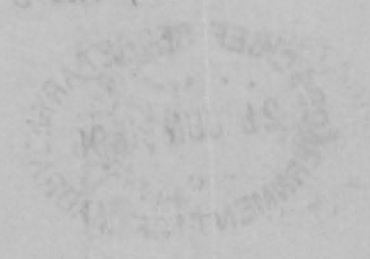


P.W.D.

GOVERNMENT OF INDIA.
FINANCE AND COMMERCE DEPARTMENT.
Simla, the 7th June 1896.



To
The Chief Secretary to the Government of Madras,
Marine Department.

In reply to your letter No. 250 dated the 18th April 1896, I am directed to convey the sanction of the Government of India to the grant of an honorarium of Rs. 1000/- from Port Funds to Mr. F.W. Aschitel, Executive Engineer, Public Works Department, in recognition of his labors in the department of light-house construction and illumination.

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

W. D. B. Jones

Copy forwarded to the Accountant General Madras.
Copy sent to the Govt. of India.

C. No. 687

Govt. of Madras.
PUBLIC WORKS.
Marine.

7336 617

Dated

Recd.

Encl.

G.O. 24 June 1896, No. 46/1896

Madras Port Fund

Chapman of the Advocate General that the annual expenditure of the — cannot be appropriated in the hands of the general scheme of light-house illumination, but must be dealt with under the provisions of Section 36(6) of Act of 1887, and must be paid out of the Port Fund.

26/6

22/11/96

P.W.D.

GOVERNMENT OF INDIA.
FINANCE AND COMMERCE DEPARTMENT.
Simla, the 3 June 1896.

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.
Marine Department.

In reply to your letter No. 250 dated the 18th April 1896, I am directed to convey the sanction of the Government of India to the grant of an honorarium of Rs. 1000/- from Port Funds to Mr. F.W. Ashpitel, Executive Engineer, Public Works Department, in recognition of his labours in the department of light-house construction and illumination.

I have the honour to be,

Sir,

Your most obedient servant,

Copy forwarded to the Accountant General Madras.
Depy. Secy. to the Govt. of India.

Print

Harbour Trust Office,
MADRAS, 11 May 1896.

No. 578

FROM Ware Austin Esq. D. L. S.

CHAIRMAN, HARBOUR TRUST BOARD,
MADRAS.

TO The Honble Col. D. McNeil Campbell R.E.
JOINT SECRETARY TO GOVERNMENT,
Marine Department.

Sir,

I have the honor to acknowledge the receipt of L.C. No. 245, Darius, dated 8th April 1896, and to forward for the information of Government a copy of a resolution passed by the Board at its meeting of the 8th Instant.

In para 7 of the L.C. under reference the surplus of the Port funds of Madras is estimated at Rs. 45,000 Rupees, which it is proposed to divert for the upkeep of lights. To this sum should be added Rs. 11,946 the share which Madras already pays towards Lighthouse charges vide page 24 of Administration report of the Madras Port Department for 1894-95, making a total of Rs. 56,946 or say

57,000 Rupees per annum.

3 On page 25 of the same report the actual Lighthouse charges of Madras is shown as Rs 5,133. In other words Madras now pays nearly $2\frac{1}{2}$ times the amount required for the maintenance of lights at the Port and it appears to be the intention of Government to make Madras pay over eleven times the actual Lighthouse charges incurred at the Port.

4 Para 8 of the L.C. Shows that Rs 97,500 per annum will be required for the light service of the Presidency viz:-

Maintenance of Sea Lights	Rs 82,500
— do — Port Lights —	15,000
Total	Rs 97,500

Of this sum Rs 15,000 may be left out of the question as the amount is for the upkeep of Local or Port lights and as Madras pays for its local or ^{Entrance and leading lights} Port lights it may be assumed that other ports will do the same. This leaves a sum of Rs 82,500 required for the upkeep of Provincial or Sea lights and of this sum it is intended that Madras should contribute Rs 57,000 while all other ports distributed over a seaboard

of some 3000 miles should only contribute Rs 25,500.

5 Madras has one light which it maintains in full. The Port doubtless also largely benefitted by three other lights viz: Arneghor, Pulicat and Seven Pagodas, and the sum of Rs 6,813 which Madras contributes at present after paying for its own light in full appears an equitable and fair sum for the services rendered by these three lights to this port.

6 The other Sea lights eleven in number do not appear to be in any way connected with the Port of Madras. Their maintenance vide page 22 of Mr. Ashpile's report will be Rs 62,608 per annum as under viz:-

Cost of upkeep	Rs 55,700
Share of inspection, reliefs, pensions —	6,908
Total	Rs 62,608

7 The cost of the Madras light and the three lights mentioned in para 5 of this letter will be Rs 19,512 as under viz:-

Cost of upkeep	Rs 17,000
Share of inspection, reliefs, pensions —	2,512
Total	Rs 19,512

8 Of this sum of Rs 19,512 Madras already

already pays Rs. 11,946 leaving a balance of Rs. 7,566 which would appear to be a fair share of the cost of these 14 lights to be met from general Port funds as the lights are not exclusively Madras Port lights.

9. The tonnage and Port dues collected thereon during 1894-95 vide page 3 of Administration report is as follows: -

Madras	Tons	1,165,715	Port dues	Rs. 1,11,096
Coast Ports		6,228,691		Rs. 234,022
Total Tons		7,394,406		Rs. 3,45,118

These figures show that while Madras is to pay 51 per cent of its Port dues on the upkeep of 15 lights only 4 of which are of service to the Port, the Coast ports are to pay only 11 per cent although eleven of the lights are purely coast lights which are never seen by the great bulk of the shipping entering the Port of Madras; and that the cost of the Light Service to vessels entering the Port of Madras will be 9 1/2 pies per ton against 3 1/4 pies per ton on vessels entering Coast ports.

For instance a vessel of 1500 tons of entering Madras would contribute Rs. 74-3-6 towards lights while the same vessel entering Vizagapatam or St. Juticorin would contribute only Rs. 5-13-9.

The particulars of tonnage

and dues collected at Madras show the excessively heavy incidence of the proposed light charges on this port viz-
Coasting vessels - Tons 560,642 Port dues Rs. 33,144
Native - " 7,853 - " 3 560
Total Tons 568,495 - Rs. 33,704

British Foreign going vessels Tons 471,663 Port dues Rs. 64,287
Foreign vessels - " 125,557 - " 13,105
Total Tons 597,220 - Rs. 77,392

11. The tonnage of coasting vessels entering Madras port is only 568,495 tons, minus the tonnage of the direct Rangoon B.D.S.N. Co. and Asiatic Steam Navigation Co. Steamers which is probably some 75,000 tons per annum (as these vessels light none of the Coast lights) or less than half a million tons; while the remaining 700,000 tons of shipping, consisting of P. & O. S. N. Co., Indian line, B. D. S. N. Home line, German, Austrian, French, Coal laden Steamers, oil vessels, and direct Rangoon Steamers, never see eleven of the fifteen lights and the whole of the Port dues collected from the half million tons of coasting vessels would be insufficient to meet more than 2/3 of the proposed charges leviable from Madras for the eleven lights which are of no service whatever to the foreign trade of the

the Port which trade however contributes nearly three fourths of the Port dues of the port.

12 In para 7 of the L. C. Government anticipate that on the Harbour being completed the surplus port funds will not be required for the Harbour. This will not be the case but on the contrary the surplus funds will be more needed than ever as the Board has to provide from its current Revenues for large expenditure formerly met from construction accounts, but even assuming that the surplus funds were not required for the Harbour it would appear that instead of diverting such monies for purposes quite outside of the requirements of the port, it would be much better to reduce the Port dues leviable on foreign going vessels and thus take a step in the direction of cheapening this dear port.

I have the honour to

be

Your obedient servant

Wm. Lick

Chairman
Harbour Trust Board

ag. Secy.

EXTRACT of Proceedings of the TRUSTEES OF THE HARBOUR

OF MADRAS, at a Meeting held at the Offices of the Board on Friday the 8th day of May 1896.

Read L. C. No. 245, Marine, dated 8th April 1896, reviewing a report by Mr. F. W. Ashpile on the Light-houses in this Presidency.

Read also memo from the Board's Ag. Secretary, regarding diversion of the Surplus Port Funds of the Port of Madras for the up-keep of lights (both Sea and Port) along the whole Coast in the Madras Presidency.

Read Minutes by Trustees.

Resolved that the Chairman be invited to address Government in the terms of the Ag. Secretary's Memorandum.

True Extract

HARBOUR TRUST

MADRAS 12 MAY 96

SECRETARY'S OFFICE

W. Lick

ag. Secretary

Harbour Trust Board

MARINE DEPARTMENT.

FROM

THE CHAIRMAN,
HARBOUR TRUST BOARD,
MADRAS.

TO

THE SECRETARY TO GOVERNMENT,
Marine Department.

DATED 11th May 96

DESPATCHED 12th May 96

RECEIVED

ENCLOSURE one

No. 578

SUBJECT.

Submitting resolution
of Harbour Trust Board on
G.O. No. 245-M of 8th April in
reference to para 7 regarding
the annual surplus of the
Madras Port Fund proposed
to divert it for the upkeep
of lights:-

SCOTTISH PRESS.

245-46 Marine 78-4-96
334 Marine 7 14-11-95.

MARINE C. NO. 578

Recd 15.5.96
Enc 1

G.O. 5.4.96. 245. 6. Marine
" 2. 6. 96. 387 Marine

Ref.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

From the Chairman H. J. Brand (H.E. No. 578 d/11 May 96)

No. 387 Marine of 2nd June 1896

His Excellency the
Governor in Council observes
that in para 7 of G.O. No. 245,
Marine, dated 8 April
1896 it is assumed that
the annual surplus —
balance of the Madras
Port Fund can be appro-
priated in furtherance
of the general scheme
of lighthouse illumination,
but the letter recorded
above proceeds on the
assumption that the port

of Madras has a right to be considered alone, and that it should not be called on to contribute to the upkeep of lights from which it derives no direct benefit. The opinion of the Advocate General will be obtained as to whether the Government has the power under the existing law. "The Indian Ports Act X of 1889," to utilise surplus balances in the manner proposed in the Proceedings quoted above.

1/2
2/6/84

N^o 245-6 Marine 28-4-96
334 a 8 14-11-95

N^o 387 Marine 2nd June 1896

The Cont. Solicitor with a copy of G.O. N^o 245 Marine d/s April 96 and letter in original from the Chairman A.S.B. N^o 578 d/s 11 May 96 to be returned

11/6

24/6

Re Act X of 1889, and the power of Government to utilise balances standing to the credit of the Madras Port Fund Account.

OPINION

1. Act X of 1889, section 36 (1) requires Government to appoint some officer or body of persons to receive port dues &c, and, "subject to the control of the Local Government, to expend the receipts on any of the objects authorised by this Act." This control, conferred upon Government, over expenditure debited to the Port Fund account does not include the power to utilise that Fund.

2. A 11 "the objects authorised by this Act" are expenses incurred for the sake of the port where the dues are taken, except where such port belongs to a "group" having a "common Port Fund account" as provided for in section 37 (1). This exception may, for the present, be excluded from consideration, because the Proviso to section 37 (1) declares that the Port of Madras shall not be grouped with any other port, and requires the Madras Port Fund account to "be kept separate from the Port Fund account of any other port".

3. Section 36 (6) provides for the case of a Port Fund account showing a credit balance. If the Legislature had intended that the Local Government should utilise such credit balance, they would have empowered them to do so, and prescribed the purposes for which such balance might be utilised. This they have not done, but they have declared that, "subject to the existence of any local law as to the disposal of" such balance, it "may be temporarily invested in such manner as the Local Government may direct." I am not aware of any "local law" which empowers Government to utilise such credit balance. The use of it in the manner proposed by Government would not be a temporary investment within the meaning of sub-section (6); nor would it be an exercise of that "control" which the Act confers upon Government.

4. It appears to me to be clear that the Madras Port Fund is intended solely for the benefit of the Madras Port; and that section 37 emphasises the difference between the ports mentioned in the Proviso and those grouped together in exercise of the power conferred by the section. Section 36 (5) (c) refers to "works maintained chiefly for the benefit

vessels being in or entering or leaving the port or passing through rivers or channels leading thereto".

5. I am of opinion that the annual surplus balance of the Madras Port Fund cannot be appropriated in furtherance of the general scheme of light house illumination, but must be dealt with under the provisions of section 36 (6).

Ootacamund
16th June 1896

J.H. Spring Branson
Advocate General.

(True Copy)

Ernest Barclay

Government Solicitor.

(1896) Public Works
Department (Marine)

From
Ernest Barclay
Government Solicitor
Madras.

To
The ^{Chief} Secretary to Government
Marine Department
Ootacamund

Dated 18th June 1896
Received

N^o 299

Forwarded with enclosures
with reference to the order of
Government dated 2nd June 1896
N^o 387 Marine.

Ernest Barclay

Government Solicitor

Mar Genl
687/96

No 387 Marine 2/6-96

P. W. DEPARTMENT.

Read the following:—

From the Chairman, Harbour Trust Board, Madras,
No 548, dated 11th May 1896.

FOR ORDERS.

This letter proceeds on the assumption that the Port of Madras has a right to be considered alone, and that it should not be called on to contribute to the upkeep of lights from which it derives no direct benefit.

2. Para 7 of G.O. 245 Marine dated 8th April 1896 assumes on the other hand that the annual surplus balance of the Madras Port Fund can be appropriated in furtherance of the general scheme of light house illumination.

It would, perhaps, be well to have the opinion of the Advocate General as to whether

Without committing myself to any opinion as to the justice of giving the Madras Port Fund for general light. house purposes, I would say that it would be well to obtain the opinion of the Advocate.

General on the point in question.

Have no objection

13-100-27-401.

27/5/96

26.5.96
30/5/96

Marine

Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

again
Read the following

G.O. 387 Marine, dated 2nd June 1896.

Read also

From the Government Solicitor, Madras, No. 299, dated 18th June 1896.

No 461 Mar 24 June 1896

Communicated to the Financial Department in continuation of para 8 of G.O. 245 Marine dated 8th April 1896.

2. It would appear that the funds of the port of Madras must be kept distinct and cannot therefore be taken into account in calculating the amount available for carrying out the general scheme of light -- house construction and illumination. The question of raising funds for this purpose becomes a matter of some urgency when it is considered that of the accumulated balance of Rs. 434502 at the credit of the -- Eastern and Western groups on the 31st March 1896, a sum of Rs. 36706 only appertains to the Eastern group.

The Financial Department.

(40-4,000-2-11-95.)