

ORDINARY, MS.

Mar DEPARTMENT.	
G.O., DATED	4-7-95
No.	197

INDEXED.

When given for copying. 6/7

[Despatch Abstract.]

Comm. to the P. P. &
Proceedings, Rev. Sept.
approving the sugges-
-tion of the Coll. of
Malabar that the
Port department should
collect the tolls on
the Kallai river
and be responsible
for the river and bar
being kept open
for traffic, and stating
that the Port officer,
Calicut, will arrange
for the collection
of the tolls.

10TH JUNE 1895, No. 346, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 28th February 1895, Mis. No. 1054:—

Read—the following letter from H. MOBERLY, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department (through the Commissioners of Land Revenue, Madras), dated 8th February 1895, Reference on Current No. 460:—

By a notification published at page 90, Part I of *Fort St. George Gazette* of 23rd January 1894, the Kallai river from the Conolly's canal to the sea was declared to be a line of navigation subject to the provisions of Act II of 1890 (Madras). By G.O., dated 9th February 1894, No. 102, Revenue, it was ordered that tolls at certain specified rates shall be levied on articles passed over the Kallai bar for export by a timber merchant in connection with his trade.

2. In all the correspondence which preceded these orders, the Kallai river and its banks were treated as if they were under the management of the Revenue Department. But from the notification under the Indian Ports Act, 1875, at page 443 of part I of *Fort St. George Gazette* of 6th August 1878, it is clear that the Kallai river from the Conolly's canal to the sea and so much of the river banks as are within 50 yards of high water-mark form part of the port of Calicut. Under section 30 (1) of Act X of 1889, the Conservator can prosecute persons who do anything which is likely to injure the river banks; and by clause 5 (b) of section 36 of the same Act, the expenses incurred in keeping the Kallai bar open and in making the river navigable for rafts, &c., should be paid out of Port funds.

3. The fact that the Kallai river forms part of the Calicut Port does not, so far as I can see, preclude Government from declaring it to be a line of navigation subject to the provisions of Act II of 1890; but as the cost of keeping the channel and bar open is debitable to Port funds, I submit that the Port department should collect the tolls and be responsible for the river and bar being kept open for traffic.

4. Seeing that, under the Indian Ports Act of 1889, the Conservator has sufficient authority to enable him to keep the Kallai river and bar open to traffic, I venture to doubt the necessity of the notification published in 1894 and beg to refer the matter to Government for orders.

5. I am aware that in its Orders of 4th June 1888, No. 1627-W., and 11th December 1891, No. 3342-W., Government declined to sanction any expenditure of Public funds on the Kallai bar, but as the fact that the Kallai river forms part of the Calicut port appears to have been overlooked in previous correspondence, I venture to ask Government to reconsider the question.

Resolution—dated 28th February 1895, Mis. No. 1054.

Forwarded.

2. The Board considers that the suggestion made by the Collector in paragraph 3 of his letter may be adopted.

(True Copy and Extract.)

(Signed) L. M. WYNCH,
Secretary.

To the Secretary to Government, Revenue Department.

102 Rev d/ 9.12.94
BACK PAPER, No. G.O. 3342 W d/ 11.11.91
80 1627 W d/ 4. VI. 88
FURTHER PAPER, No. G.O. 344 W d/ 7.11.94 OF 189

READ AGAIN ORDER OF GOVERNMENT, DATED
189, No. MISCELLANEOUS.

ENCLOSURE.

CURRENT No.

STATEMENT WITH DITO.

ORDER OF GOVERNMENT

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—
A — Copy in full.
B — Not to be copied.
P — Copy abstract only.
Q — Copy heading only.

102 Rev d/ 9.12.94

10TH JUNE 1895, No. 316, REVENUE.

2

Endorsement No. 915.

Referred to the Presidency Port officer for early report whether there is any objection to the proposals in paragraph 3 of the Collector's letter.

OOTACAMUND,
26th April 1895.

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

Read—also endorsement of the Marine Department, dated 15th May 1895, No. 1052, transferring to the Revenue Department the following letter from Commander W. POWELL, R.I.M., Presidency Port officer, Madras, to the Chief Secretary to Government, Marine Department, dated Madras, 7th May 1895, No. 1765—116-G. :—

In reply to Marine Department endorsement No. 915, dated 26th April 1895, herewith returned, I have the honour to state that there is no objection to the collection of tolls at Kallai being carried out by the Port department and to that department accepting responsibility for the river and bar being kept open for traffic, but I must point out that it is not desirable to incur expenditure in connection with river mouths which are constantly changing.

ORDER—dated 10th June 1895, No. 346, Revenue.

Miscellaneous.

The course suggested in paragraph 3 of the Collector's letter is approved.

2. The Port officer, Calicut, will arrange for the collection of the tolls and he will also exercise the powers mentioned in section 7 of Act II of 1890.

(True Extract.)

Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).
„ the Marine Department. ✓

Exd. C. M. Brisson.

40 Copies.

CURRENT No. 478
Mammie Sept

Govt. of {1895} Madras.
REVENUE.

Issued
Recd.
CHIEF SECRETARY
26 JUN. 1895
GOVERNMENT OF MADRAS

Encl.

G.O., 10th June 1895, No. 346.

JUNE.

Tolls on the Kallai River.

Approving the suggestion of the Collector of Malabar that the Port department should collect the tolls and be responsible for the river and bar being kept open for traffic, and stating that the Port officer, Calicut, will arrange for the collection of the tolls.

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Order d/4th July 1895 No 197

*Communicated to
the Presidency Port of
fices.*

*30 B
for C.S.
3/vul/95*

The P.P.O.

RECEIVED
11 JUL 95
IN M.S.