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Notification.

Whereas the limits of the port of Coondapoor, in the district of South Canara, were declared by notification published on page 306 of the Fort St George Gazette, dated the 28th June 1881, Part I, and whereas it is expedient to alter those limits:

In exercise of the powers conferred by section 5 of the Indian Ports Act (X of 1889) and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to alter the limits of the said port, and to declare that the precise extent of these limits shall in future be as follow, namely —

To the North - A line drawn at a distance of 50 yards above high water mark along the north shore of the mouth of the river

ORDINARY, PRINTED.

Marine Department

G.O., dated 24th Apr: 95

No. 118 — 9

INDEXED.

First copy sent to Press.

Returned for signature. 15/5/95

Despatched in print. 25/5/95

[Despatch Abstract.]

Masulipatam Port-

Passing orders on the report of the Committee appointed to consider certain questions which have arisen between the Public Works and the Marine Depts. regarding the limits of the —; and requesting the Govt of India to sanction the publication of a notification making certain alterations in the limits of the port:

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1895.

MARINE DEPARTMENT.

From the Government of
Fort St. George.

Issued

Recd. *Encl.*

Letter, 24th April 1895, No. 119.

APRIL.

Masulipatam Port.

Requesting sanction for the publication of a notification making certain alterations in the port limits of Masulipatam.

Enclosures.

Clearance No.

Statement with ditto.

Index, &c., of Government—A.

Papers kept out of File for despatch in original (not paged).

Number of copies required: Order complete. 60 / Letter only. 20 / Order complete with Letter. 10

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

MARINE DEPARTMENT.

Letter—from

The CHIEF SECRETARY to the GOVERNMENT of
FORT ST. GEORGE,

To

The SECRETARY to the GOVERNMENT of INDIA,
Finance and Commerce Department.

Sir,

I am directed to forward copy of G.O. No. 118 of this date embodying the report of a committee appointed to consider certain questions which had arisen between the Public Works and Marine authorities at the port of Masulipatam. The committee are of opinion that the western boundary of the port as fixed by the notification embodied in G.O., dated 24th July 1878, No. 385, requires modification, as it does not include certain places which should undoubtedly be within port limits.

2. This Government agrees in the conclusions and recommendations of the committee, and I am therefore directed to request that, under section 5 (1) of the Indian Ports Act, X of 1889, the sanction of the Government of India may be obtained to the following revised notification of the limits of the port of Masulipatam. A map showing the present and proposed limits accompanies.

NOTIFICATION.

Whereas the limits of the port of Masulipatam in the district of Kistna were declared by notification published on page 443 of the *Fort St. George Gazette*, dated the 6th August 1878, Part I, and whereas it is expedient to alter those limits :—

In exercise of the powers conferred by section 5 of the Indian Ports Act (X of 1889) and with the previous sanction of the Governor-General in Council, the Governor of Fort St. George in Council is pleased to alter the limits of the said port and to declare that the precise extent of these limits shall in future be as follow, namely :—

North.—A line drawn due east from the boundary pillar erected near the bungalow at Tavisepudi to 10 fathoms of water.

South.—A line drawn due east from Point Divi to 10 fathoms of water.

West.—A line drawn from the pillar at Tavisepudi parallel to the shore with so much of it as is within 50 yards of high water mark at spring tides to the northern head of the Masulipatam backwater. The Masulipatam backwater and river with all its arms to the westernmost point of the Fort with so much of the shores thereof as are within 50 yards of high water mark at spring tides; also the Bezwada-Bunder canal from the easternmost point of the tidal lock as far as the westernmost point of the Fort with so much of the land on each side as is within fifty yards of the outer toe of the bank; and also a line drawn from the southern head of the Masulipatam backwater to Point Divi parallel to the shore with so much of it as is within 50 yards of high water mark at spring tides.

East.—A line drawn from the eastern extremities of the above-described north and south limits.

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

J. F. PRICE,
Chief Secretary.

Ootacamund,
24*th April* 1895.

Exd. C. A. Moonooswamy.

Govt. of {1895} Madras.

MARINE.

Issued

Recd. *Encl.*

G.O., 24th April 1895, No. 118.

APRIL.

Masulipatam Port.

Passing orders on the report of the Committee appointed to consider certain questions which have arisen between the Public Works and the Marine Departments regarding the limits of the —, and requesting the Government of India to sanction the publication of a notification making certain alterations in the limits of the port.

From W. POWELL, Esq., Commander, R.I.M., Presidency Port Officer, to the Acting Collector, Kistna District, dated Madras, 1st August 1894, No. 1411-C.—133.

In reply to your reference on C. No. 552-English, dated 16th July 1894, I have the honour to inform you that I approve of the amendment put forward by the Superintending Engineer and would suggest the draft notification regarding port limits being drawn up accordingly. All that the port authorities want is complete control over the "old wharf" or any extension that may be made to it without at all interfering with the lock or canal banks elsewhere.

2. The enclosures of your letter are herewith returned.

From W. L. C. BADDELEY, Major, R.E., Superintending Engineer, II Circle, to the Collector of Kistna, dated Bezwada, 5th September 1894, No. 1251-K.S.

In reference to your reference on C. No. 552-English of 26th August 1894, I have the honour to inform you that I do not claim any exemption from port dues for this department when using the port, but I see no reason why the Public Works Department should pay any fees for work carried on within their own limits.

2. The tidal lock, the canal and the canal banks are only considered as part of the port, in order that the Port officer may have control over the sea-going boats.

3. The dual control is unavoidable, but I see no reason why matters should not work smoothly; this department will pay all the port dues it has hitherto paid, and the port authorities should not attempt to charge any fresh dues, such as cranage, if we think fit to erect a crane on the canal banks, or on the lock. I can undertake to say that this department will in no way interfere with the wharf in the canal, although I believe it was built from Canal funds.

4. I recommend that the notification be not again altered, as in trying to define too much we may pave the way for further difficulties.

From the Presidency Port Officer, to the Collector of Kistna, dated Madras, 24th September 1894, No. 1411-C.—183.

In reply to your No. 552, dated 11th September 1894, I have the honour to inform you that it will be sufficient if the new notification gives effect to the views expressed in my letter No. 1411—133-C., dated 1st August 1894.

The limits of the Port at Masulipatam.

DRAFT NOTIFICATION.

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East.—A line drawn from the eastern extremities of the above-described north and south limits.

ORDER—dated 24th April 1895, No. 118, Marine.

The Government agrees in the recommendations of the committee, the members of which will be thanked for their report.

2. Under section 5 (1) of the Indian Ports Act, X of 1889, the sanction of the Government of India will be requested to the proposed alteration of the limits of the port of Masulipatam.

3. The Presidency Port Officer will report on the question of sea-going boats being required to pay port dues which is referred to in the communications of the Superintending and Chief Engineers, dated 17th December 1893 and 15th January 1894, respectively.

4. The note appended to the draft notification will be omitted. The matter will be dealt with by executive orders on receipt of a reply from the Government of India.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To J. N. Atkinson, Esq., I.C.S.
„ Major W. L. C. Baddeley, R.E. (through the Public Works Department).
„ Commander W. Powell, R.I.M.
„ the Presidency Port Officer.
„ the Public Works Department.
„ the Revenue Department.

Exd. C. A. Moonooswamy.

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„ Commander W. Powell, R.I.M.
„ the Presidency Port Officer.
„ the Public Works Department.
„ the Revenue Department.

Ead. C. A. Mooncoswamy.

6. This, however, brings us to the further difficulty that it is hard to understand why the other half of the tidal lock was excluded as well as the old wharf and other port appurtenances lying on the north bank of the canal.

7. The tidal lock and creek as well as the canal were in existence at the time of the notification of 1878 and it seems inconceivable why they were not mentioned in it. There is no doubt that the tidal creek and the wharves on it have always been regarded as belonging to the port, as also has the "old wharf" on the north bank of the canal. But this latter wharf could not be in port limits unless the canal is also in these limits. And it follows therefore that at the time the notification was drawn up, the canal must have been regarded as within port limits. Why, therefore, it was not included in the notification it is very difficult to understand.

8. Only three possible explanations have suggested themselves, but none of them seem very probable:—

(*a*) That when the notification was drawn up, the canal was regarded as part of the "Masulipatam backwater and river."—This is improbable, as the canal was then just as it is now, separated from the river by a tidal lock, and at a different level from it altogether. It seems very unlikely, therefore, that the canal could have been mistaken for the river in 1878; though, of course, that might have been possible long before when the old fort ditch occupied the place where the canal now is, and, I presume, ran direct into the river.

(*b*) That for some reason unknown, the old wharf, &c., on the north bank of the canal were deliberately excluded from fort limits.—This also seems improbable.

(*c*) That the notification was drawn up by some one who had no personal knowledge of the locality.—And this really seems to be the only possible explanation, though I admit the improbability of even this one.

9. The committee agreed that the canal and its banks have always been practically (in spite of the notification) within the port limits. And the Superintending Engineer has no objection to their remaining so, provided the control which his Department exercises, and always had exercised, over the canal and the tidal lock is not interfered with. There has practically always been a sort of dual control in this way, the Public Works Department having managed the canal and the lock in the same way as they would manage any other canal or any other lock under their control, while the Port officer has authority over loading and unloading operations on the wharves and banks. This arrangement has always worked without friction, and there seems no reason why it should not continue to work in the same satisfactory manner in future. No other arrangement seems feasible, as it is absolutely necessary that the Public Works Department should not be interfered with in their working of the canal, and at the same time the Port officer must have power to supervise the loading and unloading of boats.

10. The dispute between the two departments that gave rise to this correspondence had nothing to with their dual control over the canal, but was about a question of cranage, which will be dealt with below.

11. The committee were of opinion that the definition of the western boundary contained in the notification of 1878 should be amended so as clearly to include the tidal lock, the canal and the canal banks within port limits, a reservation being made that the control at present exercised by the Public Works Department over them is not to be interfered with. Practically this alteration will simply give sanction for the same state of things as has always existed hitherto.

12. As regards cranage, the Superintending Engineer says as follows in paragraph 3 of his No. 1251 K.S., dated 5th September 1894: "This department will pay all the port dues it has hitherto paid and the Port authorities should not attempt to charge any fresh dues, such as cranage, if we think fit to erect a crane on the canal banks or on the lock. I can undertake to say that this department will in no way interfere with the wharf in the canal although I believe it was built from canal funds." In his No. 1411-C—183, dated 24th September 1894, the Presidency Port Officer assents to this arrangement.

13. I append the notification with the modifications proposed by the committee. The alterations proposed are underlined. The note at foot of the notification is intended to give effect to the agreement mentioned in the last paragraph.

14. A plan is also enclosed to illustrate the notification.

No. 2276.

The letter submitted by the Collector does not comply with G.O., dated 1st May 1894, No. 159.

2. The report of the committee has not been placed before Government. It should be in the usual form and signed by each member of the committee.

3. Copies of the letters referred to in paragraph 12 of the current should have accompanied it.

(Signed) J. F. PRICE,
Chief Secretary.

19*th November* 1894.

To the Collector of Kistna.

From J. N. ATKINSON, Esq., Collector of the Kistna District, to the Chief Secretary to Government, dated Masulipatam, 6th March 1895, Dis. No. 251-Eng.

With reference to G.O., No. 2276, Marine, dated 19th November 1894, I have the honour to submit herewith the report of the committee convened under G.O., No. 159, Marine, dated 1st May 1894, for the adjudication of disputes regarding the port limits of Masulipatam, signed by all the members thereof—Presidency Port Officer, the Superintending Engineer and myself.

Superintending Engineer's letter, dated 5th September 1894, No. 1251-K.S.
Presidency Port Officer's letter, dated 24th September 1894, No. 1411-C.—183.

2. As directed in the last sentence of the Government Order under reference, copies of the marginally-noted letters referred to in my Dis. No. 1152-English, dated 31st October 1894, are enclosed for the information of Government.

Enclosures.

From the Members of the Port Limits Committee appointed by Government in G.O., No. 159, Marine, dated 1st May 1894, to the Chief Secretary to Government, dated Masulipatam, 8th December 1894.

We, the members of the committee, appointed by Government in G.O., No. 159, Marine, dated 1st May 1894, on the subject of the port limits of Masulipatam, have the honour to report as follows.

2. We, the members, viz., the Superintending Engineer, the Presidency Port Officer and the Collector (Mr. Rawson), met at Masulipatam and considered the question on 18th June 1894.

3. The present difficulty has arisen out of the very loose manner in which the notification of 1878 defining the port limits was drawn up. The difficulty relates only, as already stated in paragraph 2 of the Collector's letter to Government, Disposal No. 314-English, dated 16th March 1894, to the western boundary, which is described as follows in the notification:—

"*West.*—A line drawn from the pillar at Tavisepudi parallel to the shore, with so much of it as is within 50 yards of high water mark spring tides, to the northern head of the creek. The Masulipatam backwater and river to the westernmost point of the Fort, with so much of the shores thereof as is within 50 yards of high water mark spring tides; and also a line drawn from the southern head of the creek to the Point Divi parallel to the shore with so much of it as is within 50 yards of high water mark spring tides."

4. We should state first of all, as showing how carelessly the notification was drawn up, that the "creek" and the "Masulipatam backwater" are one and the same thing, though no one would think so from reading the notification.

5. We are of opinion that the "Masulipatam backwater and river" of the notification must be taken to include its arms and branches. If this is so the port limits, as already pointed out

in paragraph 6 of the Collector's Disposal No. above quoted, will extend, roughly speaking, along the line of blue pencil crosses in the plan No. 3 already submitted by the Collector with his letter, Dis. No. 1152-English, dated 31st October 1894, and will include the whole of the tidal creek, the new wharf and rather more than half of the tidal lock.

6. This, however, brings us to the further difficulty that it is hard to understand why the other half of the tidal lock was excluded, as well as the old wharf and other port appurtenances lying on the north bank of the canal.

7. The tidal lock and creek as well as the canal were in existence at the time of the notification of 1878 and it seems inconceivable why they were not mentioned in it. There is no doubt that the tidal creek and the wharves on it have always been regarded as belonging to the port, as also has the "old wharf" on the north bank of the canal. But this latter wharf could not be in the Port limits unless the canal is also in these limits. And it follows therefore that, at the time the notification was drawn up, the canal must have been regarded as within port limits. Why, therefore, it was not included in the notification it is very difficult to understand.

8. Only three possible explanations have suggested themselves, but none of them seem very probable:

(*a*) That when the notification was drawn up, the canal was regarded as part of the "Masulipatam backwater and river." This is improbable, as the canal was then just as it is now, separated from the river by a tidal lock and at a different level from it altogether. It seems very unlikely, therefore, that the canal would have been mistaken for the river in 1878, though, of course, that might have been possible long before when the old Fort ditch occupied the place where the canal now is, and, we presume, ran direct into the river.

(*b*) That for some reason unknown, the old wharf, &c., on the north bank of the canal were deliberately excluded from the Port limits; this also seems improbable.

(*c*) That the notification was drawn up by some one who had no personal knowledge of the locality. And this really seems to be the only possible explanation, though we admit the impossibility of even this one.

9. We are agreed that the canal and its banks have always been practically (in spite of the notification) within the port limits. And we have no objection to their remaining so, provided that the control which the Department of Public Works exercises, and always has exercised, over the canal and the tidal lock is not interfered with. There has practically always been a sort of dual control in this way, the Department of Public Works having managed the canal and the lock in the same way as they would manage any other canal or any other lock under their control, while the Marine Department has authority over loading and unloading operations on the wharves and banks. This arrangement has always worked without friction and there seems to be no reason why it should not continue to work in the same satisfactory manner in future. No other arrangement seems feasible as it is absolutely necessary that the Department of Public Works should not be interfered with in their working of the canal, and at the same time the Port Officer must have power to supervise the loading and unloading of boats.

10. The dispute between the two departments that gave rise to this correspondence, has nothing to do with their dual control over the canal but about a question of cranage, which will be dealt with below.

11. We are of opinion that the definition of the western boundary contained in the notification of 1878 should be amended so as clearly to include the tidal lock, the canal and the canal banks within port limits, a reservation being made that the control at present exercised by the Department of Public Works over them is not to be interfered with. Practically, this alteration will simply give sanction for the same state of things as has always existed hitherto.

12. As regards cranage, it is also agreed by the committee that the Department of Public Works should pay all the port dues it has hitherto paid and that the Port officer should not attempt to charge any fresh dues such as cranage, if the Department of Public Works think fit to erect a crane on the canal banks or on the lock. The Superintending Engineer gives the assurance that his department will in no way interfere with the wharf in the canal, although he believes it was built from Canal funds.

13. A notification drawn up in terms of the committee's resolutions is appended. A plan to illustrate it was submitted with the Collector's No. 1152-English, dated 31st October 1894. The alterations proposed by us are underlined. The note at the foot of the notification is intended to give effect to the agreement mentioned in the last preceding paragraph.

(Signed) J. N. ATKINSON,
Acting Collector, Kistna.

(„) W. L. C. BADDELEY, Major, R.E.,
Superintending Engineer, II Circle.

(„) W. POWELL, Commr., R.I.M.,
Presidency Port Officer.

From W. POWELL, Esq., Commander, R.I.M., Presidency Port Officer, to the Acting Collector, Kistna District, dated Madras, 1st August 1894, No. 1411-C.—133.

In reply to your reference on C. No. 552-English, dated 16th July 1894, I have the honour to inform you that I approve of the amendment put forward by the Superintending Engineer and would suggest the draft notification regarding port limits being drawn up accordingly. All that the port authorities want is complete control over the "old wharf" or any extension that may be made to it without at all interfering with the lock or canal banks elsewhere.

2. The enclosures of your letter are herewith returned.

From W. L. C. BADDELEY, Major, R.E., Superintending Engineer, II Circle, to the Collector of Kistna, dated Bezwada, 5th September 1894, No. 1251-K.S.

In reference to your reference on C. No. 552-English of 26th August 1894, I have the honour to inform you that I do not claim any exemption from port dues for this department when using the port, but I see no reason why the Public Works Department should pay any fees for work carried on within their own limits.

2. The tidal lock, the canal and the canal banks are only considered as part of the port, in order that the Port officer may have control over the sea-going boats.

3. The dual control is unavoidable, but I see no reason why matters should not work smoothly; this department will pay all the port dues it has hitherto paid, and the port authorities should not attempt to charge any fresh dues, such as cranage, if we think fit to erect a crane on the canal banks, or on the lock. I can undertake to say that this department will in no way interfere with the wharf in the canal, although I believe it was built from Canal funds.

4. I recommend that the notification be not again altered, as in trying to define too much we may pave the way for further difficulties.

From the Presidency Port Officer, to the Collector of Kistna, dated Madras, 24th September 1894, No. 1411-C.—183.

In reply to your No. 552, dated 11th September 1894, I have the honour to inform you that it will be sufficient if the new notification gives effect to the views expressed in my letter No. 1411—133-C., dated 1st August 1894.

The limits of the Port at Masulipatam.

Draft Notification.

North.—A line drawn due east from the boundary pillar erected near the bungalow at Tavisepudi to 10 fathoms of water.

South.—A line drawn due east from Point Divi to 10 fathoms of water.

West.—A line drawn from the pillar at Tavisepudi parallel to the shore with so much of it as is within 50 yards of high water mark *at* spring tides, to the northern head of the *Masulipatam backwater*. The Masulipatam backwater and river *with all its arms* to the westernmost point of the Fort, with so much of the shores thereof as are within 50 yards of high water mark *at* spring tides, *also the Bezwada-Bunder canal from the easternmost point of the tidal lock as far as the west rnmost point of the Fort with so much of the land on each side as is within fifty yards of the outer toe of the bank;* and also a line drawn from the southern head of the *Masulipatam backwater* to Point Divi parallel to the shore with so much of it as is within 50 yards of high water mark *at* spring tides.

East.—A line drawn from the eastern extremities of the above-described north and south limits.

and I have also to visit Tuticorin in connection with the pier and reclamation schemes there. It will thus be inconvenient for me, at present, to proceed to Masulipatam, and I would therefore suggest the Personal Assistant to the Presidency Port Officer being deputed to represent me at the meeting.

Order—dated 1st May 1894, No. 159, Marine.

A perusal of the correspondence convinces Government that matters are not likely to work smoothly at the port of Masulipatam until the points in dispute between the officers of the Marine and Public Works Departments are definitely settled. With this object it appears to be necessary that a committee should be appointed to enquire into the several matters on the spot and to submit its recommendations for their disposal.

2. The Government is accordingly pleased to appoint a committee consisting of the Presidency Port Officer and the Superintending Engineer with the Collector of the district as President. The committee should meet at Masulipatam at as early a date as can be arranged. The papers will be forwarded to the Collector.

3. The Government does not approve the Presidency Port Officer's suggestion that his Personal Assistant should represent him on the committee. The matter is one which should receive his personal attention on the spot. Commander Powell will report by what date he can be at Masulipatam, and will place himself in communication with the Collector on the subject.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Collector of Kistna.
" Public Works Department.
" Presidency Port Officer.

Read—also the following papers:—

From J. N. ATKINSON, Esq., Acting Collector, Kistna District, to the Chief Secretary to Government, dated Masulipatam, 31st October 1894, Dis. No. 1152-Eng.

I have the honour to reply to G.O., No. 159, Marine, dated 1st May 1894 (herewith returned with its enclosures), on the subject of the limits of the port of Masulipatam.

2. The committee appointed by Government in the Government Order above quoted, viz., the Superintending Engineer, the Presidency Port Officer and the Collector (Mr. Rawson), met and considered the question on 18th June 1894.

3. The present difficulty has arisen out of the very loose manner in which the notification of 1878 defining the port limits was drawn up. The difficulty relates only, as I have already said in paragraph 2 of my Disposal No. 314-English, dated 16th March 1894, to the western boundary which is described as follows in the notification:—

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5. The committee were of opinion that the "Masulipatam backwater and river" of the notification must be taken to include its arms and branches. If this is so, the port limits, as already pointed out in paragraph 6 of my Disposal Number above quoted, will extend, roughly speaking, along the line of blue pencil crosses in the enclosed plan No. 3 and will include the whole of the tidal creek, the new wharf and rather more than half of the tidal lock.

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Draft Notification.

North.—A line drawn due east from the boundary pillar erected near the bungalow at Tavisepudi to 10 fathoms of water.

South.—A line drawn due east from Point Divi to 10 fathoms of water.

West.—A line drawn from the pillar at Tavisepudi parallel to the shore with so much of it as is within 50 yards of high water mark *at* spring tides, to the northern head of the *Masulipatam backwater*. The Masulipatam backwater and river *with all its arms* to the westernmost point of the Fort, with so much of the shores thereof as are within 50 yards of high water mark *at* spring tides, *also the Bezwada-Bunder canal from the easternmost point of the tidal lock as far as the westernmost point of the Fort with so much of the land on each side as is within fifty yards of the outer toe of the bank;* and also a line drawn from the southern head of the *Masulipatam backwater* to Point Divi parallel to the shore with so much of it as is within 50 yards of high water mark *at* spring tides.

East.—A line drawn from the eastern extremities of the above-described north and south limits.

The undersigned is decidedly of opinion that the lock should be removed altogether from the limits of the port and placed under the control of the Public Works Department; this would not interfere with the collection of port dues. Whether such dues should be collected from sea-going boats appears to be a question for the Marine Department.

Chepâk, 15*th January* 1894. (Signed) J. PENNYCUICK, Col., R.E., *Chief Engineer, P.W.D.*

No. 255-C.

Transferred to the Marine Department and the original papers returned.

15*th January* 1894. (Signed) J. PENNYCUICK, Colonel, R.E., *Secretary to Govt., P.W.D.*

Order—dated 1st February 1894, No. 40, Marine.

The papers will be forwarded (in original) to the Collector of Kistna for full report, both as regards the lock and port limits and the question regarding sea-going boats.

(True Extract.)

(Signed) J. F. PRICE, *Chief Secretary.*

To the Collector of Kistna,
with original papers to be returned.

G.O., dated 1st May 1894, No. 159, Marine.

Read—the following papers:—

From J. N. ATKINSON, Esq., Acting Collector, Kistna, to the Chief Secretary to Government, dated Masulipatam, 16th March 1894, Dis. No. 314–Eng.

I have the honour to reply to G.O. (Marine Department), No. 40, dated 1st February 1894, calling for a report as regards the lock and port limits of Masulipatam port, and the question regarding sea-going boats.

2. The only notification of port limits that I have been able to find is that published in the *Fort St. George Gazette*, dated 6th August 1878, page 443. This notification runs as follows:—

"*North.*—A line drawn due east from the boundary pillar erected near the bungalow at Tavisepudi to 10 fathoms of water.

"*South.*—A line drawn due east from the Point Divi to 10 fathoms of water.

"*West.*—A line drawn from the pillar at Tavisepudi parallel to the shore with so much of it as is within 50 yards of high-water mark spring tides, to the northern head of the creek. *The Masulipatam backwater and river to the westernmost point of the fort with so much of the shores thereof as are within 50 yards of high-water mark spring tides;* and also a line drawn from the southern head of the creek to the Point Divi parallel to the shore with so much of it as is within 50 yards of high-water mark spring tides.

"*East.*—A line drawn from the eastern extremities of the above-described north and south limits."

With the north, south and east boundaries we have nothing to do now. The only point in doubt is the exact meaning of the words I have underlined.

3. Under separate cover I am forwarding three rough plans of the port and its surroundings, prepared for me from older charts by the present Port officer. The first of these shows the topography of the Masulipatam river in 1836; the second shows the same on a rather smaller scale at the present day; and the third is a large scale plan of the tidal lock, the lower waters of the canal, and the various wharves and adjuncts of the port.

4. The tidal lock had been built before the notification of 1878; and when the tidal lock was built, the "tidal creek," as it is called in plan No. III, was dug to

connect the lock with the Masulipatam river as shown in plan No. I. On the latter plan, the situation of the tidal lock and creek has been roughly indicated by the Port officer.

5. Referring to the notification quoted in paragraph 2, the Port officer expresses a doubt whether the "tidal creek" can be held to be included in port limits. He suggests that possibly the words "The Masulipatam backwater and river to the westernmost point of the fort" are intended to include only the main channel of this river; and he points out that if this interpretation be correct, and if therefore the "tidal creek" leading from the tidal lock be excluded, not only will the tidal lock be outside port limits, but also the whole of the appurtenances of the port, the wharves, old and new, including the crane, the goods sheds, customs sheds and boat moorings.

6. I do not share the Port officer's doubt. It seems to me clear that not only the main channel of the Masulipatam river (or backwater as it is indifferently termed) but every arm, creek, or bay opening into or out of it which is subject to tidal influence, is equally within port limits, the test being whether they are subject to overflow at high water of spring tides. If this be the right interpretation, then the port limits will extend, roughly speaking, along the line of blue pencil crosses marked on plan No. III and will include the whole of the tidal creek, the new wharf and rather more than half of the tidal lock, together with the crane erected thereon by Mr. Jopp, which has given rise to this correspondence.

7. If, then, the Public Works Department crane be within port limits, there can, I submit, be no doubt that cranage should be paid for use thereof. And it appears to me, further, that the Public Works Department should not be at liberty to avoid payment of these dues by removing the crane beyond the exact boundary line of port lands.

8. A glance at plan No. III will show that by far the largest extent of wharfage and mooring accommodation is above the tidal lock inside the canal and beyond port limits. The Executive Engineer has mentioned that the sea-going boats have, as a matter of custom, been allowed to enter the canal free of tolls. The Superintending Engineer opines that the reason of this is because prior to construction of the lock the sea-going boats tied up within the site of the lock. I can find nothing on record about this; but plan No. I shows that before construction of the lock, sea-going boats did have access to the fort ditch through the river. Cargo was landed in those days at the "old gate quay" (see plan III), and the boats were berthed in the ditch.

9. But this concession of allowing boats to pass through the lock free and discharge cargo above it has led to one considerable inconvenience, in that the wharves above the lock are probably all beyond port limits, and, if so, the collection of wharfage and similar port dues thereon is, strictly speaking, illegal. I use the word "probably" because I am not quite sure of the exact limit of spring tide high water and it is possible that the old gate quay and some of its adjuncts may be within 50 yards thereof.

10. The levy of wharfage on these quays and wharfs above the tidal lock was directed by my predecessor, Mr. Arundel, in 1891, on finding that the boatmen and merchants were using these landing-places in order to evade payment of fees for the use of the new wharf and goods-shed which Government had built below the lock. At that time no question had arisen as to the exact limits of port lands, and it was believed that both the old wharf and old gate quay were within port limits.

11. The history of these attempts to evade port dues is rather instructive. Mr. Arundel, wishing not to press hardly on those who did not use the wharves for *bona fide* storage purposes, directed that goods merely in transit from boat to cart or *vice versâ*, and "deposited only for a short period," should be exempt from charge. Then the Port officer reported that this concession was being abused, and suggested the levy of half-fees on goods only temporarily deposited on the wharves. Mr. Higgens suggested that cargo found on the quays at the end of the working day (6 P.M.) should be considered as stored there, and charged wharfage. The Port officer then reported that, to evade this rule, cargo was being removed from the quays towards the end of the afternoon to private godowns immediately adjoining, and brought out again after dark. Mr. Higgens then directed that full wharfage

should be levied on cargo found on the quay at 6 A.M. instead of 6 P.M. The merchants found means to evade this rule also, and the Port officer finally on his own responsibility, without intimation to me, began in June 1893 to levy wharfage on all goods placed on the quay for whatever length of time. The present Port officer says that this order has worked satisfactorily and asks me to confirm it.

12. It is obvious, however, that there is no good my interfering at all until the limits of the port are exactly defined. The Port officer suggests that "the western limit should remain at the westernmost point of the fort and that the 50 yards from high water should be measured from the canal, and that the 25 feet required by the Public Works Department for maintaining the canal be deducted from the 50 yards." But if the 25 feet be deducted, that will leave a strip of land on both sides of the canal not within port limits, and will therefore give every facility for continued evasion of port dues.

13. If the canal is to be excluded from port limits entirely, boats must be compelled to unload below the lock, and this will entail the construction of largely increased wharfage accommodation. On the other hand, I am not at all sure how the Public Works Department would regard any proposal to include a portion of the canal within port limits. I do not think the department ought in reason to object, for, as a matter of fact, a part at least of the tidal lock is within port limits, as is also a part of the southern bank of the canal; and during all these years the Department and everybody else have believed that both banks of the canal at least up to, and including, the old gate quay are within those limits. If, therefore, Government now formally sanctions the inclusion of this area within the port, the Public Works Department will be in the same position in which it now believes itself to be.

14. What I would suggest is that, in the notification of port limits quoted in paragraph 2 above, after the words I have underlined, should be inserted the following:—"including also the Bezwada-Bandur canal up to the westernmost point of the fort with so much of the banks as is within 50 yards thereof." And in order to preserve the Public Works Department's power of control and regulation from interference, Government might by a departmental order lay down that the Marine department will not be allowed to interfere with the tidal lock or the canal banks, otherwise than by collecting such dues as it is authorised by law to collect within port limits.

15. I trust I may be permitted to add that I am confident that the late Mr. Hearsey, in writing his letter, No. 26—282, dated 6th July 1893, was actuated solely by a desire to settle amicably the rather petty dispute between two Government departments. I have not a shadow of doubt that in paragraphs 5, 7 and 9 of his letter he was writing in a spirit of good-tempered badinage, which, if out of place in official communications, was certainly unaccompanied by any animus.

16. I return the enclosures of the Government Order under reply.

No. 693.

The Collector's report is forwarded to the Presidency Port Officer and he is requested to submit his remarks as to the advisability of appointing a committee consisting of himself, the Superintending Engineer and the Collector as President, to inquire into the points at issue on the spot.

(Signed) J. F. PRICE,
Chief Secretary.

7th April 1894.

From Commander W. J. POWELL, R.I.M., Presidency Port Officer, Madras, to the Chief Secretary to Government, dated Madras, 17th April 1894, No. 1411—149-G.

With respect to Marine Department reference, No. 693, dated 7th April 1894 (herewith returned), I have the honour to acquaint you, for the information of the Government, that I agree as to the advisability of appointing a committee, as proposed, as a meeting on the spot would, no doubt, lead to a quicker settlement of the points at issue. There are, however, several matters requiring my personal attention at Madras,

and I have also to visit Tuticorin in connection with the pier and reclamation schemes there. It will thus be inconvenient for me, at present, to proceed to Masulipatam, and I would therefore suggest the Personal Assistant to the Presidency Port Officer being deputed to represent me at the meeting.

Order—dated 1st May 1894, No. 159, Marine.

A perusal of the correspondence convinces Government that matters are not likely to work smoothly at the port of Masulipatam until the points in dispute between the officers of the Marine and Public Works Departments are definitely settled. With this object it appears to be necessary that a committee should be appointed to enquire into the several matters on the spot and to submit its recommendations for their disposal.

2. The Government is accordingly pleased to appoint a committee consisting of the Presidency Port Officer and the Superintending Engineer with the Collector of the district as President. The committee should meet at Masulipatam at as early a date as can be arranged. The papers will be forwarded to the Collector.

3. The Government does not approve the Presidency Port Officer's suggestion that his Personal Assistant should represent him on the committee. The matter is one which should receive his personal attention on the spot. Commander Powell will report by what date he can be at Masulipatam, and will place himself in communication with the Collector on the subject.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Collector of Kistna.
„ Public Works Department.
„ Presidency Port Officer.

Read—also the following papers:—

From J. N. ATKINSON, Esq., Acting Collector, Kistna District, to the Chief Secretary to Government, dated Masulipatam, 31st October 1894, Dis. No. 1152-Eng.

I have the honour to reply to G.O., No. 159, Marine, dated 1st May 1894 (herewith returned with its enclosures), on the subject of the limits of the port of Masulipatam.

2. The committee appointed by Government in the Government Order above quoted, viz., the Superintending Engineer, the Presidency Port Officer and the Collector (Mr. Rawson), met and considered the question on 18th June 1894.

3. The present difficulty has arisen out of the very loose manner in which the notification of 1878 defining the port limits was drawn up. The difficulty relates only, as I have already said in paragraph 2 of my Disposal No. 314-English, dated 16th March 1894, to the western boundary which is described as follows in the notification:—

"*West.*—A line drawn from the pillar at Tavisepudi parallel to the shore, with so much of it as is within 50 yards of high-water mark spring tides, to the northern head of the creek. *The Masulipatam backwater and river to the westernmost point of the fort with so much of the shores thereof as are within* 50 *yards of high-water mark spring tides;* and also a line drawn from the southern head of the creek to the Point Divi parallel to the shore with so much of it as is within 50 yards of high-water mark spring tides."

4. I should state, first of all, as showing how carelessly the notification is drawn up, that the "creek" and the "Masulipatam backwater" are one and the same thing, though no one would think so from reading the notification.

5. The committee were of opinion that the "Masulipatam backwater and river" of the notification must be taken to include its arms and branches. If this is so, the port limits, as already pointed out in paragraph 6 of my Disposal Number above quoted, will extend, roughly speaking, along the line of blue pencil crosses in the enclosed plan No. 3 and will include the whole of the tidal creek, the new wharf and rather more than half of the tidal lock.

8. You are aware that under the Navigation Rules, the sea-going boats are allowed to enter the canal free of tolls. The result of this appears to be that these boats unload their goods within the canal limits and carry them to their private godowns and thus evade wharfage dues from both departments. It seems only fair that Government should get something from them either in the form of tolls for use of tidal lock or of wharfage, and considering the wear and tear caused to the lock, a proportion of this at least is due to canal funds.

9. In conclusion, I request that the question may be referred to Government for disposal, so that the powers and duties of the two departments may be defined once for all.

10. I regret that there has been so much delay in replying to this reference, which has been caused by more than one unsuccessful search having to be made amongst the records to try and find more full details.

No. 2332-K.S.

Forwarded to the Chief Engineer, Public Works Department, in reply to his endorsement, No. 2968-C., dated 29th August 1893 (herewith returned).

2. The crane fixed by the Executive Engineer is actually standing on the wall of the tidal lock.

3. There is no information available in regard to whether the lock should be considered within the limits of the port, or be considered distinct from the port and from all authority vested in the Port officer. The Tahsildar has reported that he is unable to ascertain whether the lock is, or is not, included within the limits of the port. Under these circumstances it is thought Government should be asked to specify whether the lock should be considered separate, in every respect, from the jurisdiction of the Marine authorities or whether it should be considered within port limits and subject to the usual rules of the port.

4. With regard to paragraph 8 of the Executive Engineer's letter regarding sea-going boats, it is believed the reason for allowing these boats to pass through the lock without paying toll is that formerly—that is, before the lock was constructed—the boats tied up within the site of the lock, and therefore it was considered, after the lock was built, that they should be allowed to pass through it free of tolls to tie up at the same place they generally remained at before the lock was constructed. But whether they should pay port dues is another question, and it is thought it should be settled by the Marine Department.

Camp, Madras,
17*th December* 1893.

(Signed) J. W. MARTIN,
Superintending Engineer, II Circle.

Memorandum.

Mr. Simpson's proceedings as reported in paragraphs 8 and 9 of the Port officer's letter, No. 26—282, dated 6th July 1893, appear to the undersigned to be of doubtful propriety; he observed that the Public Works Department was erecting a crane on the lock without his permission and, in place of objecting at once, waited until the crane was completed and used for disposal of material and then came forward with a demand for payment on account of work done by it.

If the propriety of Mr. Simpson's action is doubtful, that of Mr. Hearsey's language in paragraphs 5, 7 and 9 of his letter is something more.

Mr. Simpson, by refraining from raising the question of whether or not the lock was within port limits and whether in consequence his consent was necessary to the erection of the crane until the latter was actually in use, has, in the opinion of the undersigned, barred himself from raising any claim on this ground to payment for the work done by the crane, and on any other, such claim is of course an absurdity.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—again the following papers :—

G.O., dated 1st February 1894, No. 40, Marine.

Read—the following papers :—

From Commander H. A. STREET, R.I.M., Acting Presidency Port Officer, to the Chief Secretary to Government, dated Madras, 11th August 1893, No. 1411—277-G.

I have the honour to acquaint you, for the information of the Government, that it has been brought to my notice that the Executive Engineer, Kistna Eastern Division, has erected a crane on the masonry work of the tidal lock at Masulipatam, "in order," as he states, "to facilitate the loading of timber and other articles received at Masulipatam by sea for Government use."

2. This crane is in addition to the crane referred to in this office letter, No. 1125—64-G., of 20th February 1891, and appears to have been erected (without the sanction of Government) for departmental purposes, and the consequence is that the crane originally supplied to the port to meet the requirements of Government as well as of private parties and for the use of which a scale of charges was sanctioned—see G.Os., dated 19th June 1891, No. 270, and No. 255 of 22nd July 1892—is not used by the Public Works Department.

3. It seems that the Port officer was under the impression that the orders above quoted would apply to any crane, and he accordingly billed the Public Works Department for work done by the crane erected by the Executive Engineer, and as exception was taken to the Port officer's action, the matter was brought to my notice.

4. I beg to be informed whether the crane erected by the Executive Engineer is to remain, and if so whether it is to be under the charge of the Port officer or the Executive Engineer; also whether any charge is to be made for its use.

5. I append for perusal a copy of a letter from the Port officer on the subject.

—

ENCLOSURES.

From C. C. HEARSEY, Esq., Port Officer, Masulipatam, to the Presidency Port Officer, Madras, dated Masulipatam, 6th July 1893, No. 26–282.

I have the honour to bring to your notice a question that has arisen respecting the power of the Port officer to exercise his authority within port limits on matters connected with the use of Government property erected within the said port limits.

1. The following incident will explain exactly how the above question arose. When Captain Simpson was Port officer here he went to considerable expense and trouble to get a good, serviceable crane erected for the public convenience, and Government sanctioned the levy of the very reasonable charges for the use of the crane per hoist as proposed by Captain Simpson.

2. In due course heavy articles ordered by the Public Works Department for the bridge works at Bezwada arrived at the port and had to be shifted from the cargo boats and placed on Public Works Department punts for conveyance by land to Bezwada. The new crane was used by the Public Works Department and that department was duly billed for the charges incurred.

and I have also to visit Tuticorin in connection with the pier and reclamation schemes there. It will thus be inconvenient for me, at present, to proceed to Masulipatam, and I would therefore suggest the Personal Assistant to the Presidency Port Officer being deputed to represent me at the meeting.

Order—dated 1st May 1894, No. 159, Marine.

A perusal of the correspondence convinces Government that matters are not likely to work smoothly at the port of Masulipatam until the points in dispute between the officers of the Marine and Public Works Departments are definitely settled. With this object it appears to be necessary that a committee should be appointed to enquire into the several matters on the spot and to submit its recommendations for their disposal.

2. The Government is accordingly pleased to appoint a committee consisting of the Presidency Port Officer and the Superintending Engineer with the Collector of the district as President. The committee should meet at Masulipatam at as early a date as can be arranged. The papers will be forwarded to the Collector.

3. The Government does not approve the Presidency Port Officer's suggestion that his Personal Assistant should represent him on the committee. The matter is one which should receive his personal attention on the spot. Commander Powell will report by what date he can be at Masulipatam, and will place himself in communication with the Collector on the subject.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Collector of Kistna.
" Public Works Department.
" Presidency Port Officer.

Read—also the following papers:—

From J. N. ATKINSON, Esq., Acting Collector, Kistna District, to the Chief Secretary to Government, dated Masulipatam, 31st October 1894, Dis. No. 1152-Eng.

I have the honour to reply to G.O., No. 159, Marine, dated 1st May 1894 (herewith returned with its enclosures), on the subject of the limits of the port of Masulipatam.

2. The committee appointed by Government in the Government Order above quoted, viz., the Superintending Engineer, the Presidency Port Officer and the Collector (Mr. Rawson), met and considered the question on 18th June 1894.

3. The present difficulty has arisen out of the very loose manner in which the notification of 1878 defining the port limits was drawn up. The difficulty relates only, as I have already said in paragraph 2 of my Disposal No. 314-English, dated 16th March 1894, to the western boundary which is described as follows in the notification:—

" *West.*—A line drawn from the pillar at Tavisepudi parallel to the shore, with so much of it as is within 50 yards of high-water mark spring tides, to the northern head of the creek. *The Masulipatam backwater and river to the westernmost point of the fort with so much of the shores thereof as are within 50 yards of high-water mark spring tides;* and also a line drawn from the southern head of the creek to the Point Divi parallel to the shore with so much of it as is within 50 yards of high-water mark spring tides."

4. I should state, first of all, as showing how carelessly the notification is drawn up, that the "creek" and the "Masulipatam backwater" are one and the same thing, though no one would think so from reading the notification.

5. The committee were of opinion that the "Masulipatam backwater and river" of the notification must be taken to include its arms and branches. If this is so, the port limits, as already pointed out in paragraph 6 of my Disposal Number above quoted, will extend, roughly speaking, along the line of blue pencil crosses in the enclosed plan No. 3 and will include the whole of the tidal creek, the new wharf and rather more than half of the tidal lock.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

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I have the honour to acquaint you, for the information of the Government, that it has been brought to my notice that the Executive Engineer, Kistna Eastern Division, has erected a crane on the masonry work of the tidal lock at Masulipatam, "in order," as he states, "to facilitate the loading of timber and other articles received at Masulipatam by sea for Government use."

2. This crane is in addition to the crane referred to in this office letter, No. 1125—64-G., of 20th February 1891, and appears to have been erected (without the sanction of Government) for departmental purposes, and the consequence is that the crane originally supplied to the port to meet the requirements of Government as well as of private parties and for the use of which a scale of charges was sanctioned—see G.Os., dated 19th June 1891, No. 270, and No. 255 of 22nd July 1892—is not used by the Public Works Department.

3. It seems that the Port officer was under the impression that the orders above quoted would apply to any crane, and he accordingly billed the Public Works Department for work done by the crane erected by the Executive Engineer, and as exception was taken to the Port officer's action, the matter was brought to my notice.

4. I beg to be informed whether the crane erected by the Executive Engineer is to remain, and if so whether it is to be under the charge of the Port officer or the Executive Engineer; also whether any charge is to be made for its use.

5. I append for perusal a copy of a letter from the Port officer on the subject.

Enclosures.

From C. C. HEARSEY, Esq., Port Officer, Masulipatam, to the Presidency Port Officer, Madras, dated Masulipatam, 6th July 1893, No. 26-282.

I have the honour to bring to your notice a question that has arisen respecting the power of the Port officer to exercise his authority within port limits on matters connected with the use of Government property erected within the said port limits.

1. The following incident will explain exactly how the above question arose. When Captain Simpson was Port officer here he went to considerable expense and trouble to get a good, serviceable crane erected for the public convenience, and Government sanctioned the levy of the very reasonable charges for the use of the crane per hoist as proposed by Captain Simpson.

2. In due course heavy articles ordered by the Public Works Department for the bridge works at Bezwada arrived at the port and had to be shifted from the cargo boats and placed on Public Works Department punts for conveyance by land to Bezwada. The new crane was used by the Public Works Department and that department was duly billed for the charges incurred.

3. Captain Simpson was naturally annoyed by the payment of these bills being objected to, but on Captain Simpson producing the Government Order authorising the charges they were paid.

4. I regret to say that this incident seems to have strained the hitherto perfect relations existing between the Marine and Public Works Departments in these ports.

5. For, under orders from Bezwada, the Assistant Engineer actually erected a dangerous-looking wooden crane on the lock-head under the impression, doubtless, that he was going to have it all his own way and do his own hoisting and thus score generally off the already injured Port official.

6. The consequence is that Government has been put to the unnecessary expense of having to pay for crane No. 2 and at the same time is suffering a direct loss by crane No. 1 being boycotted.

7. On Captain Simpson becoming aware of the course that was being adopted by the Public Works Department to evade the use of the port crane, he doubtless commenced to consider that the Public Works Department wished to make it appear that he was obstructing their work, and if any explanations were called for by Government the Public Works Department would endeavour to make him responsible for the expense they were putting Government to by erecting another crane.

8. In order not to appear obstructive, Captain Simpson did not interfere, but as the next batch of material was being disposed of by this "Home Rule" crane he very properly kept a record of work done with a view to sending in the usual bills.

9. In the meantime, and evidently not a little to the astonishment of the Executive Engineer of the Kistna Eastern Division, Captain Simpson proceeded to point out to him that the new crane was being erected without his permission, and contrary to his supposition that he had evaded the payment of crane charges (by erecting a brand new crane) he had simply incurred the same charges at an altogether useless expense, the only difference being one of locality. Both the cranes being situated within gazetted port limits he would feel obliged by an early remittance of the charges as per bills for work being done as soon as they were sent in.

10. At this stage of the proceedings, I have the honour to state that I took over charge from Captain Simpson and the first intimation I received of the unnecessarily disturbed state of local departmental feeling was on receipt of an official letter (a copy of which I have the honour to append) from the Deputy Collector in charge of the Kistna Treasury requesting to know on what authority cranage was charged for weights hoisted by the Public Works Department crane, to which I had the honour to reply quoting Government notification No. 59, Marine Department, of 22nd July 1892, of the *Fort St. George Gazette*, dated 26th July 1892, under which notification the Port officer is distinctly authorized to levy charges for any work done with port cranes. I have also appended a copy of this letter with a view to showing that I endeavoured to pacify rather than aggravate the feelings of the important department concerned.

11. I was in hopes that this letter would have terminated what appeared to me to be a childish controversy from the outset, but as the question has arisen I will endeavour to make the most of it by suggesting that the present opportunity be taken to adjust finally some decided inconsistencies which exist in connection with the rather anomalous position of both the Marine and Public Works Departments (Canal department) situated as they are at Masulipatam "one inside of the other" instead of "decently side by side."

It is owing to the instinctive objection that all minor heads of departments have to being overridden by minor heads of other departments that similar possibilities for much waste of time and misdirection of energy are created and seldom if ever neglected.

12. I therefore request that you will be good enough to favour me with your views in connection with the power I possess to levy cranage for work done by the crane which is situated on port limits.

From M.R.Ry. C. VENKATACHELLAM, Deputy Collector in charge of the Treasury, Kistna District, to the Superintendent of Sea Customs, dated Masulipatam, 26th April 1893, No. 938-Accts.

I have the honour to request that you will be good enough to let me know at an early date (1) whether the crane erected by the Executive Engineer, Kistna Eastern Division, and the lock and its arrangements on the masonry work of the tidal lock, are under the regulations of the Marine Department, and (2) whether the Marine Department can levy on the Public Works Department on account of goods lifted by Public Works Department crane the same fees as if they are lifted by the port crane.

I further request that you will please quote the authority in support of either view.

No. 1469.

Referred to the Public Works Department for favour of remarks.

(Signed) J. F. PRICE,
Chief Secretary.

OOTACAMUND,
22*nd August* 1893.

No. 2968-C.

Referred to the Superintending Engineer, II Circle, for remarks.

(Signed) J. HANNAN,
Ag. Joint Secy. to Govt., P.W.D.

29*th August* 1893.

From C. A. SMITH, Esq., Executive Engineer, Kistna Eastern Division, to the Superintending Engineer, II Circle, dated 7th December 1893, No. 4499.

With reference to your No. 2058-K.S., dated 24th November 1893, and reminder No. 1266-K.S., dated 23rd November 1893, &c., I have the honour to state that as the two subjects—*i.e.*, the fixing of a crane on the tidal lock and the demarcation of port lands—are practically the same, I propose to treat them as one.

2. In July 1892 my predecessor, Mr. Jopp, thinking that the charges made by the Marine Department for loading the workshop timber were too high, sanctioned an estimate for Rs. 195 for putting in order one of the old wooden cranes then lying in the stores at Bezwada and fixing it on the tidal lock in order to keep down as much as possible the cost of the timber.

3. The crane was accordingly put in order and fitted up in January 1893 at a cost of Rs. 95 and the timber on arrival from Rangoon was lifted by it and loaded on to the Government punts.

4. The Port officer there, on the grounds that the tidal lock and consequently the crane was within port limits, sent in a bill to this department for lifting the logs although they had been lifted by our own crane.

5. The bill was disputed and reference was made to you in this office No. 5819, dated 23rd January 1893. It is impossible to ascertain either from our records or from those of the Revenue Department what are the port limits as far as the canal is concerned and it appears to be necessary for Government to decide the question.

6. I may point out that the Port officer of Bandur has apparently not realized that this department and the Railway department are distinct. The number of heavy articles other than timber arriving at Bandur for this department is not many and it was probably more for the Railway requirements than for ours that the new port crane was found necessary.

7. I do not think that, in any case, the Marine Department should have any authority over the canal or lock, but it appears to be necessary to have something definitely settled between the two departments.

8. You are aware that under the Navigation Rules, the sea-going boats are allowed to enter the canal free of tolls. The result of this appears to be that these boats unload their goods within the canal limits and carry them to their private godowns and thus evade wharfage dues from both departments. It seems only fair that Government should get something from them either in the form of tolls for use of tidal lock or of wharfage, and considering the wear and tear caused to the lock, a proportion of this at least is due to canal funds.

9. In conclusion, I request that the question may be referred to Government for disposal, so that the powers and duties of the two departments may be defined once for all.

10. I regret that there has been so much delay in replying to this reference, which has been caused by more than one unsuccessful search having to be made amongst the records to try and find more full details.

No. 2332-K.S.

Forwarded to the Chief Engineer, Public Works Department, in reply to his endorsement, No. 2968-C., dated 29th August 1893 (herewith returned).

2. The crane fixed by the Executive Engineer is actually standing on the wall of the tidal lock.

3. There is no information available in regard to whether the lock should be considered within the limits of the port, or be considered distinct from the port and from all authority vested in the Port officer. The Tahsildar has reported that he is unable to ascertain whether the lock is, or is not, included within the limits of the port. Under these circumstances it is thought Government should be asked to specify whether the lock should be considered separate, in every respect, from the jurisdiction of the Marine authorities or whether it should be considered within port limits and subject to the usual rules of the port.

4. With regard to paragraph 8 of the Executive Engineer's letter regarding sea-going boats, it is believed the reason for allowing these boats to pass through the lock without paying toll is that formerly—that is, before the lock was constructed—the boats tied up within the site of the lock, and therefore it was considered, after the lock was built, that they should be allowed to pass through it free of tolls to tie up at the same place they generally remained at before the lock was constructed. But whether they should pay port dues is another question, and it is thought it should be settled by the Marine Department.

CAMP, MADRAS,
17*th December* 1893.

(Signed) J. W. MARTIN,
Superintending Engineer, II Circle.

MEMORANDUM.

Mr. Simpson's proceedings as reported in paragraphs 8 and 9 of the Port officer's letter, No. 26—282, dated 6th July 1893, appear to the undersigned to be of doubtful propriety; he observed that the Public Works Department was erecting a crane on the lock without his permission and, in place of objecting at once, waited until the crane was completed and used for disposal of material and then came forward with a demand for payment on account of work done by it.

If the propriety of Mr. Simpson's action is doubtful, that of Mr. Hearsey's language in paragraphs 5, 7 and 9 of his letter is something more.

Mr. Simpson, by refraining from raising the question of whether or not the lock was within port limits and whether in consequence his consent was necessary to the erection of the crane until the latter was actually in use, has, in the opinion of the undersigned, barred himself from raising any claim on this ground to payment for the work done by the crane, and on any other, such claim is of course an absurdity.

The limits of the Port at Masulipatam.

DRAFT NOTIFICATION.

North.—A line drawn due east from the boundary pillar erected near the bungalow at Tavisepudi to 10 fathoms of water.

South.—A line drawn due east from Point Divi to 10 fathoms of water.

West.—A line drawn from the pillar at Tavisepudi parallel to the shore with so much of it as is within 50 yards of high water mark *at* spring tides, to the northern head of the *Masulipatam backwater*. The Masulipatam backwater and river *with all its arms* to the westernmost point of the Fort, with so much of the shores thereof as are within 50 yards of high water mark *at* spring tides, *also the Bezwada-Bunder canal from the easternmost point of the tidal lock as far as the westernmost point of the Fort with so much of the land on each side as is within fifty yards of the outer toe of the bank;* and also a line drawn from the southern head of the *Masulipatam backwater* to Point Divi parallel to the shore with so much of it as is within 50 yards of high water mark *at* spring tides.

East.—A line drawn from the eastern extremities of the above-described north and south limits.

N.B.—*Nothing in this notification shall give the Marine Department any power to interfere with the rights of the Public Works Department over the tidal lock, the canal and the canal banks, and it shall be open to the Public Works Department to erect cranes or carry on work of any kind within the abovementioned limits without reference to the Marine Department.*

LETTER. No. 119.

TO

The Secretary to the Govt. of India,

Finance & Commerce Department.

SIR,

I am directed to forward copy of G.O. No. 118 of this date embodying the report of a Committee appointed to consider certain questions which had arisen between the Public Works and Marine authorities at the port of Masulipatam. The Committee are of opinion that the Western boundary of the port as fixed by the Notification embodied in G.O. dated 24th July 1878, No. 385, requires modification as it does not include certain ~~portions~~ places which should undoubtedly be within port limits.

2. This Government ~~finds~~ agrees in the conclusions and recommendations of the Committee and I am therefore directed to request that under Section 5(1) of the Indian Ports Act, X of 1889, the sanction of the Government of India may be obtained to the following ~~revised~~ Notification of the limits of the port of Masulipatam. A map showing the present and proposed limts accompanies.

~~Under orders~~ Notification

Whereas the limits of the port of Masulipatam in the district of Kistna were declared by Notn.

published on page 443 of the F.S.G. Gazette dated the 6 August 1878, Part I, and whereas it is expedient to alter those limits:-

In exercise of the powers conferred by Sect: 5 of the Indian Ports Act (X of 89) and with the previous sanction of the G.G. in C. the G. of I. S.G. in C. is pleased to alter the limits of the said port and to declare that the precise extent of those limits shall in future be as follow, namely:-

(H.E. revised limits)

[G. 24.]
600—8-3-95.

DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. of 189 , dated from

Current No. of 189 , dated from

ORDER. 24 April 1895, No. 118.

The Government agrees in the recommendations of the Committee, the members of which will be thanked for their report.

2. Under Section 5 (1) of the Indian Ports Act, X of 1889, the sanction of the Government of India will be requested to the proposed alteration of the limits of the port of Masulipatam.

3. The Presidency Port Officer will report on the question of sea-going boats being required to pay port dues which is referred to in the communications of the Superintendenting and Chief Engineers dated 17th December 1893 and 15th January 1894 respectively.

4. The note appended to the draft orders will be omitted. The matter will be dealt with by Executive orders on receipt of a Letter reply from the G. of I.

TO

J.N. Atkinson Esq., I.C.S. desp 16/5/95
Major W.L.C. Baddeley, R.E. desp 16/5/95
(thro' the P.W.D.)
Commander W. Powell, R.I.M. desp 16/5/95
The Presidency Port Officer.
,, Public Works Dept. desp 16/5/95
,, Revenue Department.

10. The dispute between the two departments that gave rise to this correspondence, has nothing to do with their dual control over the canal but about a question of cranage, which will be dealt with below.

11. We are of opinion that the definition of the western boundary contained in the notification of 1878 should be amended so as clearly to include the tidal lock, the canal and the canal banks within port limits, a reservation being made that the control at present exercised by the Department of Public Works over them is not to be interfered with. Practically, this alteration will simply give sanction for the same state of things as has always existed hitherto.

12. As regards cranage, it is also agreed by the committee that the Department of Public Works should pay all the port dues it has hitherto paid and that the Port officer should not attempt to charge any fresh dues such as cranage, if the Department of Public Works think fit to erect a crane on the canal banks or on the lock. The Superintending Engineer gives the assurance that his department will in no way interfere with the wharf in the canal, although he believes it was built from Canal funds.

13. A notification drawn up in terms of the committee's resolutions is appended. A plan to illustrate it was submitted with the Collector's No. 1152-English, dated 31st October 1894. The alterations proposed by us are underlined. The note at the foot of the notification is intended to give effect to the agreement mentioned in the last preceding paragraph.

(Signed) J. N. ATKINSON,
Acting Collector, Kistna.
(„) W. L. C. BADDELEY, Major, R.E.,
Superintending Engineer, II Circle.
(„) W. POWELL, Commr., R.I.M.,
Presidency Port Officer.

From W. POWELL, Esq., Commander, R.I.M., Presidency Port Officer, to the Acting Collector, Kistna District, dated Madras, 1st August 1894, No. 1411-C.—133.

In reply to your reference on C. No. 552-English, dated 16th July 1894, I have the honour to inform you that I approve of the amendment put forward by the Superintending Engineer and would suggest the draft notification regarding port limits being drawn up accordingly. All that the port authorities want is complete control over the "old wharf" or any extension that may be made to it without at all interfering with the lock or canal banks elsewhere.

2. The enclosures of your letter are herewith returned.

From W. L. C. BADDELEY, Major, R.E., Superintending Engineer, II Circle, to the Collector of Kistna, dated Bezwada, 5th September 1894, No. 1251-K.S.

In reference to your reference on C. No. 552-English of 26th August 1894, I have the honour to inform you that I do not claim any exemption from port dues for this department when using the port, but I see no reason why the Public Works Department should pay any fees for work carried on within their own limits.

2. The tidal lock, the canal and the canal banks are only considered as part of the port, in order that the Port officer may have control over the sea-going boats.

3. The dual control is unavoidable, but I see no reason why matters should not work smoothly; this department will pay all the port dues it has hitherto paid, and the port authorities should not attempt to charge any fresh dues, such as cranage, if we think fit to erect a crane on the canal banks, or on the lock. I can undertake to say that this department will in no way interfere with the wharf in the canal, although I believe it was built from Canal funds.

4. I recommend that the notification be not again altered, as in trying to define too much we may pave the way for further difficulties.

From the Presidency Port Officer, to the Collector of Kistna, dated Madras, 24th September 1894, No. 1411-C.—183.

In reply to your No. 552, dated 11th September 1894, I have the honour to inform you that it will be sufficient if the new notification gives effect to the views expressed in my letter No. 1411—133-C., dated 1st August 1894.

The limits of the Port at Masulipatam.

DRAFT NOTIFICATION.

North.—A line drawn due east from the boundary pillar erected near the bungalow at Tavisepudi to 10 fathoms of water.

South.—A line drawn due east from Point Divi to 10 fathoms of water.

West.—A line drawn from the pillar at Tavisepudi parallel to the shore with so much of it as is within 50 yards of high water mark *at* spring tides, to the northern head of the *Masulipatam backwater*. The Masulipatam backwater and river *with all its arms* to the westernmost point of the Fort, with so much of the shores thereof as are within 50 yards of high water mark *at* spring tides, *also the Bezwada-Bunder canal from the easternmost point of the tidal lock as far as the westernmost point of the Fort with so much of the land on each side as is within fifty yards of the outer toe of the bank;* and also a line drawn from the southern head of the *Masulipatam backwater* to Point Divi parallel to the shore with so much of it as is within 50 yards of high water mark *at* spring tides.

East.—A line drawn from the eastern extremities of the above-described north and south limits.

N.B.—*Nothing in this notification shall give the Marine Department any power to interfere with the rights of the Public Works Department over the tidal lock, the canal and the canal banks, and it shall be open to the Public Works Department to erect cranes or carry on work of any kind within the abovementioned limits without reference to the Marine Department.*

The limits of the Port at Masulipatam.

DRAFT NOTIFICATION.

North.—A line drawn due east from the boundary pillar erected near the bungalow at Tavisepudi to 10 fathoms of water.

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East.—A line drawn from the eastern extremities of the above-described north and south limits.

N.B.—*Nothing in this notification shall give the Marine Department any power to interfere with the rights of the Public Works Department over the tidal lock, the canal and the canal banks, and it shall be open to the Public Works Department to erect cranes or carry on work of any kind within the abovementioned limits without reference to the Marine Department.*

6. This, however, brings us to the further difficulty that it is hard to understand why the other half of the tidal lock was excluded as well as the old wharf and other port appurtenances lying on the north bank of the canal.

7. The tidal lock and creek as well as the canal were in existence at the time of the notification of 1878 and it seems inconceivable why they were not mentioned in it. There is no doubt that the tidal creek and the wharves on it have always been regarded as belonging to the port, as also has the "old wharf" on the north bank of the canal. But this latter wharf could not be in port limits unless the canal is also in these limits. And it follows therefore that at the time the notification was drawn up, the canal must have been regarded as within port limits. Why, therefore, it was not included in the notification it is very difficult to understand.

8. Only three possible explanations have suggested themselves, but none of them seem very probable:—

(*a*) That when the notification was drawn up, the canal was regarded as part of the "Masulipatam backwater and river."—This is improbable, as the canal was then just as it is now, separated from the river by a tidal lock, and at a different level from it altogether. It seems very unlikely, therefore, that the canal could have been mistaken for the river in 1878; though, of course, that might have been possible long before when the old fort ditch occupied the place where the canal now is, and, I presume, ran direct into the river.

(*b*) That for some reason unknown, the old wharf, &c., on the north bank of the canal were deliberately excluded from fort limits.—This also seems improbable.

(*c*) That the notification was drawn up by some one who had no personal knowledge of the locality.—And this really seems to be the only possible explanation, though I admit the improbability of even this one.

9. The committee agreed that the canal and its banks have always been practically (in spite of the notification) within the port limits. And the Superintending Engineer has no objection to their remaining so, provided the control which his Department exercises, and always had exercised, over the canal and the tidal lock is not interfered with. There has practically always been a sort of dual control in this way, the Public Works Department having managed the canal and the lock in the same way as they would manage any other canal or any other lock under their control, while the Port officer has authority over loading and unloading operations on the wharves and banks. This arrangement has always worked without friction, and there seems no reason why it should not continue to work in the same satisfactory manner in future. No other arrangement seems feasible, as it is absolutely necessary that the Public Works Department should not be interfered with in their working of the canal, and at the same time the Port officer must have power to supervise the loading and unloading of boats.

10. The dispute between the two departments that gave rise to this correspondence had nothing to with their dual control over the canal, but was about a question of cranage, which will be dealt with below.

11. The committee were of opinion that the definition of the western boundary contained in the notification of 1878 should be amended so as clearly to include the tidal lock, the canal and the canal banks within port limits, a reservation being made that the control at present exercised by the Public Works Department over them is not to be interfered with. Practically this alteration will simply give sanction for the same state of things as has always existed hitherto.

12. As regards cranage, the Superintending Engineer says as follows in paragraph 3 of his No. 1251 K.S., dated 5th September 1894: "This department will pay all the port dues it has hitherto paid and the Port authorities should not attempt to charge any fresh dues, such as cranage, if we think fit to erect a crane on the canal banks or on the lock. I can undertake to say that this department will in no way interfere with the wharf in the canal although I believe it was built from canal funds." In his No. 1411-C—183, dated 24th September 1894, the Presidency Port Officer assents to this arrangement.

13. I append the notification with the modifications proposed by the committee. The alterations proposed are underlined. The note at foot of the notification is intended to give effect to the agreement mentioned in the last paragraph.

14. A plan is also enclosed to illustrate the notification.

ENCLOSURE.

[THE limits of the port at Masulipatam.]

Draft Notification.

North.—A line drawn due east from the boundary pillar erected near the bungalow at Tavisepudi to 10 fathoms of water.

South.—A line drawn due east from Point Divi to 10 fathoms of water.

West.—A line drawn from the pillar at Tavisepudi parallel to the shore with so much of it as is within 50 yards of high-water mark *at* spring tides, to the northern head of the *Masulipatam backwater*. The Masulipatam backwater and river *with all its arms* to the westernmost point of the fort, with so much of the shores thereof as are within 50 yards of high-water mark *at* spring tides, *also the Bezwada-Bandur canal from the easternmost point of the tidal lock as far as the westernmost point of the fort with so much of the land on each side as is within 50 yards of the outer toe of the bank*; and also a line drawn from the southern head of the Masulipatam backwater to Point Divi parallel to the shore with so much of it as is within 50 yards of high-water mark *at* spring tides.

East.—A line drawn from the eastern extremities of the above-described north and south limits.

N.B.—Nothing in this notification shall give the Marine Department any power to interfere with the rights of the Public Works Department over the tidal lock, the canal and the canal banks, and it shall be open to the Public Works Department to erect cranes or carry on work of any kind within the above-mentioned limits without reference to the Marine Department.

No. 2276.

The letter submitted by the Collector does not comply with G.O., dated 1st May 1894, No. 159.

2. The report of the committee has not been placed before Government. It should be in the usual form and signed by each member of the committee.

3. Copies of the letters referred to in paragraph 12 of the current should have accompanied it.

(Signed) J. F. PRICE,
Chief Secretary.

19*th November* 1894.

To the Collector of Kistna.

From J. N. ATKINSON, Esq., Collector of the Kistna District, to the Chief Secretary to Government, dated Masulipatam, 6th March 1895, Dis. No. 251-Eng.

With reference to G.O., No. 2276, Marine, dated 19th November 1894, I have the honour to submit herewith the report of the committee convened under G.O., No. 159, Marine, dated 1st May 1894, for the adjudication of disputes regarding the port limits of Masulipatam, signed by all the members thereof—Presidency Port Officer, the Superintending Engineer and myself.

Superintending Engineer's letter, dated 5th September 1894, No. 1251-K.S.
Presidency Port Officer's letter, dated 24th September 1894, No. 1411-C.—183.

2. As directed in the last sentence of the Government Order under reference, copies of the marginally-noted letters referred to in my Dis. No. 1152-English, dated 31st October 1894, are enclosed for the information of Government.

ENCLOSURES.

From the Members of the Port Limits Committee appointed by Government in G.O., No. 159, Marine, dated 1st May 1894, to the Chief Secretary to Government, dated Masulipatam, 8th December 1894.

We, the members of the committee, appointed by Government in G.O., No. 159, Marine, dated 1st May 1894, on the subject of the port limits of Masulipatam, have the honour to report as follows.

2. We, the members, viz., the Superintending Engineer, the Presidency Port Officer and the Collector (Mr. Rawson), met at Masulipatam and considered the question on 18th June 1894.

3. The present difficulty has arisen out of the very loose manner in which the notification of 1878 defining the port limits was drawn up. The difficulty relates only, as already stated in paragraph 2 of the Collector's letter to Government, Disposal No. 314-English, dated 16th March 1894, to the western boundary, which is described as follows in the notification:—

"*West.*—A line drawn from the pillar at Tavisepudi parallel to the shore, with so much of it as is within 50 yards of high water mark spring tides, to the northern head of the creek. The Masulipatam backwater and river to the westernmost point of the Fort, with so much of the shores thereof as is within 50 yards of high water mark spring tides; and also a line drawn from the southern head of the creek to the Point Divi parallel to the shore with so much of it as is within 50 yards of high water mark spring tides."

4. We should state first of all, as showing how carelessly the notification was drawn up, that the "creek" and the "Masulipatam backwater" are one and the same thing, though no one would think so from reading the notification.

5. We are of opinion that the "Masulipatam backwater and river" of the notification must be taken to include its arms and branches. If this is so the port limits, as already pointed out in paragraph 6 of the Collector's Disposal No. above quoted, will extend, roughly speaking, along the line of blue pencil crosses in the plan No. 3 already submitted by the Collector with his letter, Dis. No. 1152-English, dated 31st October 1894, and will include the whole of the tidal creek, the new wharf and rather more than half of the tidal lock.

6. This, however, brings us to the further difficulty that it is hard to understand why the other half of the tidal lock was excluded, as well as the old wharf and other port appurtenances lying on the north bank of the canal.

7. The tidal lock and creek as well as the canal were in existence at the time of the notification of 1878 and it seems inconceivable why they were not mentioned in it. There is no doubt that the tidal creek and the wharves on it have always been regarded as belonging to the port, as also has the "old wharf" on the north bank of the canal. But this latter wharf could not be in the Port limits unless the canal is also in these limits. And it follows therefore that, at the time the notification was drawn up, the canal must have been regarded as within port limits. Why, therefore, it was not included in the notification it is very difficult to understand.

8. Only three possible explanations have suggested themselves, but none of them seem very probable:

(*a*) That when the notification was drawn up, the canal was regarded as part of the "Masulipatam backwater and river." This is improbable, as the canal was then just as it is now, separated from the river by a tidal lock and at a different level from it altogether. It seems very unlikely, therefore, that the canal would have been mistaken for the river in 1878, though, of course, that might have been possible long before when the old Fort ditch occupied the place where the canal now is, and, we presume, ran direct into the river.

(*b*) That for some reason unknown, the old wharf, &c., on the north bank of the canal were deliberately excluded from the Port limits; this also seems improbable.

(*c*) That the notification was drawn up by some one who had no personal knowledge of the locality. And this really seems to be the only possible explanation, though we admit the impossibility of even this one.

9. We are agreed that the canal and its banks have always been practically (in spite of the notification) within the port limits. And we have no objection to their remaining so, provided that the control which the Department of Public Works exercises, and always has exercised, over the canal and the tidal lock is not interfered with. There has practically always been a sort of dual control in this way, the Department of Public Works having managed the canal and the lock in the same way as they would manage any other canal or any other lock under their control, while the Marine Department has authority over loading and unloading operations on the wharves and banks. This arrangement has always worked without friction and there seems to be no reason why it should not continue to work in the same satisfactory manner in future. No other arrangement seems feasible as it is absolutely necessary that the Department of Public Works should not be interfered with in their working of the canal, and at the same time the Port Officer must have power to supervise the loading and unloading of boats.

10. The dispute between the two departments that gave rise to this correspondence, has nothing to do with their dual control over the canal but about a question of cranage, which will be dealt with below.

11. We are of opinion that the definition of the western boundary contained in the notification of 1878 should be amended so as clearly to include the tidal lock, the canal and the canal banks within port limits, a reservation being made that the control at present exercised by the Department of Public Works over them is not to be interfered with. Practically, this alteration will simply give sanction for the same state of things as has always existed hitherto.

12. As regards cranage, it is also agreed by the committee that the Department of Public Works should pay all the port dues it has hitherto paid and that the Port officer should not attempt to charge any fresh dues such as cranage, if the Department of Public Works think fit to erect a crane on the canal banks or on the lock. The Superintending Engineer gives the assurance that his department will in no way interfere with the wharf in the canal, although he believes it was built from Canal funds.

13. A notification drawn up in terms of the committee's resolutions is appended. A plan to illustrate it was submitted with the Collector's No. 1152-English, dated 31st October 1894. The alterations proposed by us are underlined. The note at the foot of the notification is intended to give effect to the agreement mentioned in the last preceding paragraph.

(Signed) J. N. ATKINSON,
Acting Collector, Kistna.

(„) W. L. C. BADDELEY, Major, R.E.,
Superintending Engineer, II Circle.

(„) W. POWELL, Commr., R.I.M.,
Presidency Port Officer.

From W. POWELL, Esq., Commander, R.I.M., Presidency Port Officer, to the Acting Collector, Kistna District, dated Madras, 1st August 1894, No. 1411-C.—133.

In reply to your reference on C. No. 552-English, dated 16th July 1894, I have the honour to inform you that I approve of the amendment put forward by the Superintending Engineer and would suggest the draft notification regarding port limits being drawn up accordingly. All that the port authorities want is complete control over the "old wharf" or any extension that may be made to it without at all interfering with the lock or canal banks elsewhere.

2. The enclosures of your letter are herewith returned.

From W. L. C. BADDELEY, Major, R.E., Superintending Engineer, II Circle, to the Collector of Kistna, dated Bezwada, 5th September 1894, No. 1251-K.S.

In reference to your reference on C. No. 552-English of 26th August 1894, I have the honour to inform you that I do not claim any exemption from port dues for this department when using the port, but I see no reason why the Public Works Department should pay any fees for work carried on within their own limits.

2. The tidal lock, the canal and the canal banks are only considered as part of the port, in order that the Port officer may have control over the sea-going boats.

3. The dual control is unavoidable, but I see no reason why matters should not work smoothly; this department will pay all the port dues it has hitherto paid, and the port authorities should not attempt to charge any fresh dues, such as cranage, if we think fit to erect a crane on the canal banks, or on the lock. I can undertake to say that this department will in no way interfere with the wharf in the canal, although I believe it was built from Canal funds.

4. I recommend that the notification be not again altered, as in trying to define too much we may pave the way for further difficulties.

From the Presidency Port Officer, to the Collector of Kistna, dated Madras, 24th September 1894, No. 1411-C.—183.

In reply to your No. 552, dated 11th September 1894, I have the honour to inform you that it will be sufficient if the new notification gives effect to the views expressed in my letter No. 1411—133-C., dated 1st August 1894.

and I have also to visit Tuticorin in connection with the pier and reclamation schemes there. It will thus be inconvenient for me, at present, to proceed to Masulipatam, and I would therefore suggest the Personal Assistant to the Presidency Port Officer being deputed to represent me at the meeting.

Order—dated 1st May 1894, No. 159, Marine.

A perusal of the correspondence convinces Government that matters are not likely to work smoothly at the port of Masulipatam until the points in dispute between the officers of the Marine and Public Works Departments are definitely settled. With this object it appears to be necessary that a committee should be appointed to enquire into the several matters on the spot and to submit its recommendations for their disposal.

2. The Government is accordingly pleased to appoint a committee consisting of the Presidency Port Officer and the Superintending Engineer with the Collector of the district as President. The committee should meet at Masulipatam at as early a date as can be arranged. The papers will be forwarded to the Collector.

3. The Government does not approve the Presidency Port Officer's suggestion that his Personal Assistant should represent him on the committee. The matter is one which should receive his personal attention on the spot. Commander Powell will report by what date he can be at Masulipatam, and will place himself in communication with the Collector on the subject.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Collector of Kistna.
„ Public Works Department.
„ Presidency Port Officer.

READ—also the following papers:—

From J. N. ATKINSON, Esq., Acting Collector, Kistna District, to the Chief Secretary to Government, dated Masulipatam, 31st October 1894, Dis. No. 1152–Eng.

I have the honour to reply to G.O., No. 159, Marine, dated 1st May 1894 (herewith returned with its enclosures), on the subject of the limits of the port of Masulipatam.

2. The committee appointed by Government in the Government Order above quoted, viz., the Superintending Engineer, the Presidency Port Officer and the Collector (Mr. Rawson), met and considered the question on 18th June 1894.

3. The present difficulty has arisen out of the very loose manner in which the notification of 1878 defining the port limits was drawn up. The difficulty relates only, as I have already said in paragraph 2 of my Disposal No. 314–English, dated 16th March 1894, to the western boundary which is described as follows in the notification:—

"*West.*—A line drawn from the pillar at Tavisepudi parallel to the shore, with so much of it as is within 50 yards of high-water mark spring tides, to the northern head of the creek. *The Masulipatam backwater and river to the westernmost point of the fort with so much of the shores thereof as are within 50 yards of high-water mark spring tides;* and also a line drawn from the southern head of the creek to the Point Divi parallel to the shore with so much of it as is within 50 yards of high-water mark spring tides."

4. I should state, first of all, as showing how carelessly the notification is drawn up, that the "creek" and the "Masulipatam backwater" are one and the same thing, though no one would think so from reading the notification.

5. The committee were of opinion that the "Masulipatam backwater and river" of the notification must be taken to include its arms and branches. If this is so, the port limits, as already pointed out in paragraph 6 of my Disposal Number above quoted, will extend, roughly speaking, along the line of blue pencil crosses in the enclosed plan No. 3 and will include the whole of the tidal creek, the new wharf and rather more than half of the tidal lock.

should be levied on cargo found on the quay at 6 A.M. instead of 6 P.M. The merchants found means to evade this rule also, and the Port officer finally on his own responsibility, without intimation to me, began in June 1893 to levy wharfage on all goods placed on the quay for whatever length of time. The present Port officer says that this order has worked satisfactorily and asks me to confirm it.

12. It is obvious, however, that there is no good my interfering at all until the limits of the port are exactly defined. The Port officer suggests that "the western limit should remain at the westernmost point of the fort and that the 50 yards from high water should be measured from the canal, and that the 25 feet required by the Public Works Department for maintaining the canal be deducted from the 50 yards." But if the 25 feet be deducted, that will leave a strip of land on both sides of the canal not within port limits, and will therefore give every facility for continued evasion of port dues.

13. If the canal is to be excluded from port limits entirely, boats must be compelled to unload below the lock, and this will entail the construction of largely increased wharfage accommodation. On the other hand, I am not at all sure how the Public Works Department would regard any proposal to include a portion of the canal within port limits. I do not think the department ought in reason to object, for, as a matter of fact, a part at least of the tidal lock is within port limits, as is also a part of the southern bank of the canal; and during all these years the Department and everybody else have believed that both banks of the canal at least up to, and including, the old gate quay are within those limits. If, therefore, Government now formally sanctions the inclusion of this area within the port, the Public Works Department will be in the same position in which it now believes itself to be.

14. What I would suggest is that, in the notification of port limits quoted in paragraph 2 above, after the words I have underlined, should be inserted the following:—"including also the Bezwada-Bandur canal up to the westernmost point of the fort with so much of the banks as is within 50 yards thereof." And in order to preserve the Public Works Department's power of control and regulation from interference, Government might by a departmental order lay down that the Marine department will not be allowed to interfere with the tidal lock or the canal banks, otherwise than by collecting such dues as it is authorised by law to collect within port limits.

15. I trust I may be permitted to add that I am confident that the late Mr. Hearsey, in writing his letter, No. 26—282, dated 6th July 1893, was actuated solely by a desire to settle amicably the rather petty dispute between two Government departments. I have not a shadow of doubt that in paragraphs 5, 7 and 9 of his letter he was writing in a spirit of good-tempered badinage, which, if out of place in official communications, was certainly unaccompanied by any animus.

16. I return the enclosures of the Government Order under reply.

No. 693.

The Collector's report is forwarded to the Presidency Port Officer and he is requested to submit his remarks as to the advisability of appointing a committee consisting of himself, the Superintending Engineer and the Collector as President, to inquire into the points at issue on the spot.

(Signed) J. F. PRICE,
Chief Secretary.

7th April 1894.

From Commander W. J. POWELL, R.I.M., Presidency Port Officer, Madras, to the Chief Secretary to Government, dated Madras, 17th April 1894, No. 1411—149-G.

With respect to Marine Department reference, No. 693, dated 7th April 1894 (herewith returned), I have the honour to acquaint you, for the information of the Government, that I agree as to the advisability of appointing a committee, as proposed, as a meeting on the spot would, no doubt, lead to a quicker settlement of the points at issue. There are, however, several matters requiring my personal attention at Madras,

connect the lock with the Masulipatam river as shown in plan No. I. On the latter *plan, the situation of the tidal lock and creek has been roughly indicated by the Port officer.*

5. Referring to the notification quoted in paragraph 2, the Port officer expresses *a doubt whether the "tidal creek" can be held to be included in port limits.* He suggests that possibly the words "The Masulipatam backwater and river to the westernmost point of the fort" are intended to include only the main channel of this river; and he points out that if this interpretation be correct, and if therefore the "tidal creek" leading from the tidal lock be excluded, not only will the tidal lock be outside port limits, but also the whole of the appurtenances of the port, the wharves, *old and new, including the crane, the goods sheds, customs sheds and boat moorings.*

6. I do not share the Port officer's doubt. *It seems to me clear that not only* the main channel of the Masulipatam river (or backwater as it is indifferently termed) but every arm, creek, or bay opening into or out of it which is subject to tidal influence, is equally within port limits, the test being whether they are subject to overflow at high water of spring tides. If this be the right interpretation, then the port limits will extend, roughly speaking, along the line of blue pencil crosses marked on plan No. III and will include the whole of the tidal creek, the new wharf and rather more than half of the tidal lock, together with the crane erected thereon by Mr. Jopp, which has given rise to this correspondence.

7. If, then, the Public Works Department crane be within port limits, there can, I submit, be no doubt that cranage should be paid for use thereof. And it appears to me, further, that the Public Works Department should not be at liberty to avoid payment of these dues by removing the crane beyond the exact boundary line of port lands.

8. A glance at plan No. III will show that by far the largest extent of wharfage and mooring accommodation is above the tidal lock inside the canal and beyond port limits. The Executive Engineer has mentioned that the sea-going boats have, as a matter of custom, been allowed to enter the canal free of tolls. The Superintending Engineer opines that the reason of this is because prior to construction of the lock the sea-going boats tied up within the site of the lock. I can find nothing on record about this; but plan No. I shows that before construction of the lock, sea-going boats did have access to the fort ditch through the river. Cargo was landed in those days at the "old gate quay" (see plan III), and the boats were berthed in the ditch.

9. But this concession of allowing boats to pass through the lock free and discharge cargo above it has led to one considerable inconvenience, in that the wharves above the lock are probably all beyond port limits, and, if so, the collection of wharfage and similar port dues thereon is, strictly speaking, illegal. I use the word "probably" because I am not quite sure of the exact limit of spring tide high water and it is possible that the old gate quay and some of its adjuncts may be within 50 yards thereof.

10. The levy of wharfage on these quays and wharfs above the tidal lock was directed by my predecessor, Mr. Arundel, in 1891, on finding that the boatmen and merchants were using these landing-places in order to evade payment of fees for the use of the new wharf and goods-shed which Government had built below the lock. At that time no question had arisen as to the exact limits of port lands, and it was believed that both the old wharf and old gate quay were within port limits.

11. The history of these attempts to evade port dues is rather instructive. Mr. Arundel, wishing not to press hardly on those who did not use the wharves for *bona fide* storage purposes, directed that goods merely in transit from boat to cart or *vice versâ*, and "deposited only for a short period," should be exempt from charge. Then the Port officer reported that this concession was being abused, and suggested the levy of half-fees on goods only temporarily deposited on the wharves. Mr. Higgens suggested that cargo found on the quays at the end of the working day (6 P.M.) should be considered as stored there, and charged wharfage. The Port officer then reported that, to evade this rule, cargo was being removed from the quays towards the end of the afternoon to private godowns immediately adjoining, and brought out again after dark. Mr. Higgens then directed that full wharfage

The undersigned is decidedly of opinion that the lock should be removed altogether from the limits of the port and placed under the control of the Public Works Department; this would not interfere with the collection of port dues. Whether such dues should be collected from sea-going boats appears to be a question for the Marine Department.

CHEPÂK,
15*th January* 1894.

(Signed) J. PENNYCUICK, Col., R.E.,
Chief Engineer, P.W.D.

No. 255-C.

Transferred to the Marine Department and the original papers returned.

15*th January* 1894.

(Signed) J. PENNYCUICK, Colonel, R.E.,
Secretary to Govt., P.W.D.

Order—dated 1st February 1894, No. 40, Marine.

The papers will be forwarded (in original) to the Collector of Kistna for full report, both as regards the lock and port limits and the question regarding sea-going boats.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Collector of Kistna,
with original papers to be returned.

G.O., dated 1st May 1894, No. 159, Marine.

Read—the following papers :—

From J. N. ATKINSON, Esq., Acting Collector, Kistna, to the Chief Secretary to Government, dated Masulipatam, 16th March 1894, Dis. No. 314-Eng.

I have the honour to reply to G.O. (Marine Department), No. 40, dated 1st February 1894, calling for a report as regards the lock and port limits of Masulipatam port, and the question regarding sea-going boats.

2. The only notification of port limits that I have been able to find is that published in the *Fort St. George Gazette*, dated 6th August 1878, page 443. This notification runs as follows :—

"*North.*—A line drawn due east from the boundary pillar erected near the bungalow at Tavisepudi to 10 fathoms of water.

"*South.*—A line drawn due east from the Point Divi to 10 fathoms of water.

"*West.*—A line drawn from the pillar at Tavisepudi parallel to the shore with so much of it as is within 50 yards of high-water mark spring tides, to the northern head of the creek. *The Masulipatam backwater and river to the westernmost point of the fort with so much of the shores thereof as are within 50 yards of high-water mark spring tides;* and also a line drawn from the southern head of the creek to the Point Divi parallel to the shore with so much of it as is within 50 yards of high-water mark spring tides.

"*East.*—A line drawn from the eastern extremities of the above-described north and south limits."

With the north, south and east boundaries we have nothing to do now. The only point in doubt is the exact meaning of the words I have underlined.

3. Under separate cover I am forwarding three rough plans of the port and its surroundings, prepared for me from older charts by the present Port officer. The first of these shows the topography of the Masulipatam river in 1836; the second shows the same on a rather smaller scale at the present day; and the third is a large scale plan of the tidal lock, the lower waters of the canal, and the various wharves and adjuncts of the port.

4. The tidal lock had been built before the notification of 1878; and when the tidal lock was built, the "tidal creek," as it is called in plan No. III, was dug to

8. You are aware that under the Navigation Rules, the sea-going boats are allowed to enter the canal free of tolls. The result of this appears to be that these boats unload their goods within the canal limits and carry them to their private godowns and thus evade wharfage dues from both departments. It seems only fair that Government should get something from them either in the form of tolls for use of tidal lock or of wharfage, and considering the wear and tear caused to the lock, a proportion of this at least is due to canal funds.

9. In conclusion, I request that the question may be referred to Government for disposal, so that the powers and duties of the two departments may be defined once for all.

10. I regret that there has been so much delay in replying to this reference, which has been caused by more than one unsuccessful search having to be made amongst the records to try and find more full details.

No. 2332-K.S.

Forwarded to the Chief Engineer, Public Works Department, in reply to his endorsement, No. 2968-C., dated 29th August 1893 (herewith returned).

2. The crane fixed by the Executive Engineer is actually standing on the wall of the tidal lock.

3. There is no information available in regard to whether the lock should be considered within the limits of the port, or be considered distinct from the port and from all authority vested in the Port officer. The Tahsildar has reported that he is unable to ascertain whether the lock is, or is not, included within the limits of the port. Under these circumstances it is thought Government should be asked to specify whether the lock should be considered separate, in every respect, from the jurisdiction of the Marine authorities or whether it should be considered within port limits and subject to the usual rules of the port.

4. With regard to paragraph 8 of the Executive Engineer's letter regarding sea-going boats, it is believed the reason for allowing these boats to pass through the lock without paying toll is that formerly—that is, before the lock was constructed—the boats tied up within the site of the lock, and therefore it was considered, after the lock was built, that they should be allowed to pass through it free of tolls to tie up at the same place they generally remained at before the lock was constructed. But whether they should pay port dues is another question, and it is thought it should be settled by the Marine Department.

CAMP, MADRAS,
17*th December* 1893.

(Signed) J. W. MARTIN,
Superintending Engineer, II Circle.

MEMORANDUM.

Mr. Simpson's proceedings as reported in paragraphs 8 and 9 of the Port officer's letter, No. 26—282, dated 6th July 1893, appear to the undersigned to be of doubtful propriety; he observed that the Public Works Department was erecting a crane on the lock without his permission and, in place of objecting at once, waited until the crane was completed and used for disposal of material and then came forward with a demand for payment on account of work done by it.

If the propriety of Mr. Simpson's action is doubtful, that of Mr. Hearsey's language in paragraphs 5, 7 and 9 of his letter is something more.

Mr. Simpson, by refraining from raising the question of whether or not the lock was within port limits and whether in consequence his consent was necessary to the erection of the crane until the latter was actually in use, has, in the opinion of the undersigned, barred himself from raising any claim on this ground to payment for the work done by the crane, and on any other, such claim is of course an absurdity.

From M.R.Ry. C. VENKATACHELLAM, Deputy Collector in charge of the Treasury, Kistna District, to the Superintendent of Sea Customs, dated Masulipatam, 26th April 1893, No. 938-Accts.

I have the honour to request that you will be good enough to let me know at an early date (1) whether the crane erected by the Executive Engineer, Kistna Eastern Division, and the lock and its arrangements on the masonry work of the tidal lock, are under the regulations of the Marine Department, and (2) whether the Marine Department can levy on the Public Works Department on account of goods lifted by Public Works Department crane the same fees as if they are lifted by the port crane.

I further request that you will please quote the authority in support of either view.

No. 1469.

Referred to the Public Works Department for favour of remarks.

OOTACAMUND,
22*nd August* 1893.

(Signed) J. F. PRICE,
Chief Secretary.

No. 2968-C.

Referred to the Superintending Engineer, II Circle, for remarks.

29*th August* 1893.

(Signed) J. HANNAN,
Ag. Joint Secy. to Govt., P.W.D.

From C. A. SMITH, Esq., Executive Engineer, Kistna Eastern Division, to the Superintending Engineer, II Circle, dated 7th December 1893, No. 4499.

With reference to your No. 2058-K.S., dated 24th November 1893, and reminder No. 1266-K.S., dated 23rd November 1893, &c., I have the honour to state that as the two subjects—*i.e.*, the fixing of a crane on the tidal lock and the demarcation of port lands—are practically the same, I propose to treat them as one.

2. In July 1892 my predecessor, Mr. Jopp, thinking that the charges made by the Marine Department for loading the workshop timber were too high, sanctioned an estimate for Rs. 195 for putting in order one of the old wooden cranes then lying in the stores at Bezwada and fixing it on the tidal lock in order to keep down as much as possible the cost of the timber.

3. The crane was accordingly put in order and fitted up in January 1893 at a cost of Rs. 95 and the timber on arrival from Rangoon was lifted by it and loaded on to the Government punts.

4. The Port officer there, on the grounds that the tidal lock and consequently the crane was within port limits, sent in a bill to this department for lifting the logs although they had been lifted by our own crane.

5. The bill was disputed and reference was made to you in this office No. 5819, dated 23rd January 1893. It is impossible to ascertain either from our records or from those of the Revenue Department what are the port limits as far as the canal is concerned and it appears to be necessary for Government to decide the question.

6. I may point out that the Port officer of Bandur has apparently not realized that this department and the Railway department are distinct. The number of heavy articles other than timber arriving at Bandur for this department is not many and it was probably more for the Railway requirements than for ours that the new port crane was found necessary.

7. I do not think that, in any case, the Marine Department should have any authority over the canal or lock, but it appears to be necessary to have something definitely settled between the two departments.

3. Captain Simpson was naturally annoyed by the payment of these bills being objected to, but on Captain Simpson producing the Government Order authorising the charges they were paid.

4. I regret to say that this incident seems to have strained the hitherto perfect relations existing between the Marine and Public Works Departments in these ports.

5. For, under orders from Bezwada, the Assistant Engineer actually erected a dangerous-looking wooden crane on the lock-head under the impression, doubtless, that he was going to have it all his own way and do his own hoisting and thus score generally off the already injured Port official.

6. The consequence is that Government has been put to the unnecessary expense of having to pay for crane No. 2 and at the same time is suffering a direct loss by crane No. 1 being boycotted.

7. On Captain Simpson becoming aware of the course that was being adopted by the Public Works Department to evade the use of the port crane, he doubtless commenced to consider that the Public Works Department wished to make it appear that he was obstructing their work, and if any explanations were called for by Government the Public Works Department would endeavour to make him responsible for the expense they were putting Government to by erecting another crane.

8. In order not to appear obstructive, Captain Simpson did not interfere, but as the next batch of material was being disposed of by this "Home Rule" crane he very properly kept a record of work done with a view to sending in the usual bills.

9. In the meantime, and evidently not a little to the astonishment of the Executive Engineer of the Kistna Eastern Division, Captain Simpson proceeded to point out to him that the new crane was being erected without his permission, and contrary to his supposition that he had evaded the payment of crane charges (by erecting a brand new crane) he had simply incurred the same charges at an altogether useless expense, the only difference being one of locality. Both the cranes being situated within gazetted port limits he would feel obliged by an early remittance of the charges as per bills for work being done as soon as they were sent in.

10. At this stage of the proceedings, I have the honour to state that I took over charge from Captain Simpson and the first intimation I received of the unnecessarily disturbed state of local departmental feeling was on receipt of an official letter (a copy of which I have the honour to append) from the Deputy Collector in charge of the Kistna Treasury requesting to know on what authority cranage was charged for weights hoisted by the Public Works Department crane, to which I had the honour to reply quoting Government notification No. 59, Marine Department, of 22nd July 1892, of the *Fort St. George Gazette*, dated 26th July 1892, under which notification the Port officer is distinctly authorized to levy charges for any work done with port cranes. I have also appended a copy of this letter with a view to showing that I endeavoured to pacify rather than aggravate the feelings of the important department concerned.

11. I was in hopes that this letter would have terminated what appeared to me to be a childish controversy from the outset, but as the question has arisen I will endeavour to make the most of it by suggesting that the present opportunity be taken to adjust finally some decided inconsistencies which exist in connection with the rather anomalous position of both the Marine and Public Works Departments (Canal department) situated as they are at Masulipatam "one inside of the other" instead of "decently side by side."

It is owing to the instinctive objection that all minor heads of departments have to being overridden by minor heads of other departments that similar possibilities for much waste of time and misdirection of energy are created and seldom if ever neglected.

12. I therefore request that you will be good enough to favour me with your views in connection with the power I possess to levy cranage for work done by the crane which is situated on port limits.

24th April 118

MARCH 1895, No. , MARINE.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—again the following paper :—

G.O., dated 1st February 1894, No. 40, Marine.

Read—the following papers :—

From Commander H. A. STREET, R.I.M., Acting Presidency Port Officer, to the Chief Secretary to Government, dated Madras, 11th August 1893, No 1411—277-G.

I have the honour to acquaint you, for the information of the Government, that it has been brought to my notice that the Executive Engineer, Kistna Eastern Division, has erected a crane on the masonry work of the tidal lock at Masulipatam, "in order," as he states, "to facilitate the loading of timber and other articles received at Masulipatam by sea for Government use."

2. This crane is in addition to the crane referred to in this office letter, No. 1125—64-G., of 20th February 1891, and appears to have been erected (without the sanction of Government) for departmental purposes, and the consequence is that the crane originally supplied to the port to meet the requirements of Government as well as of private parties and for the use of which a scale of charges was sanctioned—see G.Os., dated 19th June 1891, No. 270, and No. 255 of 22nd July 1892—is not used by the Public Works Department.

3. It seems that the Port officer was under the impression that the orders above quoted would apply to any crane, and he accordingly billed the Public Works Department for work done by the crane erected by the Executive Engineer, and as exception was taken to the Port officer's action, the matter was brought to my notice.

4. I beg to be informed whether the crane erected by the Executive Engineer is to remain, and if so whether it is to be under the charge of the Port officer or the Executive Engineer; also whether any charge is to be made for its use.

5. I append for perusal a copy of a letter from the Port officer on the subject.

ENCLOSURES.

From C. C. HEARSEY, Esq., Port Officer, Masulipatam, to the Presidency Port Officer, Madras, dated Masulipatam, 6th July 1893, No. 26–282.

I have the honour to bring to your notice a question that has arisen respecting the power of the Port officer to exercise his authority within port limits on matters connected with the use of Government property erected within the said port limits.

1. The following incident will explain exactly how the above question arose. When Captain Simpson was Port officer here he went to considerable expense and trouble to get a good, serviceable crane erected for the public convenience, and Government sanctioned the levy of the very reasonable charges for the use of the crane per hoist as proposed by Captain Simpson.

2. In due course heavy articles ordered by the Public Works Department for the bridge works at Bezwada arrived at the port and had to be shifted from the cargo boats and placed on Public Works Department punts for conveyance by land to Bezwada. The new crane was used by the Public Works Department and that department was duly billed for the charges incurred.

O. 213
Marine Dept.

189

FROM,

THE COLLECTOR,

KISTNA DISTRICT.

To,

THE Chief SECRETARY TO GOVERNMENT,

Marine DEPARTMENT.

FORT ST. GEORGE.

Dated 6th March 1895

Despd: 12 Do

Read:

Original No. 257 dt 16/3/95
English

Enclosures 5

RECEIVED
CHIEF SECRETARY'S
16 MAR. 1895
GOVERNMENT OF MADRAS
Subject.

Submitting the report of the committee convened for the adjudication of disputes regarding the Port limits of Masulipatam.

G.O. dt 25-4-95
Marine Nos 118-119

English, dated 31st October 1894, are
enclosed for the information of — Govern-
- ment

I have the honor to be,
Sir.
Your most obedient Servant.
[illegible]
for Collector.

Ben
11-3.

Despatch No. 251
English
of 1895

OFFICE
OF THE
COLLECTOR & MAGISTRATE,
MASULIPATAM,
KISTNA DISTRICT.

Dated 6th March 1895.

From, J. N. Atkinson Esquire, 28
Collector, Kistna District.

To,

The Chief Secretary to Government,
Marine Department,
Fort St. George.

Sir,

With reference to G. O. 227 Marine, dated 19th November 1894, I have the honor to submit herewith the report of the Committee convened under G. O. 159 Marine, dated 1st May 1894, for the adjudication of disputes regarding the Port limits of Masulipatam, signed by all the members there of, Presidency Port officers, the Superintending Engineer and myself. The Presidency Port officer has by mistake omitted to sign the draft notification and this may be passed over.

2. As directed in the last sentence of the G. O. under reference, Copies of the marginally noted letters referred to in my Dis No 1152, English,

Superintending Engineer's letter No 125/5.9.1894
Presidency Port Officer's letter No 1411/18
dated 24.9.1894.

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2163 ko

12 DEC 94

The limits of the Port at Masulipatam.

14 FEB 95
MADRAS.

1184

Draft notification

North - A line drawn due East from the boundary Pillar erected near the bungalow at Javisepudi to 10 fathoms of water.

South. A line drawn due East from Point Divi to 10 fathoms of water.

West. A line drawn from the pillar at Javisepudi parallel to the shore with so much of it as is within 50 yards of high water mark at spring tides, to the northern head of the Masulipatam backwater. The Masulipatam backwater and river with all its arms to the westernmost point of the fort, with so much of the shores thereof as are within 50 yards of high water mark at spring tides, also the Bezwada Bunder canal from the easternmost point of the tidal

1895.
M.A.L. Dept.
Enclos. No. 1
To
C. No. 213.

Despatch No. 251
English
of 1895

OFFICE
OF THE
COLLECTOR & MAGISTRATE,
MASULIPATAM,
KISTNA DISTRICT.

Dated 6th March 1895.

From, J. N. Atkinson Esquire,
Collector, Kistna District.

To,

The Chief Secretary to Government,
Marine Department,
Fort St. George.

Sir,

With reference to G. O. 227 Marine, dated 19th November 1894, I have the honor to submit herewith the report of the Committee convened under G. O. 159 Marine, dated 1st May 1894, for the adjudication of disputes regarding the Port limits of Masulipatam, signed by all the members there of, Presidency Port officer, the Superintending Engineer and myself. The Presidency Port officer has by mistake omitted to sign the draft notification and this may be passed over.

2. As directed in the last sentence of the G. O. under reference Copies of the marginally noted letters referred to in my Dis No 1152, English,

Superintending Engineer's letter No 1251 K.S. dated 24.9.1894
Presidency Port Officer's letter No 1411 G. 183 dated 5.9.1894

2163 ko
12 DEC 94
4 FEB 95
MADRAS

The limits of the Port at Masulipatam.

Draft notification

North — A line drawn due East from the boundary Pillar erected near the bungalow at Tavisepudi to 10 fathoms of water.

South. A line drawn due East from Point Divi to 10 fathoms of water.

West. A line drawn from the pillar at Tavisepudi parallel to the shore with so much of it as is within 50 yards of high water mark at spring tides, to the northern head of the Masulipatam backwater. The Masulipatam backwater and river with all its arms to the westernmost point of the fort, with so much of the shores thereof as are within 50 yards of high water mark at spring tides, also the Bezwada Bunder canal from the Easternmost point of the tidal

lock as far as the western most point of the fort with so much of the land on each side as is within 50 yards of the outer toe of the bank; and also a line drawn from the southern head of the Masulipatam backwater to Point Divi parallel to the shore with so much of it as is within 50 yards of high water mark at spring tides.

East.— A line drawn from the Eastern extremities of the above described north and south limits.

N.B. Nothing in this notification shall give the Marine Department any power to interfere with the rights of the Public Works Department over the Tidal lock, the Canal and the Canal banks and it shall be open to the Public Works Department to erect cranes or carry on work of any kind within the above mentioned limits without reference to the Marine Department

J. H. Atkinson
Ag. Collector Kistna

Lieut Battersby
Supt Engineer II Circl.

Major R.E.
Presidency Port Officer.

Compd

251

Curruth

5
War Dept.
213.

1895
War Dept.
Enclos. No. 1
To
C. No. 213.

No 1411/183 b.

Presidency Port office.
Madras, 24th September 1894.

To The Collector of Kistna.

Sir, In reply to your No 552, dated 11th September 1894, I have the honor to inform you that it will be sufficient if the new Notification gives effect to the views expressed in my letter No 1411/133 b, dated 1st August 1894.

I have the honor to be,
Sir,
Your most obedient servant
(signed) Illegible.
For Presidency Port officer.

(True Copy)

For Collector.

VII 11.3.

all the port dues it has hitherto paid, and the port authorities should not attempt to charge any fresh dues, such as cranage, if we think fit to erect a crane on the Canal banks, or on the lock. I can undertake to say that this Department will in no way interfere with the wharf in the Canal, although I believe it was built from Canal funds.

4. I recommend that the Notification be not again altered, as in trying to define too much, we may pave the way for further difficulties.

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

(signed) W. L. C. Baddeley
Major R.E.
Superintending Engineer
II circle.

(True Copy)

For Collector.

1895
Mar. Dept.
Enclos. No. VII 11.3.
To
C. No. 213.

Superintending Engineer's Office.
Bezwada.

No 1251-Ks.

II Circle.

Dated 5th September 1894.

9879

From

Major W. L. C. Baddeley. R. E.

Superintending Engineer,
II nd Circle.

To

The Collector,
Kistna.

Sir,

In reference to your reference on
No 552, English, of 28th August 1894, I
have the honor to inform you that
I do not claim any exemption from
port dues for this Department when
using the port, but I see no reason why
the P. W. D. should pay any fees for
work carried on within their own limits.

2. The tidal lock, the canal, and the
canal banks are only considered as part
of the port, in order that the port officer
may have control over the sea-going
boats

3. The dual control is unavoidable, but
I see no reason why matters should not
work smoothly; this Department will pay

1895
MAY
Encl. 3
O. No. 213.

No 1411 C.
133

Presidency Post office.
Madras, 1st August 1894

To

The Acting Collector,
Kistna District

Sir,

In reply to your Reference on 6 No 552, English, dated 16th July 1894. I have the honor to inform you that I approve of the amendment put forward by the Superintending Engineer and would suggest the draft notification re Port Limits being drawn up accordingly. All that the Port authorities want is complete control over the "old wharf" or any extension that may be made to it without at all interfering with the lock or canal banks elsewhere.

2. The enclosures of your letter are herewith returned.

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

(Signed) Walter Powell.
Commander R. I. M.
Presidency Post office.

(True Copy)

For Collector.

5
Mar
5
213.

No 1411 b.
133

Presidency Port office
Madras, 1st August 1894

To

The Acting Collector,
Kistna District

Sir,

In reply to your Reference on 6 No 552, English, dated 16th July 1894. I have the honor to inform you that I approve of the amendment put forward by the Superintending Engineer and would suggest the draft notification re Port Limits being drawn up accordingly. All that the Port authorities want is complete control over the "old wharf" or any extension that may be made to it without at all interfering with the lock or canal banks elsewhere.

2. The enclosures of your letter are herewith returned.

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

(signed) Walter Powell.
Commander R. I. M.
Presidency Port office

(True Copy)

For Collector.

this alteration will simply give sanction for the same state of things as has always existed hitherto.

12. As regards cranage it is also agreed by the committee that the Department of Public Works should pay all the Port dues it has hitherto paid and that the Port officer should not attempt to charge any fresh dues such as cranage if the Department of Public Works think fit to erect a crane on the canal banks or on the lock. The Superintending Engineer gives the assurance that his Department will in no way interfere with the wharf in the canal although he believes it was built from canal Funds.

13. A notification drawn up in terms of the committee's resolutions is appended.

A plan to illustrate it was submitted with the Collector's No 1152/English dated 31st October 1894. The alterations proposed by us are underlined. The note at the foot of the notification is intended to give effect to the agreement mentioned in the last preceding para.

We have the honor to be,

Sir,

Your most obedient Servants.

H. Addyman 24/6
Acting Collector, Kistna.

Main RE
Supg Engineer II circle.

Walter Brodie
Commdr R.I.M
Presidency Port Officer.

Compd

that the Department of Public Works should not be interfered with in their working of the canal, and at the same time the Port Officer must have power to supervise the loading and unloading of boats.

10. The dispute between the two Departments that gave rise to this correspondence has nothing to do with their dual control over the canal but about a question of cranage, which will be dealt with below.

11. We are of opinion that the definition of the western boundary contained in the notification of 1878 should be amended so as clearly to include the tidal lock, the canal and the canal banks within Port limits, a reservation being made that the control at present exercised by the Department of Public Works over them is not to be interfered with. Practically,

1905
Mar
5
213.

creek and the wharves on it have always been regarded as belonging to the Port as also has the 'old wharf' on the north bank of the canal. But this latter wharf could not be in the Port limits unless the canal is also in these limits. And it follows therefore that at the time the notification was drawn up, the canal must have been regarded as within Port limits. Why therefore it was not included in the notification it is very difficult to understand.

8. Only 3 possible explanations have suggested themselves but none of them seem very probable.

(a) that when the notification was drawn up, the canal was regarded as part of the "Masulipatam backwater and river" This is improbable, as the canal was then just as it is now, separated from the will extend, roughly speaking, along the line of blue pencil crosses in the plan No. 3 — already submitted by the Collector with his letter Dis. No $\frac{1152}{\text{English}}$ dated 31st October 1894 and will include the whole of the tidal creek, the new wharf and rather more than ½ of the tidal lock.

6. This however brings us to the further difficulty that it is hard to understand why the other half of the tidal lock was excluded as well as the old wharf and other Port appurtenances lying on the north bank of the canal.

7. The tidal lock and creek as well as the canal were in existence at the time of the notification of 1878 and it seems inconceivable why they were not mentioned in it. There is no doubt that the tidal

5
Mar
6
213.

creek and the wharves on it have always been regarded as belonging to the Port as also has the 'old wharf' on the north bank of the canal. But this latter wharf could not be in the Port limits unless the canal is also in these limits. And it follows therefore that at the time the notification was drawn up, the canal must have been regarded as within port limits. Why therefore it was not included in the notification it is very difficult to understand.

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(a) that when the notification was drawn up, the canal was regarded as part of the "Masulipatam backwater and river" This is improbable, as the canal was then just as it is now, separated from the

river by a tidal lock and at a different level from it altogether. It seems very unlikely therefore that the canal would have been mistaken for the river in 1878 though of course that might have been possible long before when the old Fort ditch occupied the place where the canal now is, and we presume, ran direct into the river.

(b) that for some reason, unknown, the old wharves on the north bank of the canal were deliberately excluded from the Port limits; this also seems improbable.

(c) that the notification was drawn up by some one who had no personal knowledge of the locality. And this really seems to be the only possible explanation, though we admit the impossibility of even this one.

9. We are agreed that the canal and its banks have always been practically (in spite of the notification) within the port limits. And we have no objection to their remaining so, provided that the control which the Department of Public works exercises and always has excercised, over the canal and the tidal lock is not interferred with. There has practically always been a sort of dual control in this way, the Department of Public Works having managed the canal and the lock in the same way as they would manage any other canal or any other lock under their control, while the Marine Department has authority over loading and unloading operations on the wharves and banks. This arrangement has always worked without friction and there seems to be no reason why it should not continue to work in the same satisfactory manner in future. No other arrangement seems feasible as it is absolutely necessary

that the Department of Public Works should not be interfered with in their working of the canal, and at the same time the Port Officer must have power to supervise the loading and unloading of boats.

10. The dispute between the two Departments that gave rise to this correspondence, has nothing to do with their dual control over the canal but about a question of cranage, which will be dealt with below.

11. We are of opinion that the definition of the western boundary contained in the notification of 1878 should be amended so as clearly to include the tidal lock, the canal and the canal banks within Port limits, a reservation being made that the control at present exercised by the Department of Public Works over them is not to be interfered with. Practically,

will extend, roughly speaking, along the line of blue pencil crosses in the plan No. 3 already submitted by the Collector with his letter Dis. No $\frac{1152}{English}$ dated 31st October 1894 and will include the whole of the tidal creek, the new wharf and rather more than ½ of the tidal lock.

6. This however brings us to the further difficulty that it is hard to understand why the other half of the tidal lock was excluded as well as the old wharf and other Port appurtenances lying on the north bank of the canal.

7. The tidal lock and creek as well as the canal were in existence at the time of the notification of 1878 and it seems inconceivable why they were not mentioned in it. There is no doubt that the tidal

of the Fort with so much of the shores thereof as is within 50 yards of high water mark spring tides; and also a line drawn from the southern head of the creek to the Point Divi parallel to the shore with so much of it as is within 50 yards of high water mark spring tides"—

4. We should state first of all, as showing how carelessly the notification was drawn up, that the "creek" and the "Masulipatam backwater" are one and the same thing, though no one would think so from reading the notification.

5. We are of opinion that the "Masulipatam backwater and river" of the notification must be taken to include its arms and branches. If this is so, the Port limits as already pointed out in para 6 of the Collector's Disposal No. above quoted

2. We, the members, viz the Superintending Engineer, the Presidency Port Officer and the Collector (Mr. Rawson) met at Masulipatam and considered the question on 18th June 1894.

3. The present difficulty has arisen out of the very loose manner in which the notification of 1878, defining the Port limits was drawn up. The difficulty relates only as already stated in para 2 of the Collector's letter to Government, Disposal No. 314, English dated 16th March 1894, to the western boundary, which is described as follows in the notification

"West— A line drawn from the pillar at Tavisepudi parallel to the shore, with so much of it as is within 50 yards of high water mark spring tides, to the northern head of the creek. The Masulipatam back-water and river to the westernmost point

2163 Ko
12 DEC 94

Port Limits Committee,
Masulipatam
Cuddapah 8th December 1894.

From,

J. Atkinson Esquire,
Acting Collector, Kistna,

Mr W.L.C. Baddeley, R.E.
Superintending Engineer, II Circle,

C. Powell Esqr. Commander R.I.M.,
Residency Port Officer

Members of the Committee
appointed by Government in G.O
No 159, Marine, dated 1st May 1894.

To,

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

Sir,

We, the members of the committee,
appointed by Government in G.O. No 159,
Marine, dated 1st May 1894 on the subject
of the Port limits of Masulipatam have
the honor to report as follows.

Ref. No 2276 24
15-11-94

The letter submitted by the Collector does not comply with G.O. dt 1.5.94, No. 159.

The report of the committee has not been placed before Govt. It should be in the usual form and signed by each member of the committee.

Copies of the letters referred to in para. 12 of the current should have accompanied it.

J.D.B.
15/11

15.11.94

DESPATCHED
Collector of Kistna 16 NOV 94
Copied

H.C.

After Ref. has issued ask re about putting the papers in type

J.D.B.
15/11

Mar. dept.

CURRENT No 960

Mar fp. no 2560, 28-6-94 w.r.
15931-5-94 & papers
marked with the current no 1090-94

From

The Acting Collector

Kistna District.

To

The Chief Secretary to government

Marine Department

Fort Saint George.

CHIEF SECRETARY
14 NOV. 1894
GOVERNMENT OF MADRAS

Dated 31st October 1894

Despatched.

Received 14th nov 94

Regd 14th ....

Enclosures. \ mar. c. no 3676 of 93 with encls
& c. no 24207 of 94 with
encls. 1 to 3 new encls.
Rest

No

Subject.

Submitting revised draft notification with certain suggestions regarding the settlement of disputes between the Marine Department and Public Works Department in the Port of Masulipatam.

kind within the above mentioned limits without reference to the Marine Department.

From Acting Collector

Comp:

The limits of the Port at Masulipatam.

Draft notification

'23 S/

North.— A line drawn due East from the boundary Pillar erected near the bungalow at Tarisepudi to 10 fathoms of water.

South.— A line drawn due East from Point Divi to 10 fathoms of water.

West.— A line drawn from the pillar at Tarisepudi parallel to the shore with so much of it as is within 50 yards of high water mark at spring tides, to the Northern head of the Masulipatam backwater. The Masulipatam backwater and rivers with all its arms to the Westernmost point of the port, with so much of the shores thereof as are within 50 yards of high water mark at spring tides, also the Bezwada-Bander canal from the Easternmost point of the tidal lock as far as the Western most point of the port with so much of the land on each side as is within 50 yards of the outer toe of the bank; and also a line drawn from the Southern head of the masulipatam backwater to Point Divi parallel to the shore with so much of it as is within 50 yards of high water mark at spring tides.

East.— A line drawn from the Eastern extremities of the above described north and south limits.

N.B. Nothing in this notification shall give the marine Department any power to interfere with the rights of the Public Works Department over the Tidal lock, the canal and the canal banks and it shall be open to the Public Works Department to erect cranes or carry on work of any

10. The dispute between the two Departments that gave rise to this correspondence had nothing to do with their dual control over the canal, but was about a question of cranage, which will be dealt with below.

11. The Committee were of opinion that the definition of the western boundary contained in the notification of 1878 should be amended so as clearly to include the tidal lock, the canal and the canal banks, within Port limits, a reservation being made that the control at present exercised by the Department of Public Works over them is not to be interfered with. Practically this alteration will simply give sanction for the same state of things as has always existed hitherto.

12. As regards cranage, the Superintending Engineer says as follows in para 3 of his No 1251. H.S. dated 5th September 1894. "This Department will pay all the Port dues it has hitherto paid and the Port authorities should not attempt to charge any fresh dues, such as cranage, if we think fit to erect a crane on the canal banks, or on the lock. I can undertake to say that this Department will in no way interfere with the wharf in the canal although I believe it was built from canal funds". In his No 1411 C/183 dated 24th September 1894, the Presidency Port Officer assents to this arrangement.

13. I append the notification with the modifications proposed by the Committee. The alterations proposed are underlined. The note at foot of the notification is intended to give effect to the agreement mentioned in the last para.

14. A plan is also enclosed to illustrate the notification.

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

J P Stuart 8/4

For Acting Collector.

Comp

as part of the "masulipatam backwater and river". This is improbable, as the canal was then just as it is now, separated from the river by a tidal lock, and at a different level from it altogether. It seems very unlikely therefore that the canal could have been mistaken for the river in 1878; though of course that might have been possible long before when the old fort ditch occupied the place where the canal now is, and, I presume, ran direct into the river.

(b) That for some reason unknown, the old wharf &c on the north bank of the canal were deliberately excluded from Port limits; this also seems improbable.

(c) That the notification was drawn up by some one who had no personal knowledge of the locality. And this really seems to be the only possible explanation, though I admit the improbability of even this one.

9. The Committee agreed that the canal and its banks have always been practically (in spite of the notification) within the Port limits. And the Superintending Engineer has no objection to their remaining so, provided the control which his Department exercises, and always has exercised, over the canal and the tidal lock is not interfered with. There has practically always been a sort of dual control in this way, the Department of Public Works having managed the canal and the lock in the same way as they would manage any other canal or any other lock under their control, while the Port Officer has authority over loading and unloading operations on the wharves and banks. This arrangement has always worked without friction, and there seems no reason why it should not continue to work in the same satisfactory manner in future. No other arrangement seems feasible as it is absolutely necessary that the Department of Public Works should not be interfered with in their working of the canal, and at the same time the Port Officer must have power to supervise the loading and unloading of boats.

2.

western most point of the Fort with so much of the shores thereof as are within 50 yards of high water mark spring ; and also a line drawn from the southern head of creek to the point Diwi parallel to the shore with so uch of it as is within 50 yards of high water mark spring ides".

4. I should state, first of all, as showing how carelessly the notification is drawn up, that the "creek" and the "masulipatam backwater" are one and the same thing, though no one would think so from reading the notification.

5. The Committee were of opinion that the "masulipatam backwater and river" of the notification must be taken to include its arms and branches. If this is so, the Port limits, as already pointed out in para 6 of my Disposal no above quoted, will extend, roughly speaking, along the line of blue pencil crosses in the enclosed plan No-3 and will include the whole of the tidal creek, the new wharf and rather more than ½ of the tidal lock.

6. This however brings us to the further difficulty that it is hard to understand why the other half of the tidal lock was excluded as well as the old wharf and other port appurtenances lying on the north bank of the canal.

7. The tidal lock and creek as well as the canal were in existence at the time of the notification of 1878 and it seems inconceivable why they were not mentioned in it. There is no doubt that the tidal creek and the wharves on it have always been regarded as belonging to the Port — as also has the old wharf on the north bank of the canal. But this latter wharf could not be in Port limits unless the canal is also in these limits: and it follows therefore that at the time the notification was drawn up, the canal must have been regarded as within Port limits. Why therefore it was not included in the notification it is very difficult to understand.

8. Only 3 possible explanations have suggested themselves, but none of them seem very probable.

(a) that when the notification was drawn up, the canal was regarded

Kistna Collectorate
Masulipatam
31st October 1894.

210

From

J. N. Atkinson Esquire,
Acting Collector,
Kistna District.

To

The Chief Secretary to government,
Marine Department
Fort Saint george.

Sir,

I have the honor to reply to G. O, 159, Marine, dated 1st May 1894 (herewith returned with its enclosures) on the subject of the limits of the Port of Masulipatam.

2. The Committee appointed by government in the G. O. above quoted, viz. the Superintending Engineer, the Presidency Port Officer and the Collector (Mr. Rawson) met and considered the question on 18th June 1894.

3. The present difficulty has arisen out of the very loose manner in which the notification of 1878 defining the Port limits was drawn up. The difficulty relates only, as I have already said in para 2 of my Disposal no. 314 dated 16th March 1894, to the western boundary which is described as follows in the notification.

"West. — A line drawn from the pillar at Tarubepudi parallel to the shore, with so much of it as is within 50 yards of high water mark spring tides, to the northern head of the creek. The Masulipatam backwater and river to the

B

No. 2420 of 94

No. 385
24-7-78

Mem G.O. to 118-9/95

MENT.

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ender.

Port of Cust

CHURCH

OLD DUTCH STORE HOUSE

WAMP

FORT DITCH

BANDAR CAN

Fort ditch brick Revetment

Masulipatam

SWAMP

D.P.W. CRAN

Sluice

Lock

MASULIPATAM

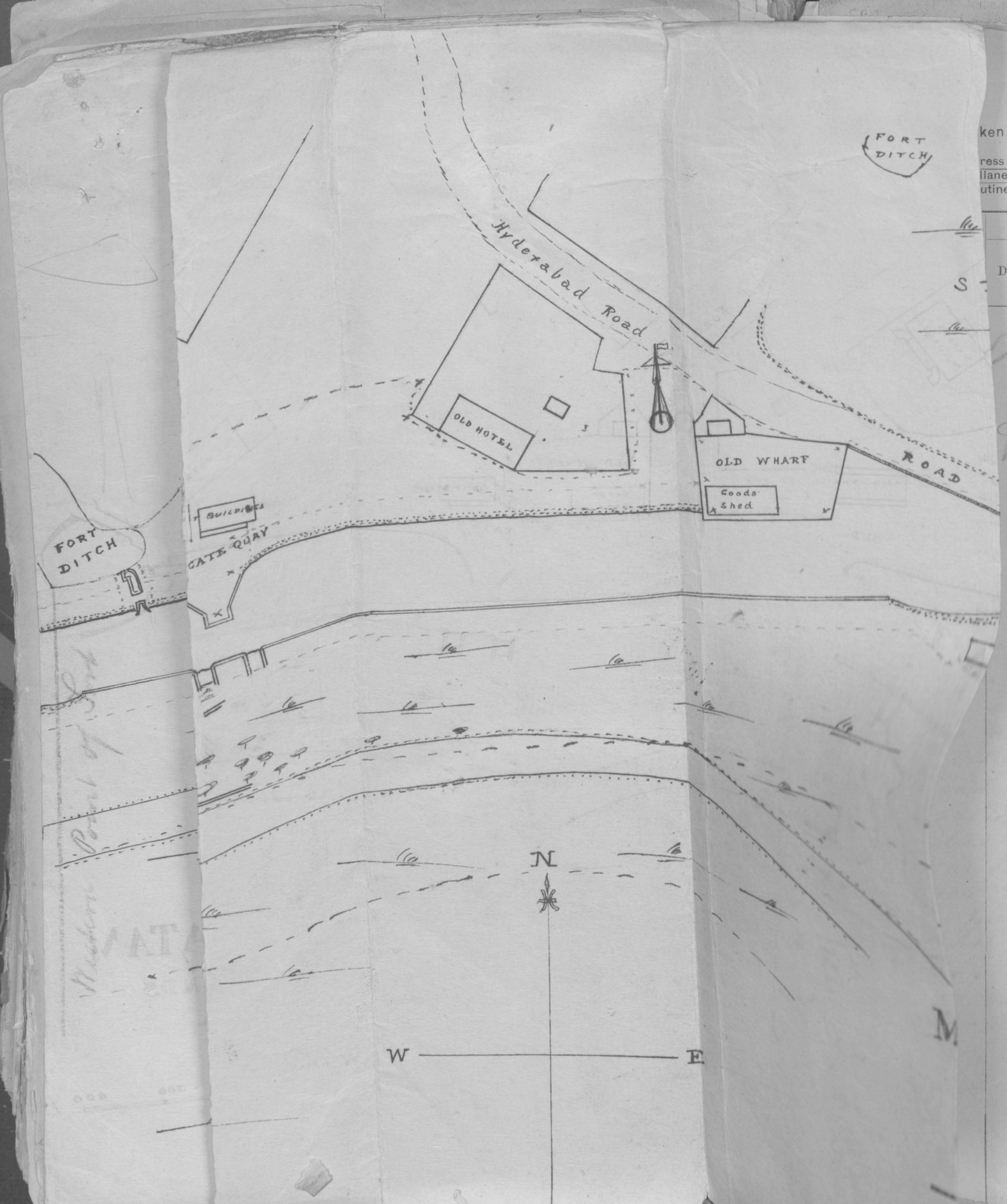
PORT LANDS

JAN 1894

100 200 300 400 ft

Port Limits

D. P. W. Limits

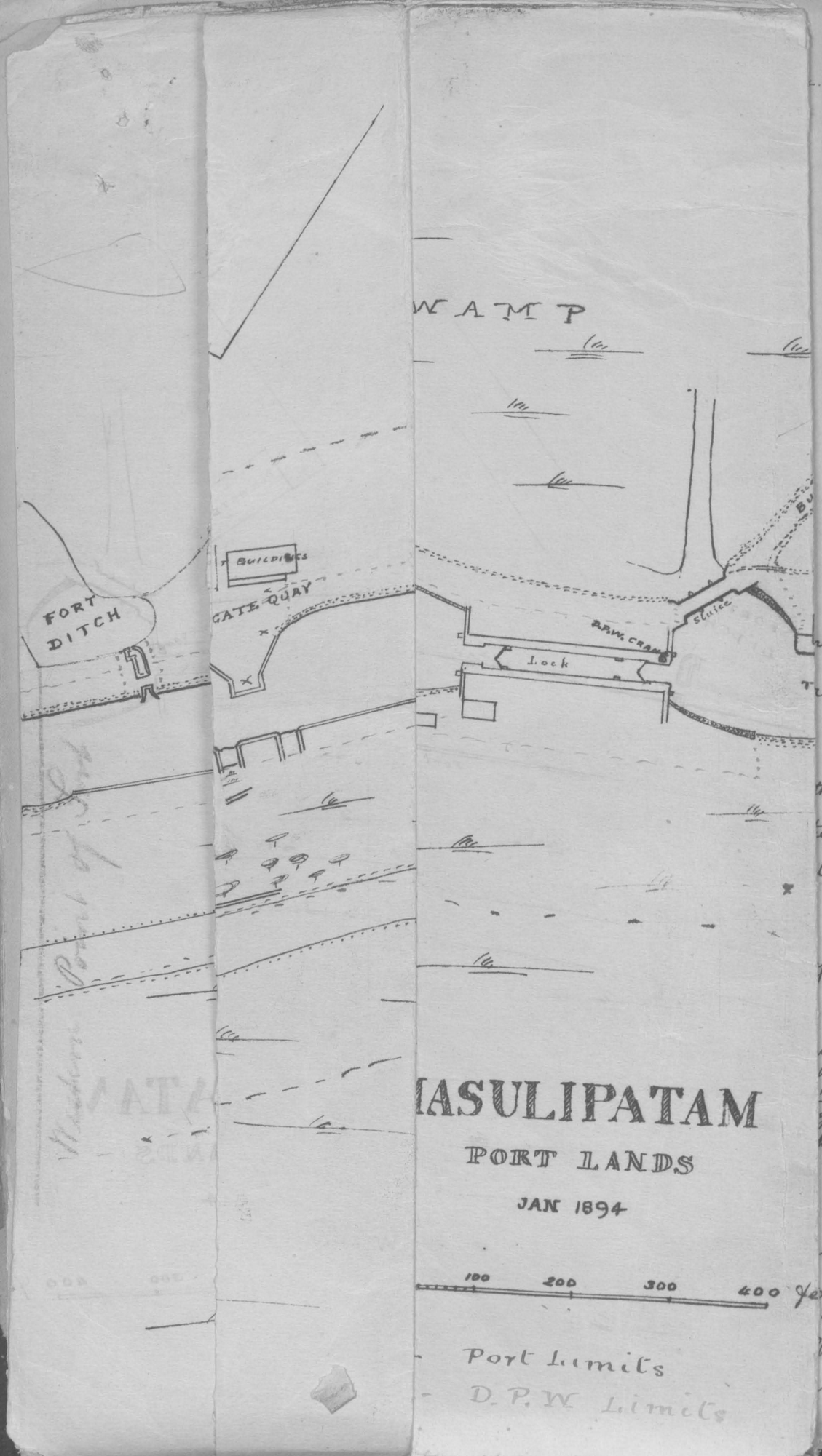


DEPARTMENT.

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FOR WHAT PURPOSE.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
Department.	C. No.	Year.			
	733	08		14-4-09	
for Mem	32	08		10-4-08	



[Ref. 4]

15,000—18-5-03.

DEPARTMENT.

Paper taken out of the Records from the charge of the Referencer.

Press / Miscellaneous / Routine No. 1181/9 dated 24 4 1905

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
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Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

ORDINARY, PRINTED.

Marine Department.
~~Dispatch~~ Dispatch, dated 24-4-05
No. 2

INDEXED.

First copy sent to Press. 8/4

Returned for signature. 10-4-05

Despatched in print. 2-5-05

[Despatch Abstract.]

Distressed Sea-man.

Stating that the Charges, incurred on account of a — named Thomas Samuel a native of Madras, belonging to the Ship Lady Armstrong are debitable to the India Revenue; but expressing doubt if he is within the purview of section 211 of the Merchant Shipping Act of 1854. Considering his having deserted the Ship by jumping overboard in the Suez Canal.

120

Marine Cve 1078 folio

17/7/06

Returned 12/9/07 ll.