500—8-94.

E 81

29-1-19.

ORDINARY, PRINTED.

War Department.
G.O., dated 8 Jan 1895
No. 5

INDEXED.

First copy sent to Press. 8/1
Returned for signature. 15/1/95
Despatched in print. 16/1/95

[Despatch Abstract.]

Certificates of Registry

Directing Registrars
of Shipping in future to
Submit Copies of —
of vessels issued under
Act 5 of 1841 direct
to Govt.

6 Copies

1895
1 Dept
Endorsed 2
1

Read again Order of Government, dated
18 , No.

Back Papers, No.

of

Further Papers, No.

of 15

4

49/96

Enclosures.

Current No.

Print very thinly

Statement with ditto.

Order, &c., of Government—A.

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

Number of copies required.
- Order complete. 200
- Letter only.
- Order complete with Letter.

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.

R/ 337/2276

Do not print

Presidency Port Office,
Madras 30th Dec. 1894.

PORT OFFICE
14 DEC 94
MADRAS.

To,
The Collector of
Malabar.

Sir, With reference to your letter to the Port Officer, Cochin, R/ 736/94, dt/ 26th November 1894, I have the honor to state that as the Certificates in question are finally transferred by Government to this Office for record it is desirable that they should be transmitted to Government through your Office as hitherto, and not direct or through this Office.

I have &c
Sd/ Charles W. Hewett
Commander R. I. M.
Incharge, Pres.y Port Office

(True copy)

T. Varadarao.

for Collector

Back Papers, No. of 18

Read again Order of Government, dated 18 , No.

Further Papers, No. 49/96 of 18

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Enclosures.

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To,
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I have &c
Sd/ Charles W. Hewett
Commander R. I. M.
Incharge, Presy Port Officer

(True copy)

T. Varadarao.
for Collector

Before 1519 8.C.D

CURRENT NO 1035

Malabar Collector's Office.
Camp - Kaniambetta.
6th December 1894.

18

From.

A. Moberly Esq
ag. Collector of
Malabar.

To.

The Hon'ble Mr. J. F. Price. C.S.I.
Chief Secretary to Government,
Marine Department,
Madras.

Sir,

Section 4 of Act X of 1841 requires that every Registrar of Shipping "shall forthwith or within one month at the farthest, send to the Government of the Presidency to which he is subordinate" a true and exact copy of every certificate granted by him.

2. In G.O. dated 5th april 1894. No 118 Marine, it has been ruled that the provisions of Section 4 of Act X of 1841 must be rigidly observed by all registering officers. On the 26th Ultimo, I instructed the Port-Officers Cochin and Calicut to submit Copies of Certificates granted by them under Act X of 1841 direct to Government. In his letter No. 337/2276 dated 30th Ultimo, the Presidency Port-Officer says that it is desirable that the Certificate

pr 8.1.95 Mar
No-5

1894
Mar 1
Enclos. No 1
To
1035

Certificates should be submitted to Government through my office. Copy of the letter is enclosed. The fact that the Copies of certificates are eventually transferred to the Presidency Port Officer, is surely no reason why they should pass through my office. The submission of the Copies through the Collector serves no useful purpose but it will increase the number of papers to be registered in the Collector's office.

3. I have the honor to Solicit orders as to whether Registrars of Shipping may not send copies of certificates direct to Government as required by Section 4 of Act X of 1841.

I have the honor to be,
Sir
your most obedient Servant
C Rumsby
Ag. Collector.

Mar

Mar.

CURRENT NO 1035

From,

The Collector of Malabar

To,

The Chief Secretary to Govt.

Marine Department

Fort St. George

CHIEF SECRETARY
10 DEC 1894
GOVERNMENT OF MADRAS

Dated 6th December 94

Despd 8th December 94.

Recd 10th

Read 10th

Encl 1.

No 1579
S.C.D

Encl 1.

Solicits orders whether Registrars of shipping may not send copies of Certificates of vessels direct to Govt

Endt 2479 dt 13-12-'94

P 774

Referred to the Presidency Port Officer for remarks. It is observed that the Collector states that no useful purpose would be served by the copies passing through his office. It would therefore seem to be a mere useless piece of routine

Redmond
Chief Secretary

Marine Dept

CHIEF SECRETARY
20 DEC 1894
GOVERNMENT OF MADRAS

CURRENT NO. 1072

No 337 9
440

I have no objection if the Government have none to Port officers, in their capacity of Registrars of Shipping, placing themselves in direct communication with Government

Walter Webb
Commander R.I.M.
Presidency Port Officer

Port Office,
Madras 18th Decr 1894

TO BE RETURNED WITH REPLY

Mar. 327 & 317-8 } 6
11835-4-94

[G/9]
1,000—25-10-94.

Current No. 1072

Mar Department.

From

P. P. O.
Madras.

No. 337/440 G.

Dated 18. 12. 94

Received 20.
Regd 21

Enclosures Mar C. No 1035 retd with Encl:

SUBJECT.

Stating he has no objection to Port officers, in their capacity of Registrars of Shipping, placing themselves in direct communication with govt

B
Print copies

Order 8 Jan 1895 N° 5

Registrars of Shipping will in future submit copies of certificates issued under act X of 1841 direct to Govt.

F.D.B. 22/12

P. P. Offr - for comm.n to all Regrs of Shipping
all Collectors of Maritime Distts 106

Despd 18/1/95

WITH ORDER

G.O. N° 5 dy 8th January 1895 Marine

Despd 18/1/95

The Collectors of
~~The District Magistrates of~~

~~Anantapur.~~
~~North Arcot, Chittoor.~~
South Arcot, Cuddalore. — 8
~~Bellary.~~
South Canara, Mangalore. — 8
Chingleput, Saidapet. — 8
~~Coimbatore.~~
~~Cuddapah.~~
Ganjam, Chatrapur. — 8
Godavari, Cocanada. — 8
Kistna, Masulipatam. — 5
~~Kurnool.~~
Madras (when necessary). — 5
Madura. — 8
Malabar, Calicut. — 12
~~Nilgiris, Ootacamund.~~
Nellore. — 8
~~Salem.~~
Tanjore. — 9
Tinnevelly. — 8
~~Trichinopoly.~~
Vizagapatam.

capacity of Registrars of Shipping, [illegible] Government.

Madras,
18th Dec. 1894.

(Signed) WALTER POWELL,
Commander, R.I.M.,
Presidency Port Officer.

Order—dated 8th January 1895, No. 5, Marine.

Registrars of Shipping will in future submit copies of certificates issued under Act X of 1841 *direct* to Government.

(True Extract.)

Acting Chief Secretary.

To the Presidency Port Officer for communication to all Registrars of Shipping.
„ all Collectors of Maritime Districts.

Exd. S. J. Pereira.

[G / 9]
1,000—25-10-94.

Current No.

From

P.

No

Dated 18.

Received 20.
Regd 21

Enclosures re
1035
Encl

SU

Stating he h
Port officers
of Registrars
themselves in direct communi
-cation with govt

Maritime

WITH ORDER

8TH JANUARY 1895, No. 5, MARINE.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following paper :—

From H. MOBERLY, Esq., Acting Collector of Malabar, to the Chief Secretary to Government, dated Kaniambetta, 6th December 1894, Ref. on C. No. 1519–S.C.D.

Section 4 of Act X of 1841 requires that every Registrar of Shipping "shall forthwith, or within one month at the farthest, send *to the Government of the Presidency to which he is subordinate*" a true and exact copy of every certificate granted by him.

2. In G.O., dated 5th April 1894, No. 118, Marine, it has been ruled that the provisions of section 4 of Act X of 1841 must be rigidly observed by all registering officers. On the 26th ultimo, I instructed the Port officers, Cochin and Calicut, to submit copies of certificates granted by them under Act X of 1841 direct to Government. In his letter No. 337-2276, dated 30th ultimo, the Presidency Port Officer says that it is desirable that the certificates should be submitted to Government through my office. Copy of the letter is enclosed. The fact that the copies of certificates are eventually transferred to the Presidency Port Officer is surely no reason why they should pass through my office. The submission of the copies through the Collector serves no useful purpose, but it will increase the number of papers to be registered in the Collector's office.

3. I have the honour to solicit orders as to whether Registrars of Shipping may not send copies of certificates direct to Government as required by section 4 of Act X of 1841.

—

No. 2479.

Referred to the Presidency Port Officer for remarks. It is observed that the Collector states that no useful purpose would be served by the copies passing through his office. It would therefore seem to be a mere useless piece of routine.

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

13*th December* 1894.

—

No. 337-440-G.

I have no objection, if the Government have none, to Port Officers, in their capacity of Registrars of Shipping, placing themselves in direct communication with Government.

MADRAS,
18*th Dec.* 1894.

(Signed) WALTER POWELL,
Commander, R.I.M.,
Presidency Port Officer.

———

ORDER—dated 8th January 1895, No. 5, Marine.

Registrars of Shipping will in future submit copies of certificates issued under Act X of 1841 *direct* to Government.

(True Extract.)

Acting Chief Secretary.

To the Presidency Port Officer for communication to all Registrars of Shipping.
,, all Collectors of Maritime Districts.

Exd. S. J. Pereira.

Govt. of {1895} Madras.

MARINE.

Issued

Recd. *Encl.*

G.O., 8th January 1895, No. 5.

JANUARY.

Certificates of Registry.

Directing Registrars of Shipping in future to submit copies of — of vessels issued under Act X of 1841 direct to Government.

Govt. of {1891} Madras.

MARINE.

Issued

Recd. *Encl.*

G.O., 22nd June 1891, No. 272.

JUNE.

Office Hours and Fees.

Fixing the office hours of Port officials on ordinary holidays; laying down rules for the charge of fees by Port officers who are also Superintendents of Sea Customs; and deciding that fees earned by them for Government shall be divided equally between Port and Customs Funds.

Govt. of {1895} Madras.

MARINE.

Issued

Recd. *Encl.*

G.O., 8th January 1895, No. 5.

JANUARY.

Certificates of Registry.

Directing Registrars of Shipping in future to submit copies of — of vessels issued under Act X of 1841 direct to Government.

25TH MAY 1891, No. 227, MARINE.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following paper:—

From Captain H. A. STREET, H.M.'s I.M., Presidency Port Officer, to the Chief Secretary to Government, dated Madras, 24th April 1891, No. 474—166-G.

With reference to paragraph 11 of G.O., dated 9th January 1891, Marine, No. 13, I have the honour to forward a scale of lump sum fees to be levied by Port officers and Conservators for work done overtime and on close holidays.

2. The figures proposed have been arrived at by calculating on the average fees earned during the past three calendar years and the number of days on which fees were charged during that period, as reported to this office by the several officers concerned.

ENCLOSURE.

STATEMENT showing the lump sum fees proposed to be levied for work done overtime and on close holidays by Port officers and Conservators.

Port.	Designation of officer.	Lump sum fees proposed to be levied.		
		On ordinary days.		On close holidays.
		Before office hours.	After office hours.	
		Rs.	Rs.	Rs.
Gopálpur	Port officer	7	7	20
Vizagapatam	Do.	7	7	20
Bimlipatam	Do.	5	5	13
Cocanada	Do.	9	9	25
Masulipatam	Do.	5	5	20
Madras	Do.	12	12	30
Negapatam	Deputy Conservator of the Port	10	10	20
Pámban	Port officer	6	6	20
Tuticorin	Do.	7	7	13
Cochin	Do.	11	11	23
Calicut	Do.	10	10	24
Mangalore	Do.	10	10	24
Calingapatam	Do.	4	4	7
Porto Novo	Port Conservator	1	1	2
Cuddalore	Do.	1	1	2
Tellicherry	Do.	2	2	3
Cannanore	Do.	1	1	2

NOTE.—When more than one vessel works, the lump sum chargeable is to be divided in proportion to all the vessels.

ORDER—dated 25th May 1891, No. 227, Marine.

The Government considers that it is preferable to place the several ports in classes as shown below, and sanction is accorded to the levy of the lump sum fees entered at the head of each class:—

Class I.

	RS.
Out of office hours	15
On close holidays	30

Madras.

Class II.

	RS.
Out of office hours	10
On close holidays	20

Vizagapatam; Cocanada; Masulipatam; Negapatam; Tuticorin; Pámban; Cochin; Calicut; and Mangalore.

Class III.

	RS.
Out of office hours	5
On close holidays	10

Gopálpur; Bimlipatam; and Calingapatam.

Class IV.

	RS.
Out of office hours	1
On close holidays	2

Porto Novo; Cuddalore; Tellicherry; and Cannanore.

2. The Government sanctions the scale in paragraph 1 on the distinct understanding that only one fee is to be charged for each day.

3. It is observed that the office hours have recently * been raised from 10 A.M. to 5 P.M. to 10 A.M. to 6 P.M.

* G.O., No. 171, dated 29th April 1891.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Presidency Port Officer.
„ the Chairman, Harbour Trust Board.
„ the Revenue Department.

Exd. P. L. Pereira.

Govt. of {1891} Madras.

MARINE.

Issued

Recd. Encl.

G.O., 25th May 1891, No. 227.

MAY.

Lump sum fees.

Classifying the several ports and fixing — for each class for overtime and work on close holidays.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following papers:—

From Captain M. BEAN, H. M.'s I. M., Officiating Presidency Port Officer, to the Chief Secretary to Government, dated Madras, 30th April 1891, No. 474—177-G.

Adverting to paragraph 10 of G.O., Marine, No. 13, dated 9th January 1891, I have the honour to state that it seems desirable that the hours of attendance of Port officials on *holidays* other than closed holidays should be fixed. If this is not done, ship-owners, merchants and others having to transact business at the Port office will, on such days, naturally expect the attendance of Port officials from 10 A.M. to 5 P.M. as on ordinary days. Practically then, Port officials would have no *holidays*, and the distinction need not have been drawn at all, unless it was contemplated that there should be a reduction in the office hours on such days and that fees were chargeable for work done before and after the reduced hours. Under the circumstances, I beg to recommend that the office hours of Port officials on *holidays* be fixed at 10 A.M. to 12 (noon) as in the Customs department (*vide* paragraph 3 (*b*) of G.O., Revenue Department, No. 512, of 2nd July 1890), and that for work done before 10 A.M. and after 12 noon on holidays, Port officials be permitted to charge fees.

From Captain M. BEAN, H. M.'s I. M., Officiating Presidency Port Officer, to the Chief Secretary to Government, dated Madras, 4th May 1891, No. 474—178-G.

I have the honour to request that the views of Government may be obtained on the following points.

2. In clause (*c*), paragraph 3 of G.O., Revenue, No. 512, of 2nd July 1890, it is laid down that Port officers, who are also Sea Customs Superintendents, are to charge fees on their customs pay only for *customs* work done out of office hours and on close holidays, and that they will not be allowed to draw fees for the same period in both capacities. It was assumed from this that for *port* work these officers were to charge fees on their *port* pay only, and that for this work also they will not be allowed to draw fees in both capacities. In other words, the passage was taken to mean that fees could not be charged on the consolidated salary, unless service was rendered in both capacities. This view was communicated to the several officials holding the dual appointment of Port officer and Sea Customs Superintendent, and they were directed to regulate the levy of fees accordingly.

3. The expression "*for the same period*" occurring in the passage under reference has, however, led to a doubt. The Collector of Ganjam maintains that, even if services be rendered in both capacities during the same period, fees cannot be charged in both capacities. This would mean a loss, both to the officers and to Government, of the fees on the port side if it is held that the fee is to be levied on the customs pay only in such cases, and, in the absence of any specific ruling on the point, it

raises the further question why the fee should be charged on the *customs* pay at the rates fixed for the Customs department in preference to the port pay at the rates in force in the Port department. I forward, for the information of Government, copies of the correspondence* between the Port Officer, Gopálpur, and the Collector of Ganjam on the subject.

* Letter from Port Officer, Gopálpur, to Presidency Port Officer, No. 11—1309-F., dated 29th December 1890.
Letter from Collector, Ganjam, to Port Officer, Gopálpur, No. 538-Acc., dated 23rd December 1890.

4. I have, in communication with the Accountant-General, instructed the several Port officials concerned to continue to levy fees in accordance with the views expressed in paragraph 2 *supra*, but not to draw from the treasury the amount held under objection by the Collector which can hereafter be drawn by the officers or be refunded to the agents according as the views of Government may be on the question raised. I beg that early orders may be passed.

5. The simplest solution of the difficulty will be for officers to draw fees on their consolidated salary for all work in which they exercise the functions, both of a Port and Customs officer, *e.g.*, clearing or entering a vessel. In most ports there is no office work performed by the Port officer out of hours in his port capacity alone. When an officer attends office solely for custom house purposes, such as signing shipping bills, the fee might then be based on the customs pay only.

From N. A. W. HAMILTON, Esq., Port Officer, Gopálpur, to the Presidency Port Officer, Madras, dated Gopálpur, 29th December 1890, No. 11—1309 F.

In reference to your No. 474—237 C, of 5th December, I have the honour to state I have made out my fees bills for months of September, October and November accordingly, and the Collector refuses to pass them. I send you a copy of letter received from him, No. 538-Acc., of 23rd December. It is impossible to charge as he directs, as, if a vessel requires to enter and clear, the Port and Customs must work at the same time. If the Port Department is closed a vessel cannot work, and if the Customs Office is closed neither can the vessel work, so that it is obvious that the Port and Customs time must be the same. The Board's Proceedings, No. 277, of 7th July 1890, does not refer to the Port Department and never once mentions it, and as fees are charged at the rate of 2 days' pay for Sunday work on Port side, I am of opinion that one hour is the same as all day.

There has been much correspondence going on between this office and Collector relative to this question; therefore I request you will ask the Accountant-General to issue orders for the payment of Port fees bills.

From E. C. JOHNSON, Esq., Collector of Ganjam, to the Port Officer, Gopálpur, dated Chattrapur, 23rd December 1890, Ref. No. 538-Acc.

With reference to your letter, No. 11—1295, dated 18th December 1890, I have the honour to state that perusal of my letters, No. 6988, dated 30th October 1890, and No. 17 Eng., dated 7th November 1890, once more, will convince you what my interpretation is on G.O., No. 512, dated 2nd July 1890; you are, being a Port Officer and Superintendent of Sea Customs, only entitled to draw fees under clause C, paragraph 3, of the Government Order referred to.

2. You will have to charge $\frac{1}{4}$ of a day's pay for each hour of work done by you either on close holidays or out of office hours, and you are wrong in presuming that the fees would be the same for one hour as for all the day on Sundays. The above clause refutes your argument.

3. The working time given by you in the Sea Customs bills is the same as that given in the Port bills now received with your letter under reply, and you have charged fees in both capacities for the whole period; in other words, you have charged fees for S.S. *Secundra* on Sunday, the 2nd November 1890, from 4 to 12 A.M. on Sea Customs pay, and from 6 to 12 A.M. on Port pay, and you have thus charged $\frac{1}{4}$ of a day's pay for each hour on both capacities for the common period, which is not allowable under the clause above referred to.

4. You must state clearly in your Sea Customs bills from what hour to what hour you did Sea Customs work, without including the time spent for Port work. Similar information should also be given in Port bills. Fees for the former will be admitted on Sea Customs pay and for the latter on Port pay.

5. The bills are herewith returned for revision. If you give the particulars pointed out above in the revised bills, there will be no difficulty in passing them for orders of payment.

ORDER—dated 22nd June 1891, No. 272, Marine.

The office hours of Port officials on ordinary holidays will be fixed at from 10 A.M. to 12 (noon).

2. In regard to the later of the letters read above, it is observed that the Collector of Ganjam correctly interpreted the intention of Government. The necessary adjustments should accordingly be made.

3. The fees to be charged by those Port officers* who are also Superintendents of Sea Customs have been settled in G.O., No. 227, Marine, dated 25th May 1891, and G.O., No. 512, Revenue, dated 2nd July 1890. They will be subject to the following rules:—

* Bimlipatam. | Mangalore.
Gopálpur. | Vizagapatam.
Masulipatam.

(1) Fees for work done in both capacities may not be charged for one and the same period.

(2) If a Port officer has to act in his dual capacity at one and the same time, he may charge whichever fee would be the higher.

(3) For acting in his marine capacity, a Port officer may charge only one fee on any one day—*vide* paragraph 2 of G.O., No. 227, Marine, dated 25th May 1891.

4. The Government is further pleased to decide that all fees earned for Government by Port officers who are also Superintendents of Sea Customs shall be divided equally between Port and Customs funds.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Presidency Port Officer.
" Chairman, Harbour Trust Board.
" Revenue Department.
" Financial Department.
" Accountant-General.
" Collectors of Maritime Districts.

Exd. A. Raitt.

Govt. of {1891} Madras.

MARINE.

Issued

Recd. *Encl.*

G.O., 22nd June 1891, No. 272.

JUNE.

Office Hours and Fees.

Fixing the office hours of Port officials on ordinary holidays; laying down rules for the charge of fees by Port officers who are also Superintendents of Sea Customs; and deciding that fees earned by them for Government shall be divided equally between Port and Customs Funds.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—again the following papers:—

G.O., dated 13th May 1889, No. 204, Marine.
" " 19th June 1890 " 224 "
" " 4th July 1889 " 295 "
" " 2nd " 1890 " 512, Revenue.

READ—also the following papers:—

From R. W. BARLOW, Esq., C.S., Chairman, Harbour Trust Board, Madras, to the Chief Secretary to Government, dated Madras, 29th April 1889, No. 1528.

I have the honor to forward, for the information of Government, copy of Proceedings of a meeting of the Harbour Trust Board, held on Monday, the 15th day of April 1889, the same having been confirmed in circulation.

ENCLOSURE.

EXTRACT from Minutes of the Proceedings of a meeting of the Trustees of Madras Harbour, held at the Board's office on Monday, the 15th April 1889.

* * * * * *

3. Read letter from the Deputy Traffic Manager, Harbour Trust Board, No. 2864, dated 9th March 1889, regarding out-fees to employés of the Harbour Trust Board for work done on shore after 9 P.M.

Read minutes by Captain H. A. Street, Her Majesty's Indian Marine, and the Honorable Mr. J. A. Boyson.

Resolved, that overtime fees for work done on shore be paid as follows:—

From 6 P.M. to 9 P.M. .. .. ½ day's pay.
" 6 P.M. to 11 P.M. .. .. 1 "
" 6 P.M. to 6 A.M. .. .. 2 day's pay.

4. Read letter, No. 396, dated 15th March 1889, from the Deputy Conservator, regarding overtime fees to the crews of the Harbour Masters' and Preventive officers' boats.

Read minutes by Captain W. L. C. Baddeley, R.E., Captain H. A. Street, Her Majesty's Indian Marine, Mr. S. R. Turnbull, and the Chairman.

Resolved, that half a day's pay be sanctioned to Harbour Masters' and Preventive officers' boatmen working between 6 P.M. and midnight, and half a day's pay between midnight and 6 A.M.

Reference, dated 30th May 1889.

With reference to Resolutions 3 and 4 of the Proceedings of the Harbour Trust Board forwarded with the foregoing letter, the Chairman is requested to report for the information of Government—

(i) the legal authority under which overtime fees are levied, and from time to time modified, by the Board;

(ii) the rates in force prior to the passing of these resolutions;

(iii) the salaries and designations of the officers to whom such fees are allowed, and the average amount of the fees;

Govt. of {1891} Madras.

MARINE.

Issued

Recd. *Enel.*

G.O., 22nd June 1891, No. 272.

JUNE.

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4. Read letter, No. 396, dated 15th March 1889, from the Deputy Conservator, regarding overtime fees to the crews of the Harbour Masters' and Preventive officers' boats.

Read minutes by Captain W. L. C. Baddeley, R.E., Captain H. A. Street, Her Majesty's Indian Marine, Mr. S. R. Turnbull, and the Chairman.

Resolved, that half a day's pay be sanctioned to Harbour Masters' and Preventive officers' boatmen working between 6 P.M. and midnight, and half a day's pay between midnight and 6 A.M.

Reference, dated 30th May 1889.

With reference to Resolutions 3 and 4 of the Proceedings of the Harbour Trust Board forwarded with the foregoing letter, the Chairman is requested to report for the information of Government—

(i) the legal authority under which overtime fees are levied, and from time to time modified, by the Board;

(ii) the rates in force prior to the passing of these resolutions;

(iii) the salaries and designations of the officers to whom such fees are allowed, and the average amount of the fees;

(iv) the manner in which the fees recovered from the public are exhibited in the accounts and budget estimates of the Board; and, if they are not included therein, the nature of the large expenditure of Rs. 4,000 estimated to be paid in 1889-90 (G.O., dated 9th March 1889, No. 148, Financial);

(v) the principles on which these fees were regulated prior to the passing of the resolutions in question—whether in proportion to the salaries of the officers employed or on the character and amount of the work done.

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

To the Chairman, Harbour Trust Board.

From Sir RICHARD BARLOW, *Bart.*, C.S., Chairman, Harbour Trust Board, Madras, to the Chief Secretary to Government, dated Madras, 2nd July 1889, No. 2363.

I have the honor to acknowledge Reference on Marine Current No. 422, dated 30th May 1889, and to report *seriatim* on the points raised.

2. (i) The legal authority under which the Board act is section 21 of Act II of 1886.

3. (ii) Previons to the constitution of the Trust, the rates of overtime fees were, under G.O., No. 210, Marine, dated 20th May 1884, as below :—

	RS.	A.	P.
For working beach, pier and inner-yard for more than one vessel, as is now almost invariably the case	60	15	6
For working Cash Department H.D. establishment	19	10	8
Overtime for work on the pier 6 to 9 P.M.	20	0	0
Total ..	100	10	2

In his letter, No. 10399, dated 12th November 1884, the late Captain Taylor proposed a new scale, viz.—

	RS.	A.	P.
For attendance on Sundays and holidays	60	0	0
„ overtime 6 to 9 P.M.	20	0	0
Total ..	80	0	0

to be divided amongst the establishment doing duty, and he at the same time proposed to pay this out of Harbour dues collections, instead of charging the steamers which worked. These proposals were approved in G.O., No. 538, Marine, dated 10th December 1884.

Captain Taylor further, on the 14th February 1885, reported, in his letter, No. 1252, that "while all vexatious disputes with merchants have been obviated," the charges (at the rates sanctioned in G.O., No. 538, above quoted), amounted to Rs. 755 for overtime for the previous month, and he proposed an amended scale which he calculated would come to only Rs. 247-6-5 per mensem. This was approved in G.O., No. 71, Marine, dated 21st February 1885, but the scale does not appear to have worked satisfactorily, and shortly after the constitution of the Trust, after careful consideration and discussion, and on the motion of the late Captain Taylor, overtime remuneration was fixed at the rates resolved on in Board's Resolution, No. 2, dated 16th September 1886, recorded in G.O., Marine, No. 555, dated 4th October 1886. This scale is still in force, though it only contemplates work to 9 P.M.

With improved machinery appliances and communication, however, and more liberal treatment of steamers—which are now allowed to work all night, and leave the harbour at any hour of the same, under special permission from the Collector of Sea Customs and the Deputy Conservator respectively—the staff can now be called on to work longer hours, and the resolution under reference, No. 3, dated the 15th of April 1889, was passed to meet the altered circumstances.

4. (iii) I submit herewith a list of the Harbour dues establishment, showing in detail the average amounts paid to each individual in 1888-89; a similar list was submitted to Government in 1887 with my No. 677, dated 13th May of that year.

5. (iv) The Trustees in 1886 adopted the practice they found in existence, *i.e.*, paid these fees from the Harbour dues collections, and further did not approve of collecting them from the public, being of opinion that the rates of Harbour dues should be fixed on such a scale as to include such charges, overtime work being an absolute necessity at this "Port of call" to accelerate despatch, while all petty extra charges ought to be avoided, as far as possible. I may remark in this connection, though Government is well aware of it, that steamers *must* be allowed to work after hours, and on all Sundays and holidays, while even on ordinary days, work must go on on the Pier after hours, as vessels unload up to 6 P.M., and present appliances, though greatly improved, cannot provide for boats being unloaded as quickly as they come alongside with cargo. The sum of Rs. 4,000, estimated to be paid during 1889-90 (G.O., Financial, No. 148, dated 9th March 1889), is provided to meet these overtime charges, and will probably not more than suffice.

6. (v) The principles on which overtime fees have been regulated by the Trust are (*a*) that they are not paid to any controlling officers (I do not here include conservancy, recently added to the Trust's duties) but to the upper subordinate and subordinate officers of the Board who are required, in the public interests or in the interests of the Trust, to work beyond the usual working hours, which are long, being from 6 A.M. to 6 P.M. for "outdoor," and from 10 A.M. to 6 P.M. for "office" establishments; (*b*) payments are made to individuals in proportion to the salaries of those employed; (*c*) the staff to work overtime is selected daily, and is checked by the Secretary, in reference to the amount of work to be done.

From Captain H. A. STREET, H.M.'s I.M., Presidency Port Officer, to the Chief Secretary to Government, dated Madras, 19th July 1889, No.474-299-G.

In compliance with the instructions contained in the concluding portion of paragraph 2 of G.O., No. 295, Marine, dated 4th July 1889, I have the honor to submit the following remarks for the information of Government, viz., that "Messrs. Binny and Company and others," in submitting that the fees payable to Port and Marine officers for services on holidays and out of office hours might with advantage be reduced, because arrivals and departures are much more frequent than when the scale on which the present charges are based was sanctioned, have evidently overlooked the fact that, as arrivals and departures increase, so does the work of the Port Officer and his establishment, and that by rule 5 of G.O., No. 493, dated 28th August 1877, a fee is not charged for each vessel when one or more vessels enter and clear on the same day and ship and discharge cargo at the same time, but that the fee, which is of the same amount as if only one vessel was working, is paid by the agents or owners of the vessels which have worked in equal proportion. It is true that there has been a small increase in the number of fees paid, but this is to a great extent due to work attended to on Sundays and holidays. The amount of the fees on account of work done out of office hours remains much about the same. At ports like Negapatam, Bimlipatam and Vizagapatam, the Port Officer and his establishment have constantly to attend at office on a Sunday, because the B. I. S. N. Co.'s Agents have so arranged that steamers on the Madras and Rangoon line shall either arrive or leave these ports on that day. The Port Officer at each of the ports named has, consequently to give up the whole day on Sunday for the benefit of the B. I. S. N. Co.—at Negapatam he is frequently at his office on a Sunday from 6 A.M. to 6 P.M.—and the fee gained in no way compensates him for the constant loss of a day of rest—a day which, as a rule, every other Government servant is able to enjoy. It may be said that during certain other days of the week the Port Officers' duties are light, but when there is no relief from office work during the whole seven days of the week, and a man has to attend *nolens volens* on the day upon which the greater number of Government servants are accustomed to

abstain from work, he is apt to consider that his interests are made subordinate to those of any mercantile firm, which finds it to their pecuniary interest to treat Sunday as any other day of the week. If the fee for extra work is reduced, as recommended by "Messrs. Binny and Company and others," I think that working out of hours and on Sundays and holidays will increase to an enormous extent and that Port officials will not be sufficiently remunerated for the extra labour which they will have to perform for the pecuniary benefit of Steamers' Agents, or be able without assistance to deal with the continual extra work which would be required of them. If the number of vessels requiring to be attended to on days and at times when fees are admissible is increasing, so also does the extra work increase which devolves on the Port Officer and his establishment—in cases where native passengers are embarking the work is still more arduous as it entails at some ports his going afloat to inspect the vessel, &c.—and as previously pointed out the fee leviable is the same whether there is one or a dozen vessels working, and the Steamer Agents are much more benefited in such cases than the Port Officer and his establishment.

2. Taking all the circumstances connected with overtime and holiday work into consideration, I submit that "Messrs. Binny and Company and others" have not afforded sufficient evidence that the officials of the Port Department, who have to give up their spare time for the pecuniary benefit of the Steamer Agents, are in any way excessively remunerated. Where pecuniary interests are involved mercantile firms are not inclined, as a rule, to be considerate in any way, and judging from the correspondence which passed between Messrs. Binny and Company and my predecessor on the subject of fees, and the views expressed by that firm in the letter under reference, it seems to me that the aim of the Madras agents of the B. I. S. N. Company is to obtain for the special benefit of that Company the free services of Port officials at all times, and failing that, to procure such services at as low a rate as Government can be got to sanction without any regard to the extra work performed, or the loss of rest which such extra services involve. In fact, I am inclined to think that the agents of the coasting steamers desire to introduce that system of continuous work which obtains on board of these vessels throughout the seven days of the week where cargo work is concerned.

3. None of the firms which have signed the letter under reference are interested to as great extent in the matter of fees as the agents of the B. I. S. N. Company except in respect to the fees which they have to pay for work done during the Christmas and Easter Holidays. It is very seldom that any of these firms find it necessary to work at other times when payment of a fee is involved, and the fact of these firms having signed Messrs. Binny and Company's letter in my opinion does not add to its importance.

4. In paragraph 2 of the letter under reference it is pointed out that personal fees of all descriptions to officials is "objectionable," and in this view I entirely concur, but I would point out that the friction which it is stated is caused by the levy of such fees is due *not* to any improper action on the part of the Port officials, but to the dislike to pay fees, legally due on the part of the Steamer Agents, unless actually forced to do so. I submit that this view will be found correct, if reference is made to all the correspondence which for years had passed between the B. I. S. N. Company's Agents and Port officials both at Madras and out-ports on the subject of fees.

5. Paragraph 3 of the letter under reference fully, in my opinion, sets forth the view of the B. I. S. N. Company's Agents., viz., that they see no objection to Government paying the Port officials liberal salaries, but that they decidedly object to subscribing towards that end themselves, by paying for the extra services which they from time to time require of Port officials. That the salaries of the majority of Port officials are inadequate even for the ordinary duties of their office is, I think, a fact that is generally acknowledged, but that these salaries should be raised without any assistance in the shape of fees from the Steamer Agents, who for their own interests work out of usual office hours and on holidays and Sundays, is a view which I am unable to accept. The Government have always recognized the principle of payment being made for extra work performed for mercantile firms by Port officials, and the Government of India in paragraph 5 of Finance and Commerce Department letters

No. 1408, dated 18th March 1889, * to the Chief Secretary to the Government of Madras, state that "there is no objection to the levying of fees in order to prevent undue pressure of work on Sundays or holidays or for any other reason," and unless this principle is maintained mercantile firms will benefit largely at the expense of Government. I therefore submit that fees should be required in cases of all extra work, and that for Sunday work the fee should be heavy enough to prevent all, but really necessary work. At Bombay there is little or no work on a Sunday, because a fee of Rs. 200 has to be paid to Government, and at Colombo, which is, as "a port of call," the busiest in the east, work on Sundays is only permitted in the case of mail steamers, but occasionally, and under *very* exceptional circumstances, the rule prohibiting work is relaxed in the favor of other vessls, and the B. I. S. N. Company's coasting steamers calling at that port seldom, if ever, apply to work. If the fee for working on a Sunday at Madras and at outports is considerably increased, I feel certain that the B. I. S. N. Company's Agents would so arrange their time-tables that the travelling public would not be seriously inconvenienced, and that the mail contract would still be carried out with the same regularity, even if it became necessary to place an extra vessel on the contract line. I therefore submit that Government are not called on to permit Sunday work, because it is to the interest of the B. I. S. N. Company to run the mail contract on lines best suited to meet their pocket.

6. Working on Sunday, except on occasions of emergency, is seldom, if ever, required of Government servants, and in the case of B. I. S. N. Company's steamers, Sunday work, I have repeatedly heard, and believe to be true, is totally opposed to the principles of the Managing Director of that Company, Sir William Mackinnon. In fact, an order was issued by the Director of the Company, some time ago, prohibiting work on a Sunday on board of B. I. steamers, except under very exceptional circumstances. As Sunday is recognized in all Christian countries as a day of rest for all classes, and especially in countries under the British Flag, I respectfully submit that Port officials should not be required to work for the pecuniary benefit of the Agents of mercantile firms on that day, unless in cases of great emergency, when the safety of human life or of a ship is concerned, or grave public interests are involved; and also that, in consequence of the tendency to treat the day in the same light as any other day of the week, the time has now arrived for reconsidering, in the interests of Port officials, the Government order which sanctioned working on Sunday. Indeed, I am of opinion that an order prohibiting work on a Sunday, except in cases where public interests are served, would be hailed as a boon by all classes of the shipping community, except perhaps by those persons pecuniarily interested in working on that day.

7. With respect to the proposal contained in paragraph 7 of the letter under reference, to limit the number of days on which fees may be charged to Sundays, Christmas and New Year's day and Good Friday, I would point out that so doing would place the Port officials on quite a different footing from any other Government servant, as they would lose the benefit of the closed holidays sanctioned by Government—in fact although the Christmas holidays extend for 13 days, on only eight of these days is a fee leviable, including Sunday. I therefore submit that the closed holidays specified in rule 2 of G.O., No. 493, of 28th August 1877, should not be reduced. The fees to be paid might be reduced to one day's full pay when work has to be transacted on gazetted holidays other than Sunday, Christmas day, New Year's day, Good Friday, Easter Monday and the Queen's Birthday. On Sundays I think that a fee of four days' pay should be charged and on the other special days above mentioned two days' pay. The object of charging four days' pay on a Sunday is to stop work on that day as far as practicable, should Government not see their way towards prohibiting work altogether.

8. The overtime fees might stand, as the work which a Port official might have to transact is not outdoor work, but business connected with the clearing and entering of the vessel and granting the necessary certificates, all which involves the

* *Vide* G.O., dated 30th March 1890, No. 211, Financial.

attendance at office of himself and his establishment either before or beyond the usual office hours, viz., 10 A.M. to 5 P.M.

9. With respect to the fees which have hitherto been admitted to the Agent for Government Consignments, I consider that fees should only be chargeable when permission has been given to a vessel to land or ship cargo on the days marginally specified. During the remaining Christmas and Easter holidays, departments, as a rule, only ship stores urgently required, and of course the attendance of the Agent for Government Consignments would then be a matter of duty. Landing of Government stores during close holidays, other than those specified, is in the interests of Government and therefore no charge on these days for the attendance of the Agent for Government Consignments, or of his establishment, seems necessary.

Sunday, Christmas day, New Year's day, Good Friday, Queen's Birthday.

10. Before I can submit the departmental circular called for in paragraph 11 of G.O., No. 224, Marine, dated 25th May 1889, I submit it is necessary that I should be informed whether Government approve of the suggestions herein made respecting the days for which a fee should be charged, and the amount of such fee.

From Sir RICHARD BARLOW, *Bart.*, C.S., Chairman, Harbour Trust Board, to the Chief Secretary to Government (through the Presidency Port Officer), dated Madras, 26th July 1889, No. 426-C. :—

I have the honor to acknowledge the receipt of G.O., No. 295, Marine, dated 4th instant, and submit, herewith, for the information of Government, copy of resolution No. 6 passed at the last meeting held on the 23rd instant.

ENCLOSURE.

Extract of Proceedings of the Trustees of the Harbour of Madras, at a meeting held at the offices of the Board on Tuesday, the 23rd day of July 1889.

* * * * *

6. Read G.O., No. 295, Marine, dated 4th July 1889, passing orders on suggestions made by various shipping firms at Madras on the general question of the levy of overtime and pilotage fees.

Read Chairman's note thereon.

Read minutes by the Honorable Mr. J. A. Boyson, Mr. Mirza Mehdy Ispahani, Captain H. A. Street, H.M.'s I.M., and the Chairman.

Read reference on No. 422 of 1889, and the Chairman's reply, No. 2363, dated 2nd July 1889.

Resolved unanimously that the Board adhere to their resolution No. 3, dated 18th June 1889.

* * * * *

No. 474—319-G.

Forwarded.

H. A. STREET,
Captain, H.M.'s I.M.,
Presidency Port Officer.

From G. McWATTERS, Esq., C.S., Chairman, Harbour Trust Board, Madras, to the Chief Secretary to Government (through the Presidency Port Officer), dated Madras, 25th November 1889, No. 2747-A.

The Accountant-General requires the sanction of Government before passing overtime fees to Harbour Masters' boatmen and catamaran men. I have therefore the honor to forward herewith copies of Resolutions, Nos. 4 and 10, passed by the Trustees at their meetings of 15th April and 23rd July 1889, respectively, sanctioning payment of the same for working after hours; and request that sanction may be accorded to their payment from Pilotage funds.

ENCLOSURES.

EXTRACT of Proceedings of the Trustees of the Harbour of Madras, at a Meeting held at the Offices of the Board on Monday, the 15th day of April 1889.

* * * *

4. Read letter from the Deputy Conservator, No. 396, dated 15th March 1889, regarding overtime fees to the crews of the Harbour Masters' and Preventive Officers' boats.

Read minutes by Captain W. L. C. Baddeley, R.E., Captain H. A. Street, Her Majesty's Indian Marine, Mr. S. R. Turnbull, and the Chairman.

Resolved,—that half a day's pay be sanctioned to Harbour Masters' and Preventive Officers' boatmen working between 6 P.M. and midnight, and half a day's pay between midnight and 6 A.M.

* * * *

EXTRACT of Proceedings of the Trustees of the Harbour of Madras, at a Meeting held at the Offices of the Board on Tuesday, the 23rd day of July 1889.

* * * *

10. Read letter from the Deputy Conservator of the Port, No. 1287, dated 18th July, pointing out the necessity of the attendance of catamaran men after hours for letting go vessels' stern-fast ropes from the mooring buoys; and also submitting a bill for overtime fees for June 1889 for this service.

Read minutes by Captain H. A. Street, H. M.'s I. M., and the Chairman.

Sanctioned.

No. 545-502-G.

Forwarded for necessary sanction.

(Signed) H. A. STREET, Captain, H.M.'s I.M.,
Presidency Port Officer.

26th November 1889.

From the Chairman, Harbour Trust Board, Madras, dated 18th February 1890, No. 3826-A.

ABSTRACT.—Requesting to accord early sanction for the payment of Harbour Masters' Boat crew out-fees from Pilotage Fund.

From the Chairman, Harbour Trust Board, Madras, dated 24th April 1890, No. 239-A.

ABSTRACT.—Requesting that early sanction may be accorded to the payment of out-fees to Harbour Masters' Boat crews from Pilotage Funds.

READ—again G.O., dated 22nd May 1890, No. 201, Marine.

READ—also the following papers : –

From Messrs. BINNY AND COMPANY, Agents, British India Steam Navigation Company, Limited, to the Chief Secretary to Government, dated Madras, 15th July 1890.

We have the honor to invite the attention of Government to our letter, dated 13th ultimo. We are informed that the Harbour Trust Board has submitted, for the sanction of Government, the following additions to its scale of rates under section 45 of Act II of 1886, viz. :—

(V) The following extra fees will be charged to vessels applying to work after the usual hours and upon Sundays, Christmas day, New Year's day, Good Friday, Easter Monday and the Queen's Birthday :—

(*a*)	From 6 P.M. to 9 P.M.	Rs. 20 each ship.
(*b*)	„ 9 „ to midnight	„ 30 „
(*c*)	„ midnight to 6 A.M.	„ 50 „
(*d*)	On Sundays and upon the above-mentioned holidays	„ 50 „

2. We respectfully submit that these rates are *ultra vires*. Section 45, under which they are professed to be levied, does not authorise the charges, and section 70, under which the Board desires its powers to frame bye-laws, does not contemplate or provide for the framing of a bye-law to close the port for any number of days the Board may elect to specify.

3. As Government is aware, the Collector of Sea Customs is the sole authority for granting permission to vessels to discharge on arriving at this port and to work on Sundays and holidays, and it is, we submit, very desirable that this arrangement should not be disturbed. Moreover, section 51 of the Act specially provides that nothing in the Act shall affect any power vested in the Chief Officer of Customs.

4. If the Government, however, rules that the view we have expressed of this question is incorrect, we would venture to submit that the proposed scale is much too high. Under it, for instance, 5 or 6 steamers, working each for a few hours on a holiday, would be liable to pay 250—300 rupees, and we ourselves frequently have 4 or 5 steamers working one day.

5. The whole question of these fees has already been disposed of by Government who, as the result of representations from the Agents of steamers and the Master Attendant, issued their Order, No. 538, Marine, of 10th December 1884, sanctioning the following scale of fees for Harbour Trust employés working on Sundays and holidays— these fees to cover all vessels working ;—

For attendance on holidays and Sundays, a lump sum of Rs. 60.	To be divided between such of the establishment doing duty.
For overtime work 6 to 9 P.M., Rs. 20 ...	To be divided between such of the establishment doing duty.

6. They further directed that these fees be a charge against the Harbour Trust revenues and not to steamers. We are not aware that the Government order referred to has ever been cancelled or superseded, and we submit there is no more reason now, than there has been at any time since it was issued in 1884, why that Government order should be disturbed. From the time, however, that the Board decided to recoup these charges from the shipping, the bills rendered to the Agents appeared to be somewhat inconsistent with G.O., No. 538. As an instance in point, we may mention that we gave notice of expected arrival of the *India* on Sunday the 8th ultimo. The steamer, however, arrived too late on that day to render it worth while to work, and a bill for attendance of staff, &c., was preferred to us by the Board. We enclose a copy herein.

7. The charge for coolies is quite a novel item introduced now for the first time and is an indication of the tendency, of which we have already complained, of these indirect charges to increase when they are not subject to the restraining influence of the annual scrutiny of accounts by Government. We submit that there is no authority in the Act for the charges in the bill, and have asked the Board to inform us under what section it is preferred.

8. The natural disadvantages of Madras as a port of call are great and do not require to be aggravated by unnecessary delays and expenses. The discontinuance by the P. and O. and other lines from calling here is in the main due to the delay entailed on a large steamer calling for the discharge or embarkation of a small proportion of her cargo, and the heavy dues she has to pay, and the late proposal of the Board to levy from the steamer an additional charge of Re. 1 per cargo boat, or, say, annas 2 per ton on all cargo landed or shipped on a Sunday or holiday, was enough to alarm the representatives of shipowners. We submit that a ship having paid port and pilotage dues should be free from further charges and that all overtime fees the Board elects to encourage should be paid by itself and that if it is found that the shipping contributes too little to the revenues of the port, the inequality can be adjusted by raising port and pilotage dues to the necessary extent. The advantages of this would be that there would be some check by Government over these personal fees and the shipowner could form an accurate idea of the dues to which he would be liable by sending his vessel here.

From G. McWATTERS, Esq., M.A., C.S., Chairman, Harbour Trust Board, to the Chief Secretary to Government, dated Madras, 18th July 1890, No. 2749.

In reference to G.O., dated 22nd May 1890, No. 201, I have the honor to submit, for approval, a revised scale of rates under section 45, Act II of 1886, embodying, as desired by Government, only such rates as are new or require modifications.

2. The rates preserved in force by the saving clause of section 45, Act II of 1886, were originally Rs. 1-9-6 and Rs. 1-5-6 per ton, according as goods were landed at the pier or beach, but were afterwards reduced to Re. 1 and annas 12 respectively. The rules providing under section 5, Act VI of 1882, for the manner in which these rates were to be levied, are no longer in force, and the Trustees consider it advisable, in the first instance, to define the word "ton."

"Ton," then, is taken to start with as the equivalent of 50 cubic feet or 210 Imperial gallons.

3. The first proposal the Board desires to make is in regard to the consolidated rate of 1 rupee per ton now charged on goods which are taken to the pier ; seeing that the Trust has numerous other cranes in work besides those on the pier, it is thought that it would be more convenient if the difference between the beach rate of 12 annas and the pier rate 1 rupee (viz., 4 annas) were taken separately as cranage. The rate for landing goods then, whether on the pier or beach, would be the uniform one of 12 annas per ton.

4. A temporary concession, which will not appreciably affect the revenue, and which is considered reasonable, is proposed to be granted in respect of goods manifested for transhipment. These are to be charged on landing only.

5. Some things cannot conveniently be either weighed or measured, and it is proposed to charge such by the package, such as bullion or coin ; and new rates are fixed for animals. These are taken at half the cranage rates they would have to pay if taken over the pier. Elephants will not be allowed to be shipped or landed by the pier.

6. The next item is porterage. This has occasioned considerable discussion, and there is a difference of opinion about it. The appropriateness of the scale itself is not in question, as it has already been approved by Government. The point in dispute is as to whether the Trust can monopolise the conveyance of foreign imports from the beach to the Custom House, or to any place set apart on the Board's premises for their reception, and charge for doing so.

The Trust does not propose to handle coast cargo but only foreign goods, and these, unless excepted by the Collector of Sea Customs, must be carried from the place of landing to the Custom House by some one—by the consignees themselves or their agents or by the staff employed by the Harbour Trust Board. Can the Board insist on doing this work to the exclusion of every one besides ?

A reference to the import porterage scale printed in the *Fort St. George Gazette* of the 1st May 1888, pages 300-301, will show that it is divided into a set of rates for the beach and a different set for the pier.

The Harbour Trust Board is supposed to defray the expenses of working the pier out of the additional 4 annas per ton charged on goods brought to the pier. The set of rates as regards the pier is virtually for receiving the goods in the Custom House and stacking them there and delivering them. The pier work properly ends at the shore end of the pier, and this was the place fixed for the reception of pier goods in the rules issued under Act VI of 1882; but it was found impracticable to work these rules, and the Harbour Board having the goods on their trucks took them straight into the Custom House. This has been the practice since the pier was constructed. In regard to beach goods, however, the porterage scale represents the cooly hire for carrying the goods to the Custom House and for sorting, stacking and delivering them there. Section 45, Act II of 1886, has no item or clause that embraces such porterage. If bye-law No. 4 is legal and the Board has the right to monopolise the work of carrying to the Custom House, the only legal way that the fees can be incorporated into the scale is by adding them *pro tanto* as an additional landing charge, as the Trustees propose.

The Harbour Board employed a contractor for three years to do the pier work only, and the payments it had to make the contractor were—

	Rs.	A.	P.
In 1887-88	18,999	15	7
,, 1888-89	19,345	3	9
,, 1889-90	23,117	9	7

The contract expired on the 28th February 1890, and since then the Harbour Board has been doing the pier work and beach work with its own staff with the result that in the four months ending 30th June the savings amounted to Rs. 12,442. The year's surplus would be, probably, close on 36,000 rupees. This would cover the amount paid hitherto to the pier contractor, defray the cost of the preventive service, and eventually justify a reduction of the porterage fees, in the interests of the consignees. The Trustees, with one exception, are strongly in favor of the porterage work, to the extent indicated, being done by the Board, both as being the most satisfactory to every one concerned, and as being the only way for properly regulating the working of the Harbour—one of the ends and aims of the Madras Harbour Trust Act.

7. As there was a difference of opinion as to the Board's power under the Act to monopolise the porterage, the question was referred to Mr. Kenworthy Brown for his opinion. His opinion is submitted in original. Mr. Kenworthy Brown is of opinion that the Harbour Board has no authority under bye-law No. 4 to monopolise the porterage to the extent above proposed. On the other hand, Mr. Michell, whose opinion has been kindly placed at the disposal of the Board by Messrs. Arbuthnot and Company, and which is also submitted in original, is of opinion that the bye-law is valid, so far as the removal of the goods from the beach is concerned; but he thinks that the Harbour Board has no power to frame a scale, or charge fees for the removal. If it undertakes the work, it must do it at its own expense. If Mr. Michell's view is correct, then the inclusion of the porterage fees as an additional *pro tanto* landing charge would be perfectly legal, and this is what the Trustees have proposed. Another way would be by amendment of section 45. If Mr. Brown's view is adopted by Government, and I think it is the sounder of the two, the Trustees would strongly urge the amendment of the Act to give the Trust the necessary power. The Act requires amendment, as often pointed out in several other respects.

8. The next point also requires special notice. It regards bye-law No. 2. The Trustees have held that the bye-law gives them authority to refuse to work after hours or on Sundays or holidays, and that if they choose to relax the strictness of the bye-law, and set apart a staff to attend to work after hours or on Sundays or holidays at the request of the ship's agents, the Board is entitled to charge reasonable fees. The point was also referred to Mr. Kenworthy Brown (*vide* opinion submitted) whose views agree with those of the Harbour Board. The fees proposed to be charged are extremely moderate.

9. A maximum fee of 10 rupees is entered for wharfage. It is the only word under which rent for occupying the foreshore or wharf can be brought.

10. The cranage rates are very simple. The small cranes on the pier can only lift 10 cwt.; up to this limit 4 annas a ton is the charge,

This comprises the bulk of both imports and exports. The steam or large cranes have to be employed for weights over 10 cwt. and less than 2 tons, and the charge is Rs. 1-8-0 per ton; while for larger weights still, such as boilers and heavy bridge-work, the largest cranes have to be used, and the charge is Rs. 2-8-0 per ton. The other items call for no remarks. The scale is lower, except for boilers, &c., than that now levied at the pier or than what was at first proposed in my letter of the 22nd March 1890.

11. The storage and demurrage rates as regards the Board's premises have been adopted very closely from the scales in force under the Sea Customs Act in the Custom House, and call for no explanation.

12. As regards the fee of 4 annas per ton for each loaded railway vehicle, it has to be explained that it is the Harbour Board's own engines that do the shunting and hauling. The rates levied by the Bombay Port Trust vary from 2 to 5 annas per ton. The lines have been built from General Funds, but it is considered only right that those for whose convenience they were laid, and who specially benefit by their use, should pay for the full cost of haulage and upkeep, which the proposed charge will barely be sufficient to defray.

ENCLOSURES.

The following modifications and additions to the scale of rates in force have been framed by the Trustees of the Madras Harbour under section 45, Act II of 1886:—

Section 45 (a).—*I. On goods landed or shipped at any wharf, pier or dock in the possession or occupation of the Board*—

(i) Annas twelve per ton of 50 cubic feet, or 20 cwt. or 210 Imperial gallons, *provided* that goods manifested for transhipment shall, if landed and reshipped, pay no charge for Harbour dues upon reshipment.

(ii) For each package of bullion or coin, one rupee per package.

(iii) For each elephant, Rs. 15.
For each horse, Rs. 2-8-0.
For each pony, Rs. 1-4-0.
For each bull, bullock, or cow, 8 annas.

(iv) When porteraged by the Trustees under bye-law No. 4, the scale of rates for import porterage published in the *Fort St. George Gazette*, pages 300 and 301, dated 1*st May* 1888, will be charged in addition to the above.

(v) The following extra fees will be charged to vessels applying to work after the usual hours and upon Sundays, Christmas day, New Year's day, Good Friday, Easter Monday and the Queen's Birthday:—

(*a*) From 6 P.M. to 9 P.M., Rs. 20 each ship.
(*b*) ,, 9 P.M. to midnight, Rs. 30 each ship.
(*c*) ,, midnight to 6 A.M., Rs. 50 each ship.
(*d*) On Sundays and upon the abovementioned holidays. } Rs. 50 each ship.

II. For the wharfage of goods at any wharf in the possession or occupation of the Board—

(i) A charge not exceeding Rs. 10 per ground per mensem.

III. For the cranage of goods at any wharf, pier or dock in the possession or occupation of the Board, as per following scale:—

	Rs.	A.	P.	
Not exceeding 10 cwt. per package, at the rate of ...	0	4	0	per ton.
Exceeding 10 cwt. per package, at the rate of ...	1	8	0	,,
Steam boilers, machinery in pieces, iron girders, beams, frames, bridge-work, &c., each package exceeding 2 tons in weight, at the rate of ...	2	8	0	,,
Four-wheeled carriage ...	3	8	0	each.
Two do. do. ...	2	0	0	,,
Horse	5	0	0	,,
Pony	2	8	0	,,
Bull, bullock or cow ...	1	0	0	,,
Pianoforte	3	8	0	,,

IV. For the storage of goods at any wharf, pier or dock in the possession or occupation of the Board not removed for home consumption or shipment within three days from the date of landing or of deposit thereat—

From the expiration of the three days allowed free, and for a period not exceeding fourteen days—

The rates per mensem contained in schedule B of Notification, dated 5th February 1884, published in the *Fort St. George Gazette*, dated 19th idem. Any other article not enumerated therein, one anna per mensem per bag, bale, case, cask, package, maund or ton, according to its nature.

V. For the demurrage of goods at any wharf, pier or dock in the possession or occupation of the Board—

For the first seven days after the expiration of the fourteen days allowed for storage under section 45 (*a*) (iv), double the rates chargeable for storage.

For the second period of seven days, and for each period of seven days thereafter, treble the rates chargeable for storage.

Section 45 (*c*).—*VI. For * * * vehicles carrying goods to or from or entering upon * * * * * * any wharf or pier in the possession or occupation of the Board—*

For each loaded Railway vehicle annas 4 per ton of capacity per trip.

MADRAS,
11*th July* 1890.

(Signed) C. PINSENT,
Secretary, Harbour Trust Board.

EXTRACT of Proceedings of the Trustees of the Harbour of Madras, at a Meeting held at the Offices of the Board on Friday the 11th day of July 1890.

* * * * *

8. Read G.O., No. 224, Marine, dated 19th June 1890, communicating to Messrs. Gordon, Woodroffe and Company the Chairman's letter stating that permission to work the S.S. *Hazelbranch* on a Sunday was refused under one of the Board's bye-laws, as a case of emergency was not made out.

With reference to paragraph 2 of the above Government order, the Chairman submitted to the Trustees a suggested addition to the scale of rates to be framed under section 45, Act II of 1886, being extra fees to be charged to vessels applying to work after the usual hours and upon Sundays, Christmas day, New Year's day, Good Friday, Easter Monday and the Queen's Birthday.

Approved, one of the Trustees dissenting.

* * * * *

(True Extract.)

(Signed) C. PINSENT,
Secretary, Harbour Trust Board.

EXTRACT of Proceedings of the Trustees of the Harbour of Madras, at a Meeting held at the Offices of the Board on Friday the 11th day of July 1890.

* * * * *

9. Read again modifications and additions to the scale of rates framed under section 45, Act II of 1886, as passed (No. 2) by the Trustees at their meeting of 27th June.

Read Counsel's opinion, dated 12th October 1887, placed at the disposal of the Board for their information by Messrs. Arbuthnot and Company in reference to bye-law No. 4.

Read note by the Chairman and minutes thereon by Captain H. A. Street, H.M.'s I.M., Mr. Oakes, Mr. Mirza Mehdy Isphani, the Honorable J. A. Boyson, Mr. VansAgnew and Mr. Cowasjee Eduljee Panday.

Resolved,—that the scale, as now amended, be submitted to Government with the opinions of Counsel in original.

* * * * *

(True Extract.)

(Signed) C. PINSENT,
Secretary, Harbour Trust Board.

READ—again the following paper :—

G.O., dated 5th August 1890, Mis. No. 291, Marine.

Read—the following letter from G. McWATTERS, Esq., M.A., C.S., Chairman, Harbour Trust Board, to the Chief Secretary to Government, dated Madras, 15th July 1890, No. 2683 :—

I have the honor to submit, for the orders of Government, copy of a resolution of the Trustees of the Harbour, passed at their last meeting, exempting seamen's effects from Harbour dues when landed or shipped.

2. In their resolution No. 2, dated 8th March 1889, the Board exempted such articles from Harbour dues when landed, and this should have been submitted to Government for approval, but appears to have been overlooked; and I would request sanction to the present resolution which exempts seamen's effects both upon landing and shipping.

3. The refund now applied for by Messrs. P. Ramanjulu Naidu and Sons is for the sum of Rs. 3, the charge upon the kit of a whole crew for the S.S. *Menatchy*.

4. The proposed concession is of no practical importance as regards the revenues of the Trust, as will be seen from the fact that the charge payable by a full crew is so small in amount; but, unless seamen's effects are allowed to pass free, each individual who is landed and sent to hospital or discharged for any reason, has to pay 4 annas upon probably a box containing a few old articles of clothing, and this is a charge which the Trustees consider should not be levied upon seamen.

ENCLOSURES.

No. 31.—The following minutes of the Proceedings of a meeting of the Trustees of the Madras Harbour held on Friday the 8th March 1889 :—

* * * * *

2. Read letter No. 295, dated 26th February 1889, from the Deputy Conservator of the Port of Madras, suggesting that Harbour dues need not be charged on seamen's effects landed.

Read minute by Mr. S. R. Turnbull.

Sanctioned.

* * * * *

EXTRACT of Proceedings of the Trustees of the Harbour of Madras, at a Meeting held at the Offices of the Board on Friday the 11th day of July 1890.

* * * * *

4. Read letter from Messrs. P. Ramanjulu Naidu and Sons, dated 2nd July 1890, requesting refund of Harbour dues on seamen's effect shipped.

Read also resolution No. 2, dated 8th March 1889, exempting such articles from Harbour dues when landed.

Read note by the Chairman.

Resolved,—that seamen's effects be not charged Harbour dues, either upon landing or shipping.

* * * * *

(True Extract.)

(Signed) C. PINSENT,
Secretary, Harbour Trust Board.

Order—dated 5th August 1890, Mis. No. 291, Marine.

The proposal of the Board amounts to an alteration of the existing scale of rates, and should be submitted in such form for sanction and publication.

(True Extract.)

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

To the Chairman, Harbour Trust Board.

From G. McWATTERS, Esq., M.A., C.S., Chairman, Harbour Trust Board, to the Chief Secretary to Government, dated Madras, 21st August 1890, No. 3210.

I have the honor to acknowledge the receipt of G.O., No. 291, Marine, dated 5th August, and to submit, for the approval of Government, the scale of rates framed by the Trustees under section 45, Act II of 1886, embodying an additional clause in paragraph I (1) exempting seamen's effects from the payment of Harbour dues.

ENCLOSURE.

The following modifications and additions to the scale of rates in force have been framed by the Trustees of the Madras Harbour under Section 45, Act II of 1886 :—

Section 45 (a) I.—*On goods landed or shipped at any wharf, pier or dock in the possession or occupation of the Board.*

(i). Annas twelve per ton of 50 cubic feet, or 20 cwt. or 210 imperial gallons *provided* that goods manifested for transhipment shall, if landed and reshipped, pay no charge for Harbour Dues upon reshipment and that no Harbour Dues be charged upon seamen's effects.

* * * *

MADRAS,
11*th July* 1890.

(Signed) C. PINSENT,
Secretary, Harbour Trust Board.

From Messrs. BINNY AND Co., Agents, British India Steam Navigation Company (Limited), to the Chief Secretary to Government, dated Madras, 13th June 1890.

We have the honor to enclose copy of a letter we addressed to the Chairman, Harbour Trust Board, on the 4th instant, and of the Board's resolution thereon of the 6th idem, and to explain briefly the circumstances that led to this correspondence. At the meeting of the Board held on the 21st February last, when it was decided to work the pier departmentally, the following amongst other resolutions was passed :—

(G) "Suggesting that, to recoup the additional outlay upon out-fees incurred expressly in the interest of steamers to enable them to obtain despatch by working on Sundays and holidays and between 6 P.M. and 6 A.M., a charge should be made against each ship of one rupee for each pier lighter of cargo and 4 annas for each masulah boat of cargo discharged from a ship or despatched from the pier or beach upon a Sunday, Chamber of Commerce holiday, or after working hours."

We were advised that the Board had not the power under Act II of 1886 to levy the above charge, and consequently when the demand was made, we, in conjunction with other Agents of steamers, declined to pay it. The Board thereupon admitted its inability to enforce payment under the Act, but ruled that, unless the fee was paid, it was justified in declining to work the pier, &c., on Sundays and holidays under its bye-law No. 2, which reads as follows :—

"In cases of emergency and with the special permission of the Chairman, Harbour Trust Board, and the Collector of Sea Customs previously obtained, landing and shipping may be carried on upon Sundays and holidays and after regular hours."

The Board therefore threatened that, unless the Agents of steamers undertook to pay the fee objected to on the days excepted in above bye-law, the pier or its premises would not be opened for traffic. We submit that the bye-law in question is *ultra vires*; that section 45 of Act 2 of 1886 distinctly limits the Board's powers for levying fees; that section 70 of same Act does not authorize the Board to frame bye-laws conflicting with existing regulations of the port; that under section 72 of the Sea Customs Act, the Collector of Customs is the sole authority for granting permission for a vessel to discharge, and that, the Collector's permission having been obtained, it is the duty of the Board to see that the usual facilities for working the pier and shore are given.

The necessity to work on Sundays and holidays, more especially at a port of call, is universally recognised, and the permissive powers relative thereto are essential. The objection to delegating these powers to more than one authority will be obvious to Government, and have been forcibly exemplified by a recent reference to the

Government by the Agents of the "Hazel Branch." Hitherto these powers have vested in, and been satisfactorily exercised by, the Collector of Sea Customs, and we would respectfully deprecate any change, as the Collector from his position is, in our opinion, the proper authority to exercise the powers in question.

The origin of the present difficulty was the pernicious system of overtime fees that prevails here. We had expected this system would have been discouraged by the Board, but we think under its present policy they show a tendency to increase rather than diminish. It may be alleged that this overtime work is performed for the entire benefit of ships. We would, however, venture to traverse this statement, and point out to Government that the travelling public, the large interests of under-writers, shippers and of consignees of cargo at other ports, and the interests of this port, are alike benefited by the facilities granted for prompt despatch to the carriers of that trade.

We would further point out to Government that the fees in question have not in the past been charged to the carrying trade, which, we venture to say, already pays heavily indirect dues for the facilities afforded at this port, and that it would be inequitable to impose any further indirect burdens.

The recent large transfers made to the Board out of funds contributed by the shipping trade in the past, we submit, call for a reduction, rather than an increase of the dues in that trade.

We have the honor to request that Government will be pleased to favorably consider the foregoing observations, which represent the views on this question of the bulk of the carrying trade visiting this port.

ENCLOSURES.

From Messrs. BINNY and Co., Agents, British India Steam Navigation Company (Limited), to the Chairman, Harbour Trust Board, Madras, dated Madras, 4th June 1890.

We have the honor to address you regarding clause 2 of the Harbour Trust Board Bye-laws. It is there stated that "In cases of emergency and with the special permission of the Chairman, Harbour Trust Board, and the Collector of Sea Customs, previously obtained, landing and shipping may be carried on upon Sundays and holidays and after regular hours." We venture to submit that the Harbour Trust Act does not contemplate the assumption by the Board of the permissive powers adopted in the bye-law in question, and that in cases where we may obtain permission from the Collector of Customs to work a vessel on a Sunday or holiday or after hours, it remains as a matter of course now, as in the past, for the Board to make the necessary arrangements to carry on the work at the pier or beach.

We request you will kindly favor us with an expression of your views in the matter.

EXTRACT of Proceedings of the Trustees of the Harbour of Madras, at a meeting held at the offices of the Board on Friday, the 6th day of June 1890.

* * * * * *

2. Read letter from Messrs. Binny and Co., dated 4th June 1890, contesting the legality of Bye-law No. 2.

Read Minutes by Captain H. A. Street, H.M.'s I.M., Mr. C. R. P. Vans-Agnew, the Honorable J. A. Boyson and Mr. Cowasjee Eduljee Panday.

Resolved—that Messrs. Binny and Co. be invited to address Government.

* * * * * *

(True Extract.)

(Signed) C. PINSENT,
Secretary, Harbour Trust Board.

Proceedings of the Board of Revenue (Separate Revenue), dated 16th August 1890, Mis. No. 2446.

Read—Endorsement from Government, Revenue Department, dated 11th July 1890, No. 4267, and Reference thereon, dated 16th July 1890.

Read—also G.O., dated 7th August 1890, No. 4869.

Read—also the following letter from G. McWATTERS, Esq., M.A., Collector of Sea Customs, to the Secretary to the Commissioner of Salt, Abkári and Separate Revenue, dated Madras, 22nd July 1890, No. 1656-G:—

I have the honor to acknowledge receipt of the Board's Proceedings, dated 16th July 1890, reference on Govt. R. No. 593 of 1890 (enclosures to which are herewith returned) and to reply as follows:—

No complaint is made by Messrs. Binny and Co. in regard to the present practice of the Custom House of acceding to every application for permission to work on Sundays or holidays or after 6 P.M. on other days. Under section 72 of the Sea Customs Act, 1878, no goods can be discharged from any vessel or shipped or water-borne to be shipped on any Sunday or holiday or after the prescribed hours on any day unless with the written permission of the Customs Collector. The Board of Revenue, as chief Customs authority, has fixed the working hours on ordinary days from 6 A.M. to 6 P.M., the only exception allowed being in the case of contract Mail steamers, which may work up to 9 P.M. on ordinary week days, as well as on Sundays and holidays. The Collector of Sea Customs may, at his discretion, in virtue of the rules issued by the Board of Revenue under section 72, extend the *time* for the landing and shipping of goods on good cause for granting the extension being shown, and, by section 72 itself, he may grant permission for a ship to discharge or ship cargo on Sundays or holidays, but the sum and substance of section 72 and the rules issued under it would seem to be that no landing or shipping should, as a rule, be allowed on Sundays or holidays. The Collector's discretion, it is true, is not expressly limited under section 72, but it stands to reason that permission is only intended to be given under very exceptional circumstances. The practice of permitting the landing and shipping of cargo at Madras on Sundays has obtained for a long time, and, considering it is irregular, I wrote to Calcutta some time ago and found that the same practice also prevailed there, and then I did not interfere in the matter further. The argument that the authority of the Sea Customs Collector is supreme and overrides the authority of the Harbour Trust Board is altogether unsound. Of course, for Customs purposes, nothing can be landed or shipped unless the Collector gives permission, but this is very different from dictating to the Harbour Trust Board when it is to work within its own premises. In respect of the property vested in the Harbour Trust Board, as specified in Schedule A of Act II of 1886, which embraces the port of Madras, it is the Harbour Trust Board that has the authority to regulate, declare and define the wharves, quays, jetties, &c., on which goods *shall* be landed from vessels and shipped on board vessels, and it is for the Harbour Trust Board to make rules for the use of such public landing places. This power renders obsolete that of the Customs authorities on such matters, under section 11 (*c*) and (*d*) of the Sea Customs Act. For instance, the Board of Revenue has appointed certain places for landing certain things—timber at one place, horses at another, all other classes of goods at a third. All the orders on the subject date back before the passing of the Harbour Trust Act II of 1886, and the special power given to the Trust to appoint landing places annuls the Board of Revenue's authority as regards Madras, rather curiously the Legislature, in passing the Madras Harbour Trust Act, omitted to take powers, as in the similar Bombay Act, to utilize the Trust's property for Customs purposes. It simply preserves the power of the Collector of Sea Customs or the chief Customs authority. In regard to the Harbour Trust Board's bye-law, quoted by Messrs. Binny and Co., being *ultra vires*, I need only remark that counsel's opinion was taken, and that that opinion was to the effect that the Harbour Trust Board had authority to refuse permission to work or to prohibit work on Sundays or holidays or after the usual hours, and that, if it pleased the Harbour Trust Board to allow work to be done, it was entitled to charge reasonable fees for doing so.

The matter is before Government (with counsel's opinion in original) in connection with a schedule of rates proposed by the Harbour Trust Board and submitted to Government for approval.

If work on Sundays and holidays is to be allowed, as a general rule, the Collector of Sea Customs should issue his order subject to like permission being obtained from the Harbour Trust Board and *vice versâ*. If work is only to be allowed on Sundays as an emergency, then "emergency" should be clearly defined.

Resolution—dated 16th August 1890, Mis. No. 2446.

Sections 70 and 72 of the Madras Harbour Trust Act permit the Harbour Trust Board, with the approval of Government, to make bye-laws *inter alia* "for the reception and removal of goods brought within the premises of the Board." Under Section 25 and Schedule A of the same Act, the whole of the Madras Harbour, and, with two small exceptions, the whole of the foreshore lying within the limits of the port, vest in the Harbour Trust Board. The second bye-law, published in the *Fort St. George Gazette* of 12th June 1888, seems therefore to this Board a perfectly proper one.

2. It appears that the Harbour Trust Board now contemplates levying a fee on cargo shipped to, or landed from, steamers working out of ordinary office hours, or on Sundays and close holidays. Under section 45 of Madras Act II of 1886, the Harbour Trust Board "shall frame a scale of rates . . . . . for the landing, shipping, &c., ... of goods at . . . . any wharf, dock or pier in the possession or occupation of the Board, and may frame a scale of rates for the landing of goods at any place within the limits of the Board." Provided, therefore, the sanction of Government, which the section requires, be accorded, the proposal appears to this Board to be a legitimate one.

3. Messrs. Binny and Co. contend that, "under section 72 of the Sea Customs Act, the Collector of Sea Customs is the sole authority for granting permission for a vessel to discharge, and that, the Collector's permission having been obtained, it is the duty of the (Harbour Trust) Board to see that the usual facilities for working the pier and shore are given." The Board of Revenue does not consider that this contention is well founded. Section 72 of the Sea Customs Act merely directs that, except with the written permission of the Customs Collector, no goods other than passengers' baggage shall, in any Customs port, be discharged or shipped out of ordinary office hours, or on Sundays and holidays. Provided this provision is observed, it is quite competent for the local legislature to create further powers of control, as has been done in this instance by the Harbour Trust Act and the bye-laws framed thereunder. The present position, therefore, is this—that in order to land or discharge goods at Madras on other than ordinary working days and hours, two permits are required—one from the Chairman of the Harbour Trust Board and one from the Collector of Sea Customs. Cargo cannot be legally worked without both permits. Section 207 of the Customs Act, as amended by Act IX of 1885, clearly indicates that the contention of Messrs. Binny and Co. is a mistaken contention. The control of the affairs of the harbour of Madras has been by law vested in a body of trustees, and the commander of a vessel must of necessity bring himself into legal relations with the Trust, as to the use of the port by his ship, as a condition precedent to obtaining any order from the Customs authority.

4. The Collector reports that the present practice of the Customs House is to accede to every application to work on Sundays and holidays or out of ordinary hours, and the Board recommends that the practice be adhered to, it being left to the Harbour Trust Board, which is the body most interested in the prosperity of the port, to decide how far and on what conditions such extra work shall be allowed.

5. The Board does not agree with the Collector that the "sum and substance of section 72 (Sea Customs Act) and the rule issued under it would seem to be that no landing or shipping should, as a rule, be allowed on Sundays or close holidays." The section itself merely states that the written permission of the Collector is required, and the rules issued by the Board thereunder (Board's Standing Order, No. 55, Revised Edition) show that extra work was meant to be a recognized thing, subject to the payment of additional fees. This principle has been accepted also in the latest Government order on the subject (G.O., dated 2nd July 1890, No. 512, Revenue Department).

6. There is another point, which is brought to notice in the Collector's letter. Under clauses (*c*) and (*d*), section 11, of the Sea Customs Act, it is competent to the Local Government to notify places to be wharves for the landing and shipping of goods in Customs ports, and by a notification, published in the *Fort St. George Gazette* of

11th December 1883, this power has been exercised in respect to the port of Madras. In view of the powers vested in the Harbour Trust Board by the penultimate clause of section 70, Madras Act II of 1886, it would seem advisable to withdraw this notification.

7. The papers accompanying the Government reference are herewith returned.

(Signed) EDMUND MILLETT,
Assistant Secretary.

To the Secretary to Government, Revenue Department.
" Collector of Sea Customs, Madras.

Endorsement No. 5617.

The Proceedings of the Board of Revenue read above will be transferred to the Marine Department, with an expression of concurrence in the Board's remarks.

2. The recommendation contained in paragraph 6 of the Board's Proceedings is approved. A draft notification should be submitted for the approval of Government and publication in the Gazette.

Ootacamund,
12*th September* 1890.

(Signed) C. A. GALTON,
Secretary to Government, R.D.

To the Marine Department, with Board's Proceedings and enclosures.
" Commissioner of Salt, Abkári and Separate Revenue.

Order—dated 9th January 1891, No. 13, Marine.

In G.O., No. 201, dated 22nd May 1890, the Chairman, Harbour Trust Board, was informed that the Government did not consider it necessary or advisable to republish, as requested by him, the scales of harbour dues in force under the saving clause in section 45 of Act II of 1886 (an Act to provide Trustees for the harbour of Madras) which runs thus: "Until a scale of rates is framed, sanctioned and published under this section, the scale in force when this Act comes into operation under section 3 of the Madras Harbour Dues Act, 1882, shall be deemed to have been duly framed, sanctioned and published under this section." The Chairman was, however, directed to submit a revised schedule of rates embodying only such scales as were new or required modification. This he did with his letter, No. 2749, dated 18th July 1890, which together with other connected correspondence is recorded above.

2. The Government now proceeds to pass orders on the several rates proposed by the Board, and also on such points in the correspondence as call for attention.

3. The modifications and additions to the scale of rates at present in force which have been framed by the Harbour Trust Board under section 45, Act II of 1886, are printed at pages 11 and 12 of these proceedings. The Government approves the rates proposed in section I (i), (ii) and (iii), and also the *proviso* to I (i), but they will not be published in the *Fort St. George Gazette* in accordance with section 45, Act II of 1886, until the questions that have arisen and are discussed below in regard to the other rates that have been framed have been finally settled.

4. In regard to the fees for porterage recommended in section I (iv), the Government observes that the question for decision is whether the Board can insist on a monopoly of the porterage work.

The Board is strongly of opinion that it should have power to retain entirely in its own hands the porterage of foreign goods at the rates proposed, which are the same as those approved in G.O., No. 146, dated 24th April 1888. If it is decided that the Board has no power to monopolise the porterage and to charge fees for it, it is urged that the Act be amended. The question was referred by the Board to Mr. Brown, Barrister-at-law, for his opinion, which is that the Board has no authority under bye-law

No. 4 to exercise this power. The opinion of Mr. Michell, Barrister-at-law, on the point was taken by Messrs. Arbuthnot and Company, and it is that the bye-law is valid so far as the removal of goods is concerned, but the Board has no power to charge fees for porterage. Messrs. Arbuthnot and Company's objections to the bye-law and its working are fully recorded in the case prepared for their Counsel's opinion which has been submitted to Government. The legality of Nos. 3 and 4 of the bye-laws framed by the Board under section 70 of Act II of 1886 and approved by Government in G.O., No. 360, dated 4th August 1887, is involved in this matter. Bye-law No. 4 was amended by G.O., No. 390, dated 26th August 1887, and the whole of the bye-laws were republished in G.O., No. 212, dated 23rd May 1888. Nos. 3 and 4 are as follows:—

"(3) Harbour dues on goods shipped or landed, together with all cooly-hire and charges for carrying, packing and storing, and all godown or ground rent payable under these bye-laws, shall be charged at the rates fixed by the Board under the provisions of Act II of 1886, and such dues on all goods, whether exports or imports, shall be paid previous to the removal of the goods from the harbour premises to such person as the Board may depute to receive and grant receipts for the same. All applications for export or import of goods must be on, or must be accompanied by, forms approved by the Board and in use for the time being, and such forms must, in all cases, be correctly filled in and signed by the owner, exporter, or consignee of the goods or his agents.

"(4) All goods landed at the port of Madras shall be moved from the place or places where the same may be landed to the place or places set apart for the reception thereof by some person or persons authorized in that behalf by the Board, who shall in due course deliver the same to the consignees upon payment by the consignees of all costs and charges of receiving and of so moving such goods and of delivering the same, including all costs, charges and expenses of counting, sorting and weighing, and other costs, charges and expenses whatsoever incurred or payable under the directions and with the sanction of the Board."

As there is considerable difference of opinion as to whether the Board can monopolise the import porterage and the matter is open to doubt, the Government has decided to take the opinion of the Advocate-General on the point. Pending further orders, therefore, clause (iv) of the proposed rates cannot be approved.

5. Section I (v) lays down fees to be charged to vessels applying to work after the usual hours and upon holidays. The Harbour Trust Board has held that bye-law No. 2 gives it authority to refuse to work after hours or on Sundays or holidays, and that if a staff is set apart to work after hours or on those days at the request of the Ships' Agents, the Board is entitled to charge reasonable fees.

The Board's Counsel (Mr. Brown) is of opinion that it may decline to allow work on Sundays and holidays and may frame a special scale of rates for extra work done on such days or overtime. Messrs. Binny and Co., in their letter, dated 15th July 1890, submit that the Board has no power to close the port, and, that in any case, the scale of fees is a great deal too high. They argue that the Board's servants receive overtime fees out of harbour dues and that there is no reason why the Ships' Agents should now be asked to pay. Ships, they hold, should pay port and pilotage dues and no others, and they consider that the port and pilotage dues should be raised, if the present revenue is not sufficient. Messrs. Binny and Co., in their demi-official letter dated 30th June 1890, contend that the Board was created to work the port at all times, when practicable, and cannot limit that duty by a bye-law. They urge that vessels that have paid port-dues should not be burdened with numerous petty and irritating fees, and that if the Board chooses to encourage the system of personal overtime fees, it should, in their opinion, do so at its own expense, the sums so expended being shown in its annual accounts.

Bye-laws Nos. 1 and 2 are as follows:—

"(1) The working hours on the Madras pier and beach, and everywhere within the precincts of the Madras Harbour premises, shall be from 6 A.M. to 6 P.M. every day, Sundays and public holidays (as observed by the Chamber of Commerce) excepted.

"(2) In cases of emergency and with the special permission of the Chairman, Harbour Trust Board and the Collector of Sea Customs, previously obtained, landing and shipping may be carried on upon Sundays and holidays and after regular hours."

11th December 1883, this power has been exercised in respect to the port of Madras. In view of the powers vested in the Harbour Trust Board by the penultimate clause of section 70, Madras Act II of 1886, it would seem advisable to withdraw this notification.

7. The papers accompanying the Government reference are herewith returned.

(Signed) EDMUND MILLETT,
Assistant Secretary.

To the Secretary to Government, Revenue Department.
" Collector of Sea Customs, Madras.

Endorsement No. 5617.

The Proceedings of the Board of Revenue read above will be transferred to the Marine Department, with an expression of concurrence in the Board's remarks.

2. The recommendation contained in paragraph 6 of the Board's Proceedings is approved. A draft notification should be submitted for the approval of Government and publication in the Gazette.

OOTACAMUND,
12*th September* 1890. (Signed) C. A. GALTON,
Secretary to Government, R.D.

To the Marine Department, with Board's Proceedings and enclosures.
" Commissioner of Salt, Abkári and Separate Revenue.

ORDER—dated 9th January 1891, No. 13, Marine.

In G.O., No. 201, dated 22nd May 1890, the Chairman, Harbour Trust Board, was informed that the Government did not consider it necessary or advisable to republish, as requested by him, the scales of harbour dues in force under the saving clause in section 45 of Act II of 1886 (an Act to provide Trustees for the harbour of Madras) which runs thus: "Until a scale of rates is framed, sanctioned and published under this section, the scale in force when this Act comes into operation under section 3 of the Madras Harbour Dues Act, 1882, shall be deemed to have been duly framed, sanctioned and published under this section." The Chairman was, however, directed to submit a revised schedule of rates embodying only such scales as were new or required modification. This he did with his letter, No. 2749, dated 18th July 1890, which together with other connected correspondence is recorded above.

2. The Government now proceeds to pass orders on the several rates proposed by the Board, and also on such points in the correspondence as call for attention.

3. The modifications and additions to the scale of rates at present in force which have been framed by the Harbour Trust Board under section 45, Act II of 1886, are printed at pages 11 and 12 of these proceedings. The Government approves the rates proposed in section I (i), (ii) and (iii), and also the *proviso* to I (i), but they will not be published in the *Fort St. George Gazette* in accordance with section 45, Act II of 1886, until the questions that have arisen and are discussed below in regard to the other rates that have been framed have been finally settled.

4. In regard to the fees for porterage recommended in section I (iv), the Government observes that the question for decision is whether the Board can insist on a monopoly of the porterage work.

The Board is strongly of opinion that it should have power to retain entirely in its own hands the porterage of foreign goods at the rates proposed, which are the same as those approved in G.O., No. 146, dated 24th April 1888. If it is decided that the Board has no power to monopolise the porterage and to charge fees for it, it is urged that the Act be amended. The question was referred by the Board to Mr. Brown, Barrister-at-law, for his opinion, which is that the Board has no authority under bye-law

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As there is considerable difference of opinion as to whether the Board can monopolise the import porterage and the matter is open to doubt, the Government has decided to take the opinion of the Advocate-General on the point. Pending further orders, therefore, clause (iv) of the proposed rates cannot be approved.

5. Section I (v) lays down fees to be charged to vessels applying to work after the usual hours and upon holidays. The Harbour Trust Board has held that bye-law No. 2 gives it authority to refuse to work after hours or on Sundays or holidays, and that if a staff is set apart to work after hours or on those days at the request of the Ships' Agents, the Board is entitled to charge reasonable fees.

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"(2) In cases of emergency and with the special permission of the Chairman, Harbour Trust Board and the Collector of Sea Customs, previously obtained, landing and shipping may be carried on upon Sundays and holidays and after regular hours."

It will be seen from the Resolution of the Board of Revenue, No. 2446, dated 16th August 1890 (recorded above), that the Board are of opinion that Messrs. Binny and Co. are wrong in considering bye-law No. 2 as *ultra vires*. They think that special rates for vessels working out of office hours and on holidays are legitimate, and that the present practice of acceding to every application to work on Sundays and holidays and out of ordinary hours should be adhered to. It appears to the Government, however, that—having section 51 of Act II of 1886 in view—the legality of both bye-laws 1 and 2 is doubtful. It may be argued that if the Collector of Sea Customs permits goods to be landed at any time, the Harbour Trust Board must make the necessary arrangements and extra fees should not be charged. If this view were held to be correct, it would be necessary to raise harbour dues all round to cover the cost of establishment for working on Sundays and holidays. But if it is permissible (as in the opinion of the Harbour Trust Board and Board of Revenue it is) it might be very desirable to discourage work on Sundays, &c., by the imposition of moderate fees.

The points at issue will be referred for the opinion of the Advocate-General, and further orders must be awaited on clause (v).

6. The rates proposed in sections II, IV and V are for "wharfage," "storage," and "demurrage," respectively. These require explanation in the following directions:—

(1) Are they to be levied cumulatively?

(2) "Wharfage" is proposed to be charged by the month as ground rent and ought apparently to be called "storage."

(3) "Storage" under IV is really demurrage for periods under 14 days, and "demurrage" under V is the same charge for periods in excess of 14 days. The difference between *demurrage* and *wharfage* should be explained, as also how a part of a month is to be charged for under II—whether as wharfage, and for a whole month, or otherwise.

The proposed scale is apparently as under:—

Storage.—Three days free, and from the 4th to the 14th day the rates proposed in IV.

Demurrage.
- From the 15th to the 21st day inclusive—Double the rates for storage.
- From the 22nd to the 28th day inclusive—Treble the rates for storage.

Wharfage.—By the month at Rs. 10 per ground.

But in the opinion of Government demurrage and wharfage should not be charged at the same time. When the latter begins, the former should cease.

The Chairman, Harbour Trust Board, will report on the points noted above, and orders on the rates proposed in sections II, IV and V will be deferred pending receipt of his reply.

If a suitable substitute for the term "demurrage" can be found, it should be adopted.

7. The scale of charges for the cranage of goods proposed in section III is approved.

8. The principle of the charge of four annas per ton of capacity per trip for each loaded vehicle proposed in section VI seems correct. The Trustees report that they have spent a large sum of money upon connecting the systems of the Madras and South Indian Railway Companies with their lines, and by the facilities thus afforded a considerable saving will accrue to merchants who may desire to pay the proposed rate for railway waggons loaded or unloaded within the arms of the harbour. It is explained that it is the Board's engines that do the shunting and hauling over its lines, and that the rates levied by the Bombay Port Trust for similar work vary from 2 to 5 annas per ton. Before, however, passing final orders on the Board's proposal, the Government desires that the opinions of the Agents of the Madras and South Indian Railway Companies as to the fairness of the rate be obtained and submitted through the Consulting Engineer for Railways.

9. The orders in the preceding paragraphs for the present dispose of the several modifications and alterations in the existing scale of rates proposed by the Board. It now remains to notice the other points in the correspondence that call for attention. The question has arisen whether the Board shall be addressed in regard to the overtime fees sanctioned for their servants by Resolution No. 3, dated 15th April 1889.

The Board claims to have legal authority to fix these overtime fees for their servants under section 21 of Act II of 1886. The Trustees assert that the new scale of fees is necessary, as, owing to improved appliances and the fact that steamers are allowed to work all night, the staff can be called on to work during longer hours than before.

In their demi-official letter, dated 30th June 1890, Messrs. Binny and Co. say that the evils of a system of personal overtime fees are so obvious, and have been so often pointed out to Government, that they need not refer to them. They contend that the system of personal overtime fees should be abolished, and that the Board should pay its employés adequate salaries, which should be their only source of income.

The Government resolves to suggest to the Harbour Trust Board that it would be better to entertain some extra establishment for working overtime and to pay the members of it fixed salaries, rather than to continue the present practice of giving fees to the ordinary establishment. Overtime fees may be passed to the crews of the Harbour Masters' and Preventive officers' boats as long as the employés of the Board receive such fees or until further orders.

10. A decision is necessary as to what days in the year are to be "holidays" on which extra fees should be paid for the services of Port officers. In their letter recorded in G.O., No. 295, dated 4th July 1889, the local Shipping Agencies urged that holidays be limited to Sundays, Christmas and New Year's Day and Good Friday. The Presidency Port Officer is strongly of opinion that the holidays allowed by G.O., No. 493, dated 28th August 1877, should not be reduced. They are—

Christmas vacation	8 days.
Easter vacation	4 ,,
Queen's Birthday	1 day.
All Sundays.	

After careful consideration the Government is pleased to decide that the following shall be the close and other holidays in the case of Port officers:—

Close Holidays.—Sunday, New Year's Day, Good Friday, Queen's Birthday and Christmas Day.

Holidays.—Those notified under the Negotiable Instruments Act.

Fees for the services of Port officers will be leviable for working overtime on ordinary days and holidays and for working *at all* on close holidays.

11. In regard to the fees to be charged for the services of Port officers overtime and on holidays, Messrs. Binny and Co. consider that the existing fee of two days' full pay for working on a holiday might with advantage be reduced. They say that the conditions of the shipping business of Madras and other ports have materially altered since G.O., No. 493, dated 28th August 1877, was issued; that the scale is excessive now that arrivals and departures are so much more frequent and when the stay in the port is in many cases limited to only a few hours.

The Presidency Port Officer proposes the following scale:—

Sundays	4 days' pay.
Christmas Day, New Year's Day, Good Friday, Easter Monday, Queen's Birthday	2 days' pay.
Other gazetted holidays	1 day's pay.

It will be seen from the Resolution of the Board of Revenue, No. 2446, dated 16th August 1890 (recorded above), that the Board are of opinion that Messrs. Binny and Co. are wrong in considering bye-law No. 2 as *ultra vires*. They think that special rates for vessels working out of office hours and on holidays are legitimate, and that the present practice of acceding to every application to work on Sundays and holidays and out of ordinary hours should be adhered to. It appears to the Government, however, that—having section 51 of Act II of 1886 in view—the legality of both bye-laws 1 and 2 is doubtful. It may be argued that if the Collector of Sea Customs permits goods to be landed at any time, the Harbour Trust Board must make the necessary arrangements and extra fees should not be charged. If this view were held to be correct, it would be necessary to raise harbour dues all round to cover the cost of establishment for working on Sundays and holidays. But if it is permissible (as in the opinion of the Harbour Trust Board and Board of Revenue it is) it might be very desirable to discourage work on Sundays, &c., by the imposition of moderate fees.

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Queen's Birthday	1 day.
All Sundays.	

After careful consideration the Government is pleased to decide that the following shall be the close and other holidays in the case of Port officers:—

Close Holidays.—Sunday, New Year's Day, Good Friday, Queen's Birthday and Christmas Day.

Holidays.—Those notified under the Negotiable Instruments Act.

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The Presidency Port Officer proposes the following scale:—

Sundays	4 days' pay.
Christmas Day, New Year's Day, Good Friday, Easter Monday, Queen's Birthday	2 days' pay.
Other gazetted holidays	1 day's pay.

The rates for overtime work are at present—From 6 to 7-30 A.M. or 5 to 7 P.M., half a day's pay; From 6 to 9-30 or till office hours A.M., and from 5 to 9 P.M. or later, one day's pay; and the Presidency Port Officer is in favor of these rates being maintained.

Taking all the circumstances of the case into consideration, the Government is of opinion that it would be preferable to levy lump sum fees for the services of Port officers according as to whether they are required overtime or on a close holiday. The Presidency Port Officer will submit for consideration a scale of such fees. The Government of India has recently addressed this Government regarding Port officers being permitted to continue to receive half the overtime and holiday fees levied by them, but the question has not yet been definitely settled.

12. Fees are at present levied for work done by Port officers before 10 A.M. and after 5 P.M. Before finally deciding between what hours the ordinary working day of Port officers should in future extend, the Government desires that the Presidency Port Officer will report on a suggestion that has been made that instead of the ordinary office hours being from 10 to 5 at all ports, they might be fixed variously for the principal ports, the seven hours during which most shipping work is done being selected. For instance at one port they might be from 6 to 10 A.M. and from 3 to 6 P.M.; at another from 7 to 12 A.M. and from 4 to 6 P.M. The minor ports would follow the practice existing at the chief port of the district. If Captain Street is in favor of this suggestion, he should submit a list of the hours he would propose for adoption at the principal port of each district.

13. In regard to the question whether any fee should be charged by the Agent for Government Consignments for working overtime or on holidays, the Government is pleased to decide that that officer shall not land or ship Government stores on a Sunday or close holiday or out of office hours except the landing or shipping is emergent, and in such cases he shall attend as a matter of duty and not charge any overtime fees.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Presidency Port Officer.
,, the Chairman, Harbour Trust Board,
with the opinions of Counsel in original
submitted with Resolution No. 9, dated 11th July 1890.
,, the Revenue Department.
,, the Public Works Department (Railway Branch), (para. 8).
,, the Government Solicitor, with reference to paras. 4 and 5.
,, Messrs. Binny and Co.
,, Messrs. Arbuthnot and Co.

Exd. A. Raitt.

Govt. of {1891} Madras.

MARINE.

Issued

Recd. Encl.

G.O., 9th Jan. 1891, No. 13.

JANUARY,

Harbour Dues.

Passing orders on the subject of the proposed rates of — and on certain connected questions referring to overtime work and fees.

[G 11]
5,000—30-9-04.

9.12.03.

ORDINARY, MS.

Mar DEPARTMENT.
G.O., DATED 9th Jan 1895
No. 6

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