of the port, and that due Consideration will be given to the position of the Port Officer who, though the Executive Officer of the Board in its Capacity of Conservator of the port under act X of 1889, has independent powers under various other legislative enactments, and is expected to safeguard the interests of

generally
of the public, ~~which~~
~~are not always identical~~
~~with those of individual~~
~~merchants.~~

C.S.

Arnl

1/4/99

To

The P. R. O.
" Collector, Godavari Dt.
" Revenue Department
" P. W. Department
" Supdt. Govt. Press

1/9/99

7/

9

Marine DEPARTMENT.

2

C. No. 1096 of 1898.

Recirculated 12. Oct 98

3. ~~HIS EXCELLENCY THE GOVERNOR.~~

1 ~~THE HON'BLE SIR HENRY BLISS, K.C.I.E.~~

2 ~~The Hon Mr Arundel~~

~~THE HON'BLE MR. GROSE, C.I.E.~~

SUBJECT.

Coconada Port Conservancy Board –

FOR ORDERS.

In his letter read above, the Collector reports that both the European and native Chambers of Commerce greatly resent the change in the constitution of the Conservancy Board introduced by G.O. 255 Marine dated 4th April 1898, under which the Port Officer is to be *vice* Chairman of the Board. The members of the Board wish to elect their own *vice* Chairman, who would then almost to a certainty be a member of the local mercantile community.

* Flags W and A

2. It will be seen* from the notes and correspondence connected with G.O. 255 Marine dated 4th April, and G.O. 381 Marine dated 13th May 1898, that the former Board

P. W. 43.
500—27-1-98.

H.L.(2) 12.9.98

R 14/12/98

R 3.11.98

Board, dominated by the vice Chairman, arrogated to itself powers, and assumed an attitude of hostility towards Government, to which it had no legal claim; and that the Presidency Port officer was of opinion that the necessity for the vice-Chairman being a Government official had become "apparent."ᶿ

ᶿ Flag W.

3. The same course has recently been followed in the case of all other local boards entrusted with the administration of port affairs; the port officer being made vice Chairman.

4. The powers and constitution of the late board are summarised in paras 1 to 3 of G.O. 255 Marine dated 4th April 1898, and those to be exercised by the new Board are defined in para 6. The new Board will exercise all the powers conferred by Act X of 1889 on a port "Conservator"; and will, in addition, have the supervision of the Landing and Shipping Dues affairs of the port; but no funds are by law vested in the new or the former Board to do as it pleases with, as the former Board mistakenly

Supposed.

---

supposed. Should, however, the Board be required to carry out any work, whether new, or repair, funds will be placed at its disposal by Government for the purpose.

5. As regards the local allowance of Rs 100 per mensem which the Port officer draws, the amount was sanctionedᶿ for the special work of supervising groyne construction work, under the orders of the groynes Committee. This work is now being done by the P. W. D., and it is not clear that the Port Officer has any longer a claim to the allowance. The new Board will have two Engineer members on it.

ᶿ G.O. 136 Marine, d/ 31st March 1885 (Flag S.).

If the proposal to place Port officers in a graded list is sanctd, there will be no need for this allowance.

6. The Native Chamber of Commerce also wishes to have 3 representatives on the Board instead of 2, so as to be placed on an equality with the European Chamber. There seems no objection to this.

There seems no objection to allowing three native members of the Bd. but is this the right time to make the concession, & is the concession of any use, when the native Chamber of Commerce refuses to elect any representatives at all & "is not likely to recede from the position taken up." I wd wait till they have exercised the power already given.

M

10/

This matter is fully detailed in my Note of 11. 3. 98

In para 9 of his letter the Collector suggests that the prayer of both Chambers may be conceded, & the Board allowed to elect its own Vice Chairman. I trust that Government will not recede from the position taken up in the G.O. complained of. The aggressive attitude of the Board as formerly constituted is apparent everywhere in these papers, & to reconstitute it on a similar basis would imply approval of, and perhaps aggravate this attitude in the future.

No doubt, if their prayer is not conceded both Chambers will decline to serve on the Board, & it will, therefore, die a natural death, which for the reasons given in paras 6 of my note (Flag Z) I consider would be the best solution of the difficulty.

Flag Z.

Expose Govt. to the slight of having the concession flung back in its face.

ATA

There is force in the Hon. Mr. Arundel's view. I accept it —

H.B.
14/10/98

ATA
13. 9. 98

I venture to suggest that this matter is worth further consideration. The Mercantile Members of the Trust, it must be admitted, are the people most interested in the development of the Port, and it seems to follow that they should be given a position of influence on the Trust. Moreover, a body of English merchants, although they may be grumbling and quarrelsome, can hardly be trusted to look after their own interests by maintaining and developing the Port, and they have worked well in the past. The [illegible] is the one Govt. has made, [illegible] must Trust concerned, [illegible] the Chairman of the European Chamber of Commerce should be made Vice Chairman of the Trust and that Capt. Wicks should be made a Member of it. It might be laid down that Capt. Wicks is the servant of Govt., and is not to be considered the servant of the Trust. By this concession, we shall avoid an open conflict with the merchants, and at the same time I think public interests will be protected. If, on trial, it is found that this arrangement fails, we can, with good reason, take the matter into our own hands.

A.A.H.
3.10.98

Flag C.

But is not the Chairman of the Europn. Chamber the very person whom, as Vice Chairman of the former aggressive Bd., [illegible] so objectionable?

H.B.
14/10/98

Will the Office please look up the pp. ~~& see~~ answer the Hon. ~~Mr~~ H.B.'s question.

ATA
21-10-98

[P. W. 43. / 500—27-1-98.]

11/ 13

DEPARTMENT.

C. No.

SUBJECT.

HIS EXCELLENCY THE GOVERNOR.
THE HON'BLE SIR HENRY BLISS, K.C.I.E.
THE HON'BLE MR. ~~GROSE, C.I.E.~~ Arundel

FOR ORDERS.

The Port Officer can then be made Port Conservator as contemplated in Sec 7(2) of Act X of 1889, and a Landing & Shipping Dues Committee can be appointed as at other ports — with regard to this, I beg reference to G.O. 467 of 7 June 98, notifying the appointment of this Committee at Vizagapatam. It will be seen that the local merchants voluntarily ~~proposed~~ elected the Port Officer as their Chairman. Why cannot the Cocanada merchants act in the same spirit? This is, in fact, a personal matter at Cocanada & nothing else

9.9.98.

H.B.
10/9/98

meetings

1398 R 3-11-98

15

The Hon Mr. Arundel
The Hon Sir Henry Bliss K.C.I.E
H.E. the Governor

+ Flag. N

This should go to the Hon. Sir H. Bliss first.

AH 3.11.98

Marine Department.

Note.

With reference to His Excellency's note, dated 3rd October 1898, it is explained that the Board at Cocanada having been appointed "Conservator" of the port, under Section 7 of Act X of 1889, and the Port Officer being "Deputy Conservator" or Executive officer, the latter is *ipso facto* the servant of the -- Board. The powers of a Port Conservator are fixed by law ⓧ and cannot be abrogated by executive orders. It was with the view of mitigating -- this subordination of the Port -- officer, that it was proposed to appoint him Vice Chairman of the -- Board. Even this remedy may prove ineffectual, as the mercantile community, owing to excess of numbers, have a preponderating voice on the Board. Under the constitution of G.O. No. 235 Marine dated 4th April 1898, there will be 4 official and 3 non-official members of the --- Board, and it may be safely assumed that, owing to other duties, one or more of the official members will be absent from almost every meeting of the Board. It is said that the Collector rarely attended the -- meetings

ⓧ Vide Sec 7 et seq

I think we must stick to our guns. It certainly won't do to let Mr. Highton in again as Vice Chairman. Capt. Harris told me he was most objectionable & the papers show the same.

H.B.
4/11/98

Flag A

I have kept this file for some time & now Marine has become H.E.'s charge.

I cannot but agree with the

W 25 Oct 98

3.11.98

meetings of the late Board. Still less can the Superintending Engineer, who has a much larger territorial charge, be relied on for punctual attendance. Thus, even under the new conditions, so much objected to by the mercantile community, the merchants will have it in their power, to dominate the official element by their number of votes.

2. With reference to the inquiry of the Hon. Sir Henry Bliss dated 14th October 1898, it is submitted that, Mr. Highton the Chairman of the European Chamber of Commerce, is the same gentleman who was Vice Chairman of the late Conservancy Board. Vide Proceedings &c. of the Board filed with G.O. No. 381 Marine dated 13th May 1898.

C.S.

L Bell
31-10-98

M.

I would ask the Hon. Sir H. Bliss if it is not prudent to make certain, by reference to the original papers, whether any such understanding was come to. Perhaps the Hon. Member will not object to this being done.

Of course the papers should be looked up as H.E. wishes. ALA 5.1.99

A.S.H. 5.1.99

N.B. Mr Highton asserts that the friction arose through want of proper official reference to the Board when Capt. Wikes' [illegible], for which Capt. Wikes and Capt. [illegible] were to blame.

A.S.H. 5.1.99

[illegible] 7-12-98. H.E. 12.12.98

The Hon Sir H. Bliss did not think that the consideration & concession proposed by H.E. wd not solve the difficulty. If Govt. as Sir H.B. puts it "sticks to its guns" it controls the situation, for in the absence of the Bd. the Port officer will administer the funds under the orders of Govt.

b Flag N

ALA 12-12-98

b Flag X

I, also, have kept this file some time. In the meanwhile, Mr. Highton, who is a Member of the Conservancy Bd., and the Madras Bank Agent at Cocanada, has been to my office and seen the Pr. Sec. Mr. Highton maintains that the Conservancy Board ~~is a Board~~ is a Board created to spend the Landing and Shipping dues, in keeping up and improving the landing and shipping arrangements; that these dues were suggested voluntarily by the mercantile body and that in the original papers it was laid down either expressedly or impliedly, that the spending of these dues should rest with the mercantile body. With this statement before me, I think it would be [illegible]

His Excellency the Governor ✓
The Hon Mr Arundel C.S.I. ✓
The Hon Mr Winterbotham ✓

Cocanada Port Conservancy Board.

Marine Dept.

Note.

With reference to His Excellency's Note d/5th January'99 the following information is submitted.

The circumstances under which the recent Cocanada Conservancy Board came into existence are detailed in the orders quoted in the margin.

×
G.O. 311 Marine d/13"July 1889. Flag P
,, 56 ,, 13"Feb 1890. Flag O
,, 196 ,, 21"May 1890. Flag Q

As to the constitution of the Board and the conditions under which it should work, the Government in para 3 of the order of the 13"February 1890 said that it should be "Conservator of the port and keep the accounts", but that "the Customs authorities should continue to --- collect the port dues as at Madras". In para 1 of G.O. of the 21"May'90, the Government added that "the Board of Conservancy would also have --- charge of the Port Improvements and levy dues on this account under Act III of 1885". The words shown in italics are opposed to the law; consequently when the notification creating the Board came to be drawn up, no mention ~~is~~ was made of the levy of dues by the Board. Act III of 1885 expressly provides that an officer of Government is to be appointed to

× vide page 13 of G.O. 196 Marine dated 21"May 1890. (Flag Q)

I asked, in my Note of 5.1.99, whether any understanding had been come to originally that the spending of the Dues should rest with the mercantile body. Papers flagged P. O and Q. are, on the whole, in support of this alleged understanding. Some of the concessions may, as this Note says, have been illegal; but this does not affect the accuracy of the contention put forward by the merchants.

I have reason for believing that the merchants intend to fight their position strenuously. If I could see any real gain in joining in the fight, I would most

Lect urs 7

H.E. 17.1.99. ALA 30-3-99

to levy and receive all fees payable under the act. Whatever therefore may have been the intention of --- Government as to the legal and spending powers of the Conservancy Board it had no authority without legislation to confer on the Board such legal status as would give it independent power over either Port Funds or Landing & Shipping Dues. All that the Government can now do is to make allotments to the Board for expenditure for port purposes, and this the latest × G.O. reconstituting the Board does in the amplest manner.

2. The claim of the late Board to an exclusive control over landing and shipping dues, independent of supervision by Government, is thus untenable in law.

3. Mr. Highton's statement that the local ~~and~~ mercantile community voluntarily submitted to the taxation is perfectly correct. Had they not done so, no landing and shipping dues would have been raised, and there would have been less money to spend in the improvement and conservancy of the port from which the merchants derive their income. Mercantile bodies at other ports are also glad to submit to taxation the proceeds of which are laid out in local improvements from which

most certainly not shrink from the engagement, but I can find no commensurate good. Mr. Brodie, the Collector has suggested verbally, that the difficulty might be met by leaving the Vice-chairman to be elected by the whole Committee. I would propose, therefore, that, any rate, as an experiment, the Vice-chairman be elected by the Members

× No. 255 Marine d/4"April 1898. (Flag A)

of the Committee, the Port Officer being made a Member and open to election as Vice-chairman, but not made Vice-chairman, ex-officio. I imagine the merchants would accept this, and I think the Govt. position would remain sufficiently strong.

A.S.H.
21.3.99

I have no objection to adopt H.E.'s proposal – though I do not think there could be any fright unless indeed the merchants were to refuse to pay their legal dues. But as H.E. noted before it is better to get the cooperation of the merchants who may be trusted to watch the efficiency

spending of the funds. The legal position should however be clearly laid down. If there can be any doubt on the matter it may be as well to say, as noted by H.E. before, that the Port Off.r is not a servant of the ~~Board~~ Committee.

H.E. has said nothing as to the proposal of the native Ch. of C. supported by the Collr. that there should be three native members. I thought it should stand over till the bigger question was settled which H.E.'s proposal now promises to do. I agree to whatever H.E. may think best in the matter.

M.A. 23.3.99

And I
H.W.
29-3-99

Exd

which they directly benefit.

4. As regards the spending of the dues at Cocanada by the local Board it is submitted that the last order on the subject makes ample provision as pointed out above for such expenditure. What Mr. Highton apparently wishes for is legal independence, and this the Government have no power to concede unless, by legislative enactment, they create a "Port Trust" as at Madras.

P.S. Under the latest order Flag A, the Board has been given greater powers than it ever had before, but coupled with the condition that the Port Officer is to be Vice Chairman. It has hitherto had power to spend neither Port funds nor Landing & Shipping Dues & Mr. Highton's statement is based on the Mr's under-standing which has prevailed throughout, & for which the Board is responsible.

5. I beg reference to the linked file shewing how

Landing & Shipping dues Committees are appointed. They are in existence at all ports where L & S. dues are levied except at Cocanada & Madras, & work most harmoniously. The Collector or the Port Officer is President, & the remaining members are elected locally. Tuticorin & Negapatam, both ports with larger trade than Cocanada have these Committees which fulfil all requirements and I am convinced that the best solution of the Cocanada difficulty is to abolish the Conservancy Bd and appoint a Landing & Shipping dues Committee, with the same control over L & S. dues as the Committees at other ports possess. The Board will die a natural death if Govt persists in making the Port Officer Vice Chairman

17.1.99

17-1-99.

Not without a strenuous fight. Is the game worth the candle?

A.G.H. 21.3.99

C. No. 1096

21

If I understand H.E.'s proposals they are

1/ To grant the request of the Bd. to be allowed to elect the vice-chairman

2/ To make the P.O. an ex-officio member, who will of course be eligible as Vice-Chairman

3/ That the P.O. is not to be regarded as an officer of the Bd. but as its adviser.

4/ That the native Chamber of Commerce shall have the right to elect 3 members instead of 2 as hitherto.

2. Mr. de Winton might wish to make a further reference to Govt. to maintain his position but I must say that I fully agree with H.E. — If there is to be a Conservancy Board it

should have the full powers allowed to such Bds. generally and the less Govt. control there is the better as a rule for the interests of a Port. The Merchants are as a general rule better Conservators of Port interests than any one else –

Curt

30/3/99

M

The above states the case correctly, but what I wished to explain this morning is that item 3, on which all the others are supposed to depend, is impracticable. A Conservancy Board is created by Law, and its legal powers cannot be limited by executive orders of Govt. The Govt. cannot, therefore, say that the Port officer shall not be a subordinate of the Board. The creation of a Conservancy Board extinguishes, *ipso facto*, the Port officer, as an independent official. He becomes a mere subordinate of the Conservator, and is no longer recognised by the Indian Ports Act.

A close study of this Act leads me to the conclusion that the Legislature never contemplated the case of a Conservancy Board at any port where there is a Port officer: Section 7 (2) (a) provides that "in ports where there is a Port officer, the Port officer shall be the Conservator" and although in clause (4) of this Section there is a provision for the subordination to the Conservator of the Harbour Master when the latter is not Conservator: there is no corresponding provision for such subordination of a Port officer. The Govt. therefore by subordinating the Port officer to a Conservator goes beyond the purview of the Act.

Cocanada is the

only place, except Madras, where a Conservancy Board has been established. This port is one of the most important in the Presidency and has one of the highest paid Port officers. As a subordinate of the Conservator, his position would be more insignificant than that of a Customs Supt. (Port Conservator) on Rs 60.

These considerations might perhaps be laid before Govt. in the first instance

R. S.
30 Mar 99

Please draft the order required and a note may be appended to shew that the P. O. should under the Act be a servant of the Bd. and that it was probably never contemplated that a P. O and Conservancy Bd. would be in existence at one time time in any Port. I presume he should be a Port Conservator?

I understand your contention, but it need not be publicly raised till some difficulty occurs. Perhaps the best thing would be to say nothing of the status of the P. O.

30/3/99

23/ 21

Marine ~~Revenue~~ (1898) Department.

CURRENT No. 1096

Order

From The Collector and Chairman Godavari District Ports Conservancy Board

Ref on C No. 666/all of 98

Dated 20 . 8 . 98

Received } 29 - 8 - 98
Registered }

Enclosures — 6.

Spare copies

SUBJECT.

Submitting a report regarding the reconstitution of the Godavari District Ports Conservancy Board with reference to G. O. No. 255 Marine dated 4th April 1898.

BACK PAPERS.

G.O.	No.	Department.	[illegible]
~~G.O 458 dt 6-6-98.~~			
~~& papers.~~			
~~381 dt 13-v-98~~			
~~574 E dt 10-9-97~~			
~~255 dt 4-4-98~~			
~~196 dt 21-v-90~~			
~~56 dt 13-2-90~~			

~~7 of S.C. 30 [illegible]~~

FURTHER PAPERS.

G.O.	No.	Department.	Date.
(S.C)	467	Marine	7-6-98 S.C ✓
	458	"	6-6-98 ✓
	381	"	13-5-98 ✓
	203 E	"	15-4-98 ✓
	255	"	4-4-98 ✓
	574 E	"	10-9-97 ✓
	657	–	22-7-97 ✓
	2445 W	P.W.D.	24-8-96 ✓
(S.C)	247	Marine	5-7-90 ✓
(S.C)	196	"	21-5-90 ✓

(S.C) 56 " 13-2-90 ✓
(S.C) 855 Financial 30-11-89 ✓
P.P. 311 Mr. dt 13-7-89 ✓
Marine Pro: for March 1885. ✓

Act III of 1885 — [illegible]
" X of 1889

57-58 Mr dt 10-2-92 S.C ✓
61-62 " dt 16-2-91 I.C.

Removed & put up with C.O. 716 of 1900.
pd 1-3-1900

rep [illegible]
[illegible]
n/d

N7/

Reference no 666/acc of 8.5.98

Godavari Collectorate
Cocanada
31

From
T. A. Brodie Esq.,
Collr & Chairman Dist. Ports Conservancy Board,

To,
The Chairman, Chamber of Commerce,
Cocanada

Sir,

Flag A

With reference to para 8 of G.O no 255, Marine dated 4th April 1898, a copy of which has been communicated to you for information, I have the honor to request that you will be good enough to communicate to me the names of the three members of your Chamber who are to be appointed as members of the Conservancy Board of this Port to be newly formed under the recent notification published in the Fort St. George Gazette, for submission to Government for formal sanction.

I have the honor to

BACK PAPERS.

G.O.	No.	Department.	Date.

~~G.O 458 of 6-6-98~~
~~& papers.~~
~~381 of 13-5-98~~
~~574 E of 10-9-97~~
~~255 of 4-4-98~~
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~~Financial~~

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(S.C)	467	Marine	7-6-98
	458	"	6-6-98
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	657	"	22-7-97
(S.C)	2445 W	P.W.D.	24-8-96
(S.C)	247	Marine	5-7-90
(S.C)	196	"	21-5-90
(S.C)	56		13-2-90
(S.C)	855	Financial	30-11-89

G.O. 311 Mi of 13-7-89
Marine Pro: for March 1886.

Act III of 1885 – [illegible]
" X of 1889

57-58 Mi of 10-2-52 S.C.
61-62 " of 16-2-51 L.C.

mpd
ajd
mpd

Removed & put up with G.O. 716 J. 1900.
[illegible] 23-8-00

Godavari Collectorate
Cocanada
31

Reference no 666/acc of 8.5.98

From,
T. A. Brodie Esq:
Collr & Chairman Dist Port Conservancy Board,

To,
The Chairman, Chamber of Commerce,
Cocanada

Flag A

Sir,

With reference to para 8 of G.O no 255, marine dated 4th April 1898, a copy of which has been communicated to you for information, I have the honor to request that you will be good enough to communicate to me the names of the three members of your Chamber who are to be appointed as members of the Conservancy Board of this Port to be newly formed under the recent notification published in the Fort St George Gazette, for submission to Government for formal sanction.

I have the honor to

(Sd) T. A. Brodie
Collr & Chairman of the Conservancy Bd

airman Native Chamber of Commerce
rue Copy)

Collr & Chairman of the
Conservancy Board

No 17

The Collector and Chairman
Conservancy Board
Godavari District

Sir,

I beg to acknowledge your letter no 667* requesting the Chamber to elect two of its members to serve on the newly constituted Conservancy Board. In reply I am to state by direction of this Chamber that before making the nominations, it desires to express its unqualified disapproval of the appointment of the Port officer as ex-officio vice-chairman. The Chamber regards this appointment as doubly objectionable. In the first place this appointment is an infringement of the right which the mercantile community has exercised since its constitution of appointing one of its own members to the office. The landing and shipping dues tax is voluntary and self-imposed and the mercantile community which raises the tax is aware of no reason why in future as in the

* a mistake for no 666

?

past it should not have the privilege to return one of its members as vice-chairman.

2. The place is best filled by one possessing thorough business training and of good merchantile standing. The Chairman of the English Chamber of Commerce has invariably been the vice-Chairman and it goes without saying that the affairs of the Board have been managed all these years with undoubted credit to the Board and advantage to the mercantile Community. The members have worked in perfect harmony and unanimity. Never indeed were these features more conspicuous than during the tenure of the last vice-Chairman and this Chamber is not a little concerned that the Government should not have consulted the Chambers before depriving the community which they represent of the privilege long exercised — and exercised without blame.

3. Secondly, the Port officer as such being a sub-ordinate of the Presidency Port officer. is less likely to act with independance as vice-Chairman than a member of the mercantile Community. Moreover neither his training nor his official duties are such as to better fit him to be vice-Chairman than the leading members of the Board composed principally of business men. The Chamber begs to invite attention to G.O. No 196 Marine dated 21-5-98 wherein the objections to the appointment of the Port officer on the Board, were fully set forth and disposed of. The Chamber particularly solicits reference to the views of Mr Happell, at the time Collector, therein set forth.

pap-4, para 3 of the Collector's letter 7 by-B

4. If it was then considered objectionable to have the Port officer even as a member of the Board, the objection to his being made vice-Chairman becomes all the greater.

The Chamber therefore begs to respectfully urge that the Government may be moved to re-consider the matter and sanction the election of the vice-chairman from among the elected members of the Board.

The Chamber further solicits that the number of seats set apart for its members may be raised to three. ~~The Chamber further solicits that the number of seats set apart for its members~~ The native mercantile community has interests as extensive as if more than those of the European merchants and this Chamber is unable to comprehend on what grounds Government has thought fit to afford the latter community better representation than to the former.

I have the honor to be,
Sir
Your most obedient servant

17.6.98

(Sd) B. Venkataratnam
Chairman, Native
Chamber of Commerce

(True Copy)

Colr & Chairman [illegible] Board

Chamber of Commerce
Cocanada 18th May 1898

From,
The Chairman,
Chamber of Commerce,
Cocanada

To,
The Collector and Chairman
Godavari District Ports Conservancy Board

Sir,

I have the honor to acknowledge receipt of your letter no 666 of 8th Instant requesting me to communicate to you the names of three members of this Chamber to serve the Conservancy Board, newly formed under G. O no 215 Marine dated 4th April 1898.

2. Before nominating the members I am desired by the Chamber to say that it respectfully but strongly protests against the Port officer

being appointed vice Chairman or even being a member of the Board.

3. I am to ask you to be good enough to refer to G. O no 196x marine dated 21st May 1890 where the objection to the Port officer being appointed on the Board is fully discussed. The Chamber still hold the same views which were communicated to the Collector of this District in paras 5x of the Chairman's letters dated 10th & 28th March 1890.

x Flag - B

x pages 6 and 11
G-O. 196 Ma
Dd 21 May 90

You will observe from the G.O referred to that Mr. Happell the Collector at that time, in para 3 of his letter no 10 dated 20th April 1890 concurred in the opinion that the Port officer should not be a member

of the Board.

As the landing and shipping dues tax is a voluntary one, imposed by the merchants on themselves, the Chamber consider their Chairman should be ex-officio Vice-Chairman of the Board or at least that the members of the Board should elect their own Vice-Chairman.

I am to point out that in the time of the old Board the Port officer was Deputy Conservator, and as such, their paid servant, receiving an allowance of Rs 100/ per mensem. Under the proposed arrangement this allowance, would cease as the Port officer will rank with others as a member of the Board

34

Requesting that you will kindly address Government on the subject

I have the honor to be,

Sir,

your most obedient servant

(sd) W. T. Heighton

Chairman

(True Copy)

Collr & ~~President~~ Chairman of Conservancy Board

Hse compd

Ref on No 666/au 798 of 26.5-98. 35/ 41

Godavari [illegible]
Cocanada

From,

T. A. Brodie Esqr

Collr & Chairman Dist Ports Conservancy Board.

To,

The Chairman,

Chamber of Commerce,

Cocanada

Sir,

In reply to your letter of the 18th instant I have the honor to state that I think it will save delay and expedite matters if the Chamber would also nominate its members to the new Board. This will enable the Government to dispose of the Chamber's objections to the appointment of the Port officer as Vice-Chairman and fix the constitution of the Board at one and the same time and render one reference to Government sufficient.

instead of two.

I have the honor &c

Col. T. A. Brodie
Collr & Chairman Dt. Ports
Conservancy Board

True copy

Collr & Chairman Dist. Ports
Conservancy Board

Recd
Contd Dr.

[illegible]

Chamber of Commerce
Cocanada 27th May 1898

From
The Chairman,
Chamber of Commerce,
Cocanada.

To
The Collector,
Godavari District

Sir,

I have the honor to acknowledge receipt of your letter no 666 dated 26th instant suggesting that the Chamber should nominate to the new Conservancy Board at once. In reply I am desired to inform you that the Chamber is not prepared to nominate any members to the Conservancy Board until a reply has been received from Government

any letter
protesting against the Port officer being appointed Vice-Chairman.

I have the honor to be,

Sir,

Your most obedient servant

(Sd) W. J. Feighton

Chairman

(True Copy)

Chairman Dist. Ports
Conservancy Board

Chapter VI

Leave allowances.

139. The Presidency Port Officer is authorised to grant without previous reference to Government privilege leave to sub-ordinate Gazetted officers not being servants of a Harbour Trust or Conservancy Board for periods not exceeding one month provided that no substitutes need be appointed nor an additional expense incurred.

155. The foregoing instructions will not apply to any officer or establishment paid in addition from Customs Revenue or for doing Customs duty or establishment controlled by a Conservancy or Harbour Trust Board until the sanction of such authority

has first been obtained.

(True extract)

Chairman Godavari District
Ports Conservancy Board

Contd

Flag - A

Refence No 666/aa of 98

Collector's office
Godavari District
Cocanada
Dated 20.8.99

From,

J. A. Brodie Esq.
Chairman, Godavari District Ports Conservancy Board

To,

The Chief secretary to Government,
Marine Department
Madras.

Sir,

With reference to G.O. no 255 Marine dated the 4th April last I regret to have to report that both the European and Native Chambers of Commerce greatly resent the change therein made in regard to the office of Vice-chairman and consequently refuse to elect or nominate gentlemen to be members of the Godavari District Ports Conservancy Board and it is also impossible to get any merchant European or Native to accept a seat on the Board independently of these bodies.

2. This action of the two Chambers is explained in the letters of their Chairmen of which I enclose copies for the information of Government and I do not think they are at all likely to recede now from the position they have taken up.

3. In his letter the Chairman of the European Chamber refers to the Correspondence read and embodied in G. O no 196 marine dated 21st May 1890 wherein the objections of the mercantile community to the appointment of the Port officer as Chairman of the old Board were supported by the then Collector and their validity conceded by Government which accordingly appointed the Collector Chairman and the Chairman for the time being of the European Chamber of Commerce vice-Chairman ex-officio. The Port officer was appointed Deputy Conservator or Executive officer of the Board but not given a seat at all on the Board itself. The

He is not Chairman of the new Board - only Vice Chairman

The same objections to the Port officer being given any position of authority on the Board, he argues, still exist. He further points out (a) that as it is the mercantile community that pays the dues that constitute the income of the Board the members of the Board should at least be allowed the privilege of electing their own Vice-chairman if it is considered inadvisable to continue the old arrangement under which the Chairman of the European Chamber was ex-officio Vice-chairman and (b) argues that the new arrangement means the loss of Rs 100 per mensem to the Port officer as that is the sum he has hitherto received as the paid servant of the + Board (Deputy Conservator) and he must give it up when he ceases to be a servant and becomes a member. As regards the first of these minor objections (a) I have of course little to say. It is true the merchants contribute the income of the Board but the Constitution

The mercantile community pay all the dues of all the ports.

+ This is a mistake. The Rs 100 is drawn by him as Dy Conservator. He gets nothing for this. The payment was drawn for superintending construction - a Bombay work taken over by the P.W. Dept.

of the Board which has the spending of it is by law vested in Government and it is not at all bound to concede the claims of the mercantile community to a voice in the appointment of the Vice-Chairman. Whether as a matter of grace and policy it should do so Government must decide. The second objection (b) is of course a mistaken one for the Rs100 a month is really not pay but an allowance for over-looking the establishment employed by the Board and supervising the execution of the various works it has always on hand. Even however if it were pay his receipt of this remuneration would not affect the question of his being given a seat on the Board for we find the principal Revenue and Engineering sub-ordinates of the Madras municipality members of the Council and that several

several Chairmen of municipal Councils are permitted to draw carriage allowance.

2. The Chairman of the Native Chamber of Commerce couches his objections in different language but they are really the same. First he says the change in the constitution of the Vice-Chairmanship is an infringement of the right which the mercantile community has exercised since the creation of the Board of appointing one of its own members to the office. Then he asserts that a mercantile man is best qualified to hold the office and that it has hitherto been held by mercantile men without blame whilst the Port officer being the sub-ordinate of the Presidency Port officer is thereby disqualified as he is not likely to act independently in cases in which actions of the Presidency Port officer may not be approved by the mercantile members of the Board. He concludes with a prayer that the Nati

Native Chamber like the European Chamber of Commerce may be allowed three representatives.

5. The first objection is of course at least partially a mis-statement. The mercantile Community has never enjoyed such a right directly though no doubt the European Chamber has indirectly as it elects its own President who on election ipsofacto became Vice-Chairman of the Conservancy Board as previously constituted. The other objections are those of 1890 over again

6. Whilst both Chambers no doubt base their objections to the Port officer's appointment as Vice chairman ostensibly in the main on the old arguments urged against it in 1890, there can however be little doubt that the real reason for their soreness and opposition is the implied insinuation that the change is necessary as a mercantile man has been tried and found wanting — an inference drawn from

the fact that no reasons are given for changing the previous rule.

7. Of course I do not know upon what grounds Government has been pleased to direct the change but I do not think I shall be out of order if I mention here that the Common belief of the mercantile Community is that it arises out of a slight disagreement between the Vice-Chairman and Port officer in consequence of the former having insisted upon the latter getting leave from him also before availing himself of certain casual leave granted him by the Presidency Port officer in my absence from Head Quarters.

Not quite correct Sir

8. I enclose a copy of the rules upon which the Vice-Chairman based his action and a

I do not think that even according to

action was correct yet I have no re

whatever to doubt his bonafides in the matter.

Rule 139 is not at all applicable because the Port officer is not a servant of the Conservancy Board as what he gets from that Board is not pay but an allowance and rule 155 does not apply because the Port officer is not a member of the establishment of the Conservancy Board but a perfectly independent Government officer who not as a duty but as a favour rather discharges certain duties voluntarily for the Harbour Board in addition to his own special duties.

9. If I may venture to make a suggestion it would be to concede the prayer of both Chambers that the Board may be left to elect its own Vice-Chairman and not merely make the Port officer an ordinary appointed member like the Executive Engineer is neces. for election to the office of Vice-Chairman