

G.O., No. 604-5 in

DATED 5 September 1896.

Port of Calicut: Orders that the Sanction of the Govt^{ty} of India to the extension of the limits of the — so as to include Varakal, a village to the north of it, be applied for.

Requesting sanction to the extension of the limits of the — so as to include Varakal, a village to the north of it.

No. 605, MARINE, 5TH SEPTEMBER 1896.

MARINE DEPARTMENT.

LETTER—from

THE HON'BLE COLONEL D. MCNEIL CAMPBELL, R.E.,
Secretary to the Government of Madras,
Marine Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCE AND COMMERCE DEPARTMENT.

SIR,

I am directed to forward, for the information of the Government of India, the accompanying copy of the Proceedings of this Government, No. 604, Marine, dated the 5th September 1896, from which it will be seen that it is, in the opinion of His Excellency the Governor in Council, desirable to alter the port limits of Calicut so as to regularise the landing and shipping of goods at certain seasons of the year when, owing to the state of the sea, these operations cannot be carried on within the ordinary port limits as now defined. I am to request that, under section 5 (1) of the Indian Ports Act, the sanction of the Government of India may be obtained to the proposed alterations as shown in the accompanying draft notification and map, the latter of which, I am to request, may be returned.

I have the honour to be,

Sir,

Your most obedient servant,

Colonel, R.E.,
Secretary to Government.

OOTACAMUND,
5th September 1896.

Exd. T. K. Narayana Aiyangar.

Government { 1896 } of Madras.
MARINE.

Recd.

Regd.

1896.

Enclosures

Spare copies

G.O., No. 604, 5th September 1896.

SEPTEMBER.

Port of Calicut

Ordered that the sanction of the Government of India to the extension of the limits of the — so as to include Varakal, a village to the north of it, be applied for.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue (Separate Revenue), No. 132, dated 27th March 1896 :—

Read—again the following Proceedings of the Board of Revenue (Separate Revenue), Mis. No. 3471, dated 16th August 1895 :—

Read—the following letter from H. MOBERLY, Esq., Acting Collector of Malabar, to the Secretary to the Commissioner of Salt, Abkari and Separate Revenue, dated Calicut, 31st July 1895, Ref. on C. No. 763-S.C.D. :—

In its Order, No. 370, Marine, dated 15th September 1894, Government declined to sanction Mr. Bradley's proposal to declare Varakal a sub-port of Calicut. Mr. Bradley did not think it advisable that the port limits of Calicut should be extended to Varakal, as the port limits of Calicut already extend over 3 miles and if landing and shipping operations are to be allowed to go on in all weathers both at Varakal and at the Custom House, the present Customs establishment will be insufficient to supervise the trade. I fully agree with Mr. Bradley, but am of opinion that it will be possible to extend the limits of the port of Calicut so as to include Varakal. I have consulted the Port officer and the Sea Customs Superintendent and therefore beg to submit the following proposals.

2. The present southern boundary pillar of the Calicut port should be moved north to the southern bank of the Kallai river, and the present northern pillar of the port should be moved north to the corner of the tope just to the south of the road which runs past the Military Rifle Butts. The enclosed sketch prepared by the Port officer will explain matters.

3. In my letter, No. 32 (Confidential), dated 28th May 1895, I proposed that places near the old and new Sea Custom Houses should be appointed to be places for the landing and shipping of goods. If Varakal is included within the port limits of Calicut, a place can be appointed at Varakal for the landing and shipping of kerosine oil, dynamite and other dangerous goods at all seasons and for the landing of other goods when landing near either of the Sea Custom Houses is impracticable.

4. If my proposals are approved, I will submit the necessary draft notifications.

Resolution—Mis. No. 3471, dated 16th August 1895.

Government in its Order, Mis. No. 3473, Revenue, dated 5th September 1894, refused to comply with Mr. Bradley's proposal to declare Varakal a sub-port of Calicut, on the ground that it could not be carried out without a separate and adequate establishment, for which there were no funds. The same objection applies to the proposal made by the present Collector. He contemplates cutting off a small piece of the present limits of the port on the south and adding a large piece including Varakal on the north, but there is nothing to show that the saving of work at the southern end would compensate for the increase in work a long way from the Custom House, &c., at the northern end.

2. The Board cannot place the matter again before Government unless a stronger case is made out.

(True Copy and Extract.)

(Signed) D. D. MURDOCH,
Secretary.

READ—again the following Proceedings of the Board of Revenue (Separate Revenue),
Mis. No. 4465, dated 20th October 1895:—

Read—the following letter from H. MOBERLY, Esq., Acting Collector of Malabar,
to the Secretary to the Commissioner of Salt, Abkari and Separate Revenue,
dated Calicut, 5th September 1895, Further Ref. on C. No. 1037-S.C.D.:—

In reply to Board's Proceedings, Mis. No. 3471, dated 16th August 1895, I have the honour to observe that Varakal is plainly visible from the beach near the Sea Custom House and from the pier at Calicut. If a proper look out be kept at the pier head or Sea Custom House, no boat can go to Varakal without being observed; and if the landing of goods at Varakal be limited by the conditions given in my former letter, the necessary supervision can easily be exercised.

2. I do not propose that the landing of all goods in all kinds of weather at Varakal should be permitted. For the purposes of trade it is necessary that Varakal should be included within the limits of the port of Calicut. It has happened that paddy consigned to a merchant at Calicut could not be landed at Calicut owing to a rough sea, that it was then landed at Varakal, but that the consignee refused to take delivery on the ground that it had not been landed at Calicut. If Varakal is included within the limits of the port of Calicut, such an excuse for refusing to accept delivery of a consignment could not be raised; and it is, therefore, in the interests of the mercantile community that I propose to include Varakal within the limits of the port of Calicut.

Resolution—Mis. No. 4465, dated 20th October 1895.

The Collector is requested to state whether he proposes to permit landing and shipping at Varakal only when work is completely suspended at Calicut.

(True Copy and Extract.)

(Signed) D. D. MURDOCH,
Secretary.

READ—again the following Proceedings of the Board of Revenue (Separate Revenue),
Mis. No. 4694, dated 7th November 1895:—

Read—the following letter from J. HEWETSON, Esq., Acting Collector of Malabar,
to the Secretary to the Commissioner of Salt, Abkari and Separate Revenue,
dated Calicut, 31st October 1895, Ref. on C. No. 1324-S.C.D.:—

With reference to the Proceedings of the Board of Revenue (Separate Revenue), Mis. No. 4465, dated 20th October 1895, I have the honour to state that Mr. Moberly's proposal was to permit landing and shipping at Varakal only when work is completely suspended at Calicut, except in the case of kerosine oil, dynamite and other dangerous goods, which he proposed to land at Varakal in all weather. If the Board thinks that with our limited establishment this would not be safe, then landing and shipping may be absolutely prohibited at Varakal, except when business is completely suspended at Calicut. Either plan can be legally carried out under section 73 of the Sea Customs Act.

Resolution—Mis. No. 4694, dated 7th November 1895.

The Collector is requested to submit draft notifications for extending the limits of the Calicut port so as to include Varakal and for defining the limits for landing and shipping at Calicut on ordinary occasions.

2. After the notifications are sanctioned and published by Government, the Board will from time to time grant special sanction permitting landing and shipping at Varakal under Rule 20 of the Cargo Boat Rules published on pages 996 to 1,000 of the *Port St. George Gazette*, dated 28th August 1894, Part I, the sanction being accorded and withdrawn by wire on the recommendation of the Collector as landing or shipping is practicable at Calicut or not.

(True Copy and Extract.)

(Signed) D. D. MURDOCH,
Secretary.

READ—again the following Proceedings of the Board of Revenue (Separate Revenue),
Mis. No. 5307, dated 14th December 1895:—

Read—the following letter from J. HEWETSON, Esq., Acting Collector of Malabar,
to the Secretary to the Commissioner of Salt, Abkari and Separate Revenue,
dated Calicut, 20th November 1895, Dis. No. 791:—

With reference to the Proceedings of the Board of Revenue (Separate Revenue), Mis. No. 4694, dated 7th November 1895, I have the honour to forward herewith two draft notifications for extending the limits of the Calicut port so as to include Varakal and for defining the limits for landing and shipping at Calicut on ordinary occasions as therein called for.

2. In enclosing copy of Calicut Port officer's letter, No. 29-36, dated 14th November 1895, I beg to endorse fully his views. There is little doubt that the merchants will be put to considerable loss and inconvenience if sanction has to be obtained by wire from the Board on every occasion before landing or shipping in rough weather can be permitted at Varakal.

3. I have therefore the honour to request that the local authorities may be invested with power to grant such permission.

4. The sketch is herewith returned.

ENCLOSURE.

From N. A. W. HAMILTON, Esq., Port Officer, Calicut, to the Collector of Malabar, dated 14th November 1895, No. 29-36.

In reply to your foot-note No. 1388-S.C.D. of 1895, to Board of Revenue Proceedings, dated 7th November 1895, I have the honour to state that the draft notification sent therewith would not suit as it would make Varakal a separate port, whereas what the Board now want and what is required is that Calicut port be extended so as to include Varakal and this is absolutely necessary, because as I have mentioned in my previous letter, No. 29-42 of 21st December 1894, landing must take place wherever the water is smooth and this may be anywhere a little north of the present port limit mark. I have known work to commence at lighthouse in the early morning and hour by hour have to be removed further north until in afternoon landing could only take place near north boundary mark and this might extend so far as Varakal, as for instance, on the 25th November troops were landed in morning at pier, but by noon boats that were there had to be sent to Varakal or they would have been lost in the surf which had risen and many lives would have been lost. From this it will be seen that we could not have waited until permission was obtained by wire from the Board of Revenue and that the beach from south side of Kallaibar to south side of Military Rifle range just the north side of Varakal shed should be one port and landing and shipping allowed by local authorities wherever practicable; merchants will not land any further from old Custom House than they can possibly help on account of cart hire and therefore shipping operations will only take place within a limited space wherever possible and that as near as possible to old Custom House.

This office No. 29-42 of 21st December 1894 and No. 29-17 of 24th June 1895 will explain the matter fully, and I would suggest the enclosed draft notification, if it should meet with your approval. The draft notification is presuming the present boundary pillars to be removed and erected on the sites suggested; see notification and rules published as required by section 204 of Sea Customs Act of 1878.

Please see sketch sent with this office No. 29-17 of 24th June 1895.

Resolution—Mis. No. 5307, dated 14th December 1895.

The two draft notifications received with the Collector's letter have been revised in this office, and the revised notifications are forwarded to the Collector with the request that he will state whether they correctly define the proposed limits of the port and the landing places. He is further requested to mark the position of the old and new Custom Houses and to show the proposed eastern boundary of the port in the sketch herewith returned and to resubmit it.

2. In his letter, dated 31st October 1895, Ref. on C. No. 1324-S.C.D., the Collector stated that his proposals can be legally carried out under section 73. He is requested to explain how he considers that his proposal to invest the local authorities with power to grant permission to land goods at Varakal, when landing is impracticable at the landing places notified by Government, comes under section 73. It is observed that the second clause of section 73 applies only to the shipment of goods.

(True Copies and Extract.)

(Signed) D. D. MURDOCH,
Secretary.

READ—also the following letter from A. F. PINHEY, Esq., I.C.S., Acting Sub-Collector in charge, Malabar District, to the Secretary to the Commissioner of Salt, Abkari and Separate Revenue, dated Manantoddy, 16th January 1896, No. 23-S.C.D. :—

With reference to the Proceedings of the Board of Revenue (Separate Revenue), Mis. No. 5307, dated 14th December 1895, I have the honour to state that the revised draft notifications received from the Board correctly define the proposed limits of the port and the landing places at Calicut.

2. The position of the old and new Custom Houses has been marked in the sketch herewith returned, the blue line therein showing the proposed eastern boundary of the port.

3. With reference to paragraph 2 of the Board's resolution, I have the honour to observe that Mr. Hewetson apparently read both the paragraphs of section 73 together without laying stress on the conjunction.

4. To permit landing as well as shipping Varakal must be included in the port limits of Calicut.

Resolution—No. 132, dated 27th March 1896.

Submitted for the orders of Government.

2. In Government Order, Marine, communicated in G.O., Mis. No. 3926, Revenue, dated 11th October 1894, Government negatived the proposal to declare Varakal a port subordinate to Calicut, to be used only in certain states of the weather. The Collector now proposes to extend the limits of the Calicut port northwards so as to include Varakal and to curtail its limits on the south. He further proposes that two in front of the old Sea Custom House at Calicut, should be notified for use in ordinary weather, and that general permission should be granted for landing or shipping at Varakal when it is impracticable at Calicut.

3. Under section 73 of Sea Customs Act goods must be landed at a wharf or other place duly appointed for the purpose. No wharf has been notified by Government. In a notification published at page 411 of the *Fort St. George Gazette*, Part I, dated 1st August 1882, it is declared that in the absence of any special notification the limits for the landing and shipping of goods in any customs port shall, where limits are specified for the same purpose under the Cargo Boat Rules published under the Ports Act, be the limits defined by the said rules. Under rule 20 of the revised Boat Rules published under Act X of 1889 on pages 996 to 1000 of the *Fort St. George Gazette*, Part I, dated 28th August 1894, all passengers and goods should "be landed or shipped from within the limits, if any, that have been determined by Government, and no person engaged in shipping or landing passengers or goods shall do so beyond such limits unless the sanction of the chief Customs authority at the port shall have been previously obtained." If the two landing and shipping places at Calicut are notified, these will be the limits within which landing and shipping will ordinarily take place, but the correspondence read in Board's Proceedings, Mis. No. 5307, dated 14th December 1895, shows that merchants will be put to serious loss and inconvenience if general permission is not granted for landing and shipping at Varakal in rough weather. The expression "chief Customs authority at the port" in the rule quoted above does not appear to have been used to mean the Board of Revenue as in the expression "Chief Customs-Authority" in the notification published under the Sea Customs Act at page 10 of the *Fort St. George Gazette*, Part I, dated 7th January 1896, but to mean the Sea Customs Superintendent at the port. It would therefore appear that the Sea Customs Superintendent can grant permission to land or ship goods and passengers beyond the limits of the notified landing places when it may be necessary to do so. The Collector reports that the necessary customs supervision over the landing of goods at Varakal can be exercised—*vide* paragraph 1 of his letter read in Board's Proceedings, Mis. No. 4465, dated 20th October 1895.

4. The Board submits the Collector's proposals for the sanction of Government and two draft notifications for approval and publication.

(True Copies and Extract.)

(Signed) D. D. MURDOCH,
Secretary.

Mis. No. 3146, Revenue.

Transferred to the Marine Department.

(Signed) LIONEL DAVIDSON,
Ag. Under Secretary to Government.

7th August 1896.

ORDER—No. 604, Marine, dated 5th September 1896.

The papers recorded above relate to the proposed alteration of the existing limits of the port of Calicut, so as to include Varakal, a village to the north of it.

2. It appears that at certain seasons of the year, generally in May and June, the sea is so rough at Calicut as to render landing and shipping operations there impracticable, while at Varakal there is sufficient shelter to admit of these operations being proceeded with. It has therefore been customary for some years past to allow goods to be landed and shipped at Varakal whenever the state of the weather prevented this being done within ordinary port limits. The arrangement is, however, irregular; and it seems desirable that the Calicut port limits should be extended so as to include Varakal. The sanction of the Government of India to such extension will accordingly be requested under section 5 (1) of the Indian Ports Act; the revised limits being as shown below :—

To the North—A straight line drawn due east and west through the site of the boundary pillar erected just south of the road leading by the Military Rifle Range at Varakal.

To the South—A straight line drawn due east and west through the site of the boundary pillar erected south of the Kallayi river bar.

To the East—A line terminated by the northern and southern boundaries and enclosing the harbour or backwater and the Kallayi river as far as the junction of the Conolly's canal, and so much of the shore of the mainland as is within 50 yards of the line of high water spring tides.

To the West—A straight line meeting the northern and southern boundary lines at 9 fathoms of water.

3. On this sanction being received and the revised port limits notified, as required by the said Act, the Revenue Department will then declare these limits to be limits for sea customs purposes under the Sea Customs Act.

[Here enter No. 605, Marine, dated 5th September 1896.]

(True Extract.)

Under Secretary to Government.

To the Presidency Port Officer,
„ Revenue Department.

Exd. T. K. Narayana Aiyangar.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

*Endorsement in the Revenue
Dept. in Proceedings of the
Board of Revenue, (Separate
Revenue) No. 132 of March 27. 1896. (H.E. No. 3146 Mis d/ Aug 7. 96)*

No. 604 Marine 25. September 1896

The papers recorded above relate to the proposed alteration of the existing limits of the port of Calicut, so as to include Varakal, a village to the north of it.

2. It appears that at certain seasons of the year, generally in May & June, the sea is so rough at Calicut as to render landing and shipping operations there impracticable, while at Varakal, immediately to the north there is sufficient shelter to admit of these operations being proceeded with. It has therefore been customary for some years past to allow goods to be

landed and shipped at Varakal whenever the state of the weather prevented this being done within ordinary port limits. The arrangement is, however, irregular, and it seems desirable that the salient port limits should be extended so as to include Varakal. The sanction of the Government of India to such extension will accordingly be requested under section 5 (1) of the Indian Ports Act; the revised limits being as shown below:—

To the North. A straight line drawn due east and west through the site of the boundary pillar erected just south of the road leading by the military rifle range at Varakal.

To the South. A straight line drawn due east and west through the site of the boundary pillar erected south of the Kallayi river bar.

To the East. A line terminated by the Northern & Southern boundaries and enclosing the harbour or back water and the Kallayi river as far as the junction of the Enolly's canal, and so much of the shore of the mainland as is within 50 yards of the line of the high water spring tides.

To the West. A straight line meeting the Northern & Southern boundary lines at 9 fathoms of water.

3. On this sanction being received and the revised Port limits notified, as required by the said Act, the Revenue Dept. will then declare these limits to be limits for Sea Customs purposes under the Sea Customs Act.

The Presy. Port Officer
Rev. Sept. 11/9/91

H.E.

(H.E. No 605 Marine d/5th Sept 1896)

To, The Secy to the Govt of India
Finance & Commerce Dept.

Sir, I am directed to forward,
for the information of the Govt of
India, the accompanying copy
of the Proceedings of this Council
No 604 Marine, dated the 5th
September 1896 from which it will be
seen that it is, in the opinion of
H.E. the Governor in Council, desirable
to alter the port limits of Calicut
so as to regularise the landing
and shipping of goods at certain
seasons of the year when, owing to
the state of the sea, these operations
cannot be carried on within the
ordinary port limits as now defined.
I am to request that, under section
5 (1) of the Indian Ports Act, the
sanction of the Govt of India may
be obtained to the proposed
alterations as shown in the accompanying
draft notification and Map,
the latter of which, I am to request,
may be returned.

27/8/96

DD No 14/9/96

Print as a
draft notification
and attach a copy to all Marine Dept.
Draft Notification
12/8/96

Whereas the limits of
the port of Calicut, in the
district of Malabar, were
declared by Notification
published on page 443 of
the Fort St. George Gazette,
dated 6th August 1878, and
whereas it is expedient
to alter those limits:

I exercise of the powers
conferred by section 5 of the
Indian Ports Act (No 1 of 1889)
and with the previous sanction
of the Governor General in
Council, the Governor of Fort
St. George in Council is pleased
to alter the limits of the
said port, and to declare
that the precise extent
of those limits shall in

From

The Board of Revenue,

Separate Revenue.

---:---

FOR ORDERS.

The question raised in the paper read above is about the alteration of the existing limits of the Customs Port of Calicut so as to include Varakal, a village to the north of it.

2. It appears that at certain seasons of the year—generally in May and June—the sea is rough at Calicut and that Varakal is the only sheltered spot where shipping and landing operations can be carried on and that as a matter of fact such operations have, for some years past, been carried on at the Varakal beach whenever the state of the weather and sea prevented cargo boats touching at any point within port limits. This practice is, however, irregular, and objections appear to have been raised to its continuance. The matter was brought to the notice of H.E. Lord Wenlock on the occasion of his visit to the place in October 1893 in an address presented by the local mercantile community, coupled with the request that the northern limit of the port may be extended so as to enable shippers and consignees of cargo to send off

Vide page 9 of October '93,
Tour Account.

...ture be as follows, namely
to the North. A straight line
drawn due east and west
through the site of the boundary
pillar erected just south of
the road leading by the
military rifle range at Varakal.
So the South. A straight line
drawn due east and west through
the site of the boundary pillar
erected south of the Kallayji
river bar.
So the East. A line terminated
at the Northern & Southern boundaries
and meeting the barlow or back
water and the Kallayji river
as far as the junction of the
Conolly's Canal, and so much
of the shore of the mainland
as is within 50 yards of the
line of high water spring tides.
So the West. A straight line
meeting the Northern & Southern
boundary lines at 9 fathoms

of water
P.R.

1/2
07/8/96

off and land goods at the Varakal beach. But H.E. replied as follows:—"I understand that there is an objection to extending the port as a port as far as that (Varakal beach); but those of the merchants who wish it may land or ship goods from that beach during the monsoons when the weather there is calmer. The Collector here will undertake to see that proper facilities are given for the purpose on their paying the necessary expenses".

3. The merchants, however, do not appear to have been satisfied with this reply, for, when, soon after, the Presidency Port Officer visited the place on inspection, they reopened the subject and represented to him the necessity of extending the port limits. That officer desired the Port Officer to address the Collector on the subject, and on receipt of a copy of the correspondence which took place between these two officers, wrote to Government recommending that the limits of the Port be extended as requested. The Government, however, did not approve of the proposal. It remarked (vide G.O.No.136, Marine, d/13-4-94):-

"The special grounds adduced by the Presidency Port Officer in support of his application for the extension of the limits of the port of Calicut so as to include Varakal are to legalise shipping and landing at the latter place and to enable a schedule of hire to be fixed.

"2. It seems possible that the first point might be met by a Notification under sections 11 or 13 of Act VIII of 1878 specially authorising landing and

Vide page 11 of October '93,
Tour Account.

Vide papers under G.O.No.
136 Marine, d/13-4-94.

* Ld. 1667 Rev. 4.27.4.94.

* Bd. under G.O. 3473 Mar.
5.9.94.

and shipping at Varakal when such operations are impracticable at Calicut. The Revenue Department will be requested to state whether this can be done independently of Marine port limits being extended.

" 3. x x x x

4. The question was referred in this Department to the Board of Revenue, which in its turn referred it to the Collector with the remark that either the port limits should be extended as suggested, or Varakal made a sub-port of Calicut for the shipment and landing of goods when such operations were impracticable at Calicut. The Collector accepted the latter suggestion. As to the former he considered it inadvisable to extend the limits of the port, as they already extended over three miles and as, unless the Calicut establishment was largely increased, any amount of smuggling could go on, if landing and shipping were legalized at Varakal simultaneously with Calicut.

5. The Board, apparently accepting the Collector's view, recommended that Varakal be declared a sub-port of Calicut for the shipping and landing of goods in certain states of weather.

With reference to the last sentence of para 2 of the Marine Department Order No.136 of the 13th April 1894, the Board observed that any port could be notified as such under section 11 of the Sea Customs Act independently of a notification of Marine port limits under the Indian Ports Act.

No specific orders were passed
by

by Government on this point in disposing of the subject. It expressed doubts as to the legality of declaring one port subordinate to another, to be used only in certain states of weather and taking also into consideration the fact that the measure involved the entertainment of a separate and adequate establishment for which there were no funds, declined to sanction the proposal.

Vide G.O. 3473, d/5-9-94.

C.No. 3994./96.

6. The Collector of Malabar now proposes to modify the limits of the Port, by curtailing its limits on the south and extending its limits northwards so as to include Varakal. He also proposes that two landing and shipping places—one in front of the new ^{Sea} Custom House and the other in front of the old Sea Custom House at Calicut—should be notified for use in ordinary weather and that general permission should be granted for landing or shipping at Varakal when it is impracticable at Calicut. The Board submits these proposals for the sanction of Government.

7. It will be seen from the sketch submitted by the Collector that while the portion of the port proposed to be given up in the south is only about half a mile, the portion to be newly added in the north is about a mile and a half and as the present Port limits are stated to extend over three miles of the beach, the limits of the new Port will cover at least four miles. But Mr. Moberly reports that Varakal is plainly visible from the beach near the sea Custom House and from the pier at Calicut; that if a proper look-out be kept at

the pier head or sea Custom House, no boat can go to Varakal without being observed; and that if the landing of goods at Varakal be permitted only when it is impracticable at Calicut, the necessary supervision can easily be exercised.

In para 3 of its Proceedings the Board remarks that if the two landing and shipping places at Calicut are notified they will be the limits within which landing and shipping will ordinarily take place and that as to landing and shipping at Varakal in rough weather, the Board thinks that the Sea Customs Superintendent of the Port can grant the necessary permission under rule 20 of the boat rules appended to G.O.No. 333 Marine, dated 14th June 1894, understanding the expression "the chief customs authority at the Port" occurring in that rule, to mean the Sea Customs Superintendent at the Port.

8. Orders are requested as to whether the foregoing proposals may be approved. If they are to be approved, the question arises whether the Customs Port limits may be altered independently of the Marine Port limits—or in other words—whether the notifications submitted by the Board may be published without a notification being first published under the Indian Ports Act altering the limits of the Marine Port.

As already observed, this very question was raised by the Marine Department, but no specific orders have been passed. Attention is, however, solicited to the Office Note in the Marine Department, stitched with G.O. 507, d/4th February

by Government on this point in disposing

of
February 1893. When the draft of that
order (relative to a proposal to extend
the limits of the Customs Port of Gopal-
pur), was sent for the counterinitials
of the Chief Secretary, the papers were
returned with the following remarks:-

"Under the Sea Customs Act limits of
ports are ¹¹declared but they are ^Xdefined
or altered, as the case may be, under
the Ports Act.

Section 11 of Act VIII of
1878.
Sections 4 & 5 of Act X
of 1889.

" In this case the Marine Department
should first obtain the sanction of
India to the proposed alteration—Sec-
tion 5(1) of Act X of 1889— and then
notify the revised limits. The Revenue
Department can then declare them to be the
limits for Sea Customs purposes.

" Action must necessarily be taken
first by the Marine Department, and,
therefore, it is premature for the Reve-
nue Department to approve a draft noti-
fication 'declaring' limits which have
not yet been sanctioned by India and
defined by the Marine Department".

It does not appear from the original
of G.O.No.136, Marine, dated 13th April
1894, that the points raised in the
above Office Note were considered when
the orders contained in para 2 of that
G.O.were passed. The wording of section
11 of Act VIII of 1878 does not indi-
cate that a place to be declared a cus-
toms Port need necessarily be a "port
under the Indian Ports Act" (X of 1889).
But there is no case of a Customs Port
existing independently of a Marine
Port. And all the precedents clearly
show that whenever the limits of a cus-

toms

Vide G.Os.910, d/18-10-93, 439,
d/18-5-93, 412, d/15-5-93.

Customs Port were proposed to be altered
a notification under the Indian Ports Act
was first published the necessary sanction
of the Government of India being obtained,

9. If, therefore, the present propo-
sals of the Collector, which are supported
by the Board, are to be approved, the
papers will, if submitted, have to be
transferred to the Marine Department in
view to action being taken in that Depart-
ment in the first instance.

(Intld.) A.T.A.

The papers can, as proposed, be
transferred to the Marine Department for
disposal. It would be convenient if a
copy of this précis, which has been drawn
up with great care, were sent at the same
time.

(Intld.) D.M.C.

The proposed arrangements may,
I think, be sanctioned. If shipping and
landing operations are to go on at Varakal
only when they are not going ^{at} Calicut,
no additional establishments would appear
to be necessary.

(Intld.) H.W.B.

" A.E.H.

(True Copy)

Donald Davidson

Ag. Under Secretary to Govt.

8/9

C.No.3994 of 1896.

Regarding modification of the
limits of the Customs Port of Calicut.

-----:::-----

The Hon'ble Mr. Bliss, C.I.E.

H.E. the Governor.

-----:::-----

To

The Secretary to Govt.. Marine Dept.,
for favour of remarks.

Mar ^{See 4}
867/86

Revenue Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following:-

BOARD OF REVENUE (SEPARATE REVENUE), No. 132, 27TH MARCH 1896.

PROCEEDINGS OF THE BOARD OF REVENUE
(SEPARATE REVENUE).

READ—again the following Proceedings of the Board of Revenue (Separate Revenue),
Mis. No. 3471, dated 16th August 1895:—

Read—the following letter from H. MOBERLY, Esq., Acting Collector of Malabar,
to the Secretary to the Commissioner of Salt, Abkari and Separate Revenue,
dated Calicut, 31st July 1895, Ref. on C. No. 763-S.C.D.:—

In its Order, No. 370, Marine, dated 15th September 1894, Government declined
to sanction Mr. Bradley's proposal to declare Varakal a sub-port of Calicut. Mr.
Bradley did not think it advisable that the port limits of Calicut should be extended to
Varakal, as the port limits of Calicut already extend over 3 miles and if landing and
shipping operations are to be allowed to go on in all weathers both at Varakal and at
the Custom House, the present Customs establishment will be insufficient to supervise
the trade. I fully agree with Mr. Bradley, but am of opinion that it will be possible
to extend the limits of the port of Calicut so as to include Varakal. I have consulted
the Port officer and the Sea Customs Superintendent and therefore beg to submit the
following proposals.

2. The present southern boundary pillar of the Calicut port should be moved north
to the southern bank of the Kallai river, and the present northern pillar of the port
should be moved north to the corner of the tope just to the south of the road which
runs past the Military Rifle Butts. The enclosed sketch prepared by the Port officer
will explain matters.

3. In my letter, No. 32 (Confidential), dated 28th May 1895, I proposed that
places near the old and new Sea Custom Houses should be appointed to be places for
the landing and shipping of goods. If Varakal is included within the port limits of
Calicut, a place can be appointed at Varakal for the landing and shipping of kerosine
oil, dynamite and other dangerous goods at all seasons and for the landing of other
goods when landing near either of the Sea Custom Houses is impracticable.

4. If my proposals are approved, I will submit the necessary draft notifications.

Resolution—Mis. No. 3471, dated 16th August 1895.

Government in its Order, Mis. No. 3473, Revenue, dated 5th September 1894,
refused to comply with Mr. Bradley's proposal to declare Varakal a sub-port of Calicut,
on the ground that it could not be carried out without a separate and adequate estab-
lishment, for which there were no funds. The same objection applies to the propo-
sal made by the present Collector. He contemplates cutting off a small piece of the
present limits of the port on the south and adding a large piece including Varakal on
the north, but there is nothing to show that the saving of work at the southern end
would compensate for the increase in work a long way from the Custom House, &c., at
the northern end.

2. The Board cannot place the matter again before Government unless a stronger
case is made out.

(True Copy and Extract.)

(Signed) D. D. MURDOCH,
Secretary.

To the Collector of Malabar.

3473 Revd.
5 Sep 94

READ—again the following Proceedings of the Board of Revenue (Separate Revenue),
Mis. No. 4465, dated 20th October 1895 :—

Read—the following letter from H. MOBERLY, Esq., Acting Collector of Malabar,
to the Secretary to the Commissioner of Salt, Abkari and Separate Revenue,
dated Calicut, 5th September 1895, Further Ref. on C. No. 1037-S.C.D. :—

In reply to Board's Proceedings, Mis. No. 3471, dated 16th August 1895, I have
the honour to observe that Varakal is plainly visible from the beach near the Sea
Custom House and from the pier at Calicut. If a proper look out be kept at the pier
head or Sea Custom House, no boat can go to Varakal without being observed; and if
the landing of goods at Varakal be limited by the conditions given in my former letter,
the necessary supervision can easily be exercised.

2. I do not propose that the landing of all goods in all kinds of weather at Vara-
kal should be permitted. For the purposes of trade it is necessary that Varakal should
be included within the limits of the port of Calicut. It has happened that paddy
consigned to a merchant at Calicut could not be landed at Calicut owing to a rough
sea, that it was then landed at Varakal, but that the consignee refused to take delivery
on the ground that it had not been landed at Calicut. If Varakal is included within
the limits of the port of Calicut, such an excuse for refusing to accept delivery of a
consignment could not be raised; and it is, therefore, in the interests of the mercan-
tile community that I propose to include Varakal within the limits of the port of Calicut.

Resolution—Mis. No. 4465, dated 20th October 1895.

The Collector is requested to state whether he proposes to permit landing and
shipping at Varakal only when work is completely suspended at Calicut.

(True Copy and Extract.)

(Signed) D. D. MURDOCH,
Secretary.

To the Collector of Malabar.

READ—again the following Proceedings of the Board of Revenue (Separate Revenue),
Mis. No. 4694, dated 7th November 1895 :—

Read—the following letter from J. HEWETSON, Esq., Acting Collector of Malabar,
to the Secretary to the Commissioner of Salt, Abkari and Separate Revenue,
dated Calicut, 31st October 1895, Ref. on C. No. 1324-S.C.D. :—

With reference to the Proceedings of the Board of Revenue (Separate Revenue),
Mis. No. 4465, dated 20th October 1895, I have the honour to state that Mr. Moberly's
proposal was to permit landing and shipping at Varakal only when work is completely
suspended at Calicut, except in the case of kerosine oil, dynamite and other dangerous
goods, which he proposed to land at Varakal in all weather. If the Board thinks that
with our limited establishment this would not be safe, then landing and shipping may
be absolutely prohibited at Varakal, except when business is completely suspended at
Calicut. Either plan can be legally carried out under section 73 of the Sea Customs
Act.

Resolution—Mis. No. 4694, dated 7th November 1895.

The Collector is requested to submit draft notifications for extending the limits of
the Calicut port so as to include Varakal and for defining the limits for landing and
shipping at Calicut on ordinary occasions.

2. After the notifications are sanctioned and published by Government, the Board
will from time to time grant special sanction permitting landing and shipping at
Varakal under Rule 20 of the Cargo Boat Rules published on pages 996 to 1,000 of the
Fort St. George Gazette, dated 28th August 1894, Part I, the sanction being accorded
and withdrawn by wire on the recommendation of the Collector as landing or ship-
ping is practicable at Calicut or not.

(True Copy and Extract.)

(Signed) D. D. MURDOCH,
Secretary.

To the Collector of Malabar, with sketch returned
for reference and for re-submission.

READ—again the following Proceedings of the Board of Revenue (Separate Revenue),
Mis. No. 5307, dated 14th December 1895 :—

Read—the following letter from J. HEWETSON, Esq., Acting Collector of Malabar,
to the Secretary to the Commissioner of Salt, Abkari and Separate Revenue,
dated Calicut, 20th November 1895, Dis. No. 791 :—

With reference to the Proceedings of the Board of Revenue (Separate Revenue),
Mis. No. 4694, dated 7th November 1895, I have the honour to forward herewith
two draft notifications for extending the limits of the Calicut port so as to include
Varakal and for defining the limits for landing and shipping at Calicut on ordinary
occasions as therein called for.

2. In enclosing copy of Calicut Port officer's letter, No. 29-36, dated 14th
November 1895, I beg to endorse fully his views. There is little doubt that the
merchants will be put to considerable loss and inconvenience if sanction has to be
obtained by wire from the Board on every occasion before landing or shipping in rough
weather can be permitted at Varakal.

3. I have therefore the honour to request that the local authorities may be
invested with power to grant such permission.

4. The sketch is herewith returned.

ENCLOSURE.

From N. A. W. HAMILTON, Esq., Port Officer, Calicut, to the Collector of Malabar, dated
14th November 1895, No. 29-36.

In reply to your foot-note No. 1388-S.C.D. of 1895, to Board of Revenue Proceedings,
dated 7th November 1895, I have the honour to state that the draft notification sent therewith
would not suit as it would make Varakal a separate port, whereas what the Board now want
and what is required is that Calicut port be extended so as to include Varakal and this is abso-
lutely necessary, because as I have mentioned in my previous letter, No. 29-42 of 21st December
1894, landing must take place wherever the water is smooth and this may be anywhere a little
north of the present port limit mark. I have known work to commence at lighthouse in the
early morning and hour by hour have to be removed further north until in afternoon landing
could only take place near north boundary mark and this might extend so far as Varakal, as for
instance, on the 25th November troops were landed in morning at pier, but by noon boats that
were there had to be sent to Varakal or they would have been lost in the surf which had risen and
many lives would have been lost. From this it will be seen that we could not have waited until
permission was obtained by wire from the Board of Revenue and that the beach from south side
of Kallabar to south side of Military Rifle range just the north side of Varakal shed should be
one port and landing and shipping allowed by local authorities wherever practicable; merchants
will not land any further from old Custom House than they can possibly help on account of cart
hire and therefore shipping operations will only take place within a limited space wherever
possible and that as near as possible to old Custom House.

This office No. 29-42 of 21st December 1894 and No. 29-17 of 24th June 1895 will explain the matter fully, and I would suggest the enclosed draft notification, if it should meet with your approval. The draft notification is presuming the present boundary pillars to be removed and erected on the sites suggested; see notification and rules published as required by section 204 of Sea Customs Act of 1878.

Please see sketch sent with this office No. 29-17 of 24th June 1895.

Resolution—Mis. No. 5307, dated 14th December 1895.

The two draft notifications received with the Collector's letter have been revised in this office, and the revised notifications are forwarded to the Collector with the request that he will state whether they correctly define the proposed limits of the port and the landing places. He is further requested to mark the position of the old and new Custom Houses and to show the proposed eastern boundary of the port in the sketch herewith returned and to resubmit it.

2. In his letter, dated 31st October 1895, Ref. on C. No. 1324-S.C.D., the Collector stated that his proposals can be legally carried out under section 73. He is requested to explain how he considers that his proposal to invest the local authorities with power to grant permission to land goods at Varakal, when landing is impracticable at the landing places notified by Government, comes under section 73. It is observed that the second clause of section 73 applies only to the shipment of goods.

(True Copies and Extract.)

(Signed) D. D. MURDOCH,
Secretary.

To the Collector of Malabar, with two draft notifications and a sketch.

READ—also the following letter from A. F. PINHEY, Esq., I.C.S., Acting Sub-Collector in charge, Malabar District, to the Secretary to the Commissioner of Salt, Abkari and Separate Revenue, dated Manantoddy, 16th January 1896, No. 23-S.C.D. :—

With reference to the Proceedings of the Board of Revenue (Separate Revenue), Mis. No. 5307, dated 14th December 1895, I have the honour to state that the revised draft notifications received from the Board correctly define the proposed limits of the port and the landing places at Calicut.

2. The position of the old and new Custom Houses has been marked in the sketch herewith returned, the blue line therein showing the proposed eastern boundary of the port.

3. With reference to paragraph 2 of the Board's resolution, I have the honour to observe that Mr. Hewetson apparently read both the paragraphs of section 73 together without laying stress on the conjunction.

4. To permit landing as well as shipping Varakal must be included in the port limits of Calicut.

RESOLUTION—No. 132, dated 27th March 1896.

Submitted for the orders of Government.

2. In Government Order, Marine, communicated in G.O., Mis. No. 3926, Revenue, dated 11th October 1894, Government negated the proposal to declare Varakal a port subordinate to Calicut, to be used only in certain states of the weather. The Collector now proposes to extend the limits of the Calicut port northwards so as to include Varakal and to curtail its limits on the south. He further proposes that two landing and shipping places, one in front of the new Sea Custom House and the other in front of the old Sea Custom House at Calicut, should be notified for use in ordinary weather, and that general permission should be granted for landing or shipping at Varakal when it is impracticable at Calicut.

+The proposals were negatived in the Revenue Dept. and not in the Marine Dept. vide 20.3473 Rev. d/5 Sep 94.

3. Under section 73 of Sea Customs Act goods must be landed at a wharf or other place duly appointed for the purpose. No wharf has been notified by Government. In a notification published at page 411 of the *Fort St. George Gazette*, Part I, dated 1st August 1882, it is declared that in the absence of any special notification the limits for the landing and shipping of goods in any customs port shall, where limits are specified for the same purpose under the Cargo Boat Rules published under the Ports Act, be the limits defined by the said rules. Under rule 20 of the revised Boat Rules published under Act X of 1889 on pages 996 to 1,000 of the *Fort St. George Gazette*, Part I, dated 28th August 1894, all passengers and goods should "be landed or shipped from within the limits, if any, that have been determined by Government, and no person engaged in shipping or landing passengers or goods shall do so beyond such limits unless the sanction of the chief Customs authority at the port shall have been previously obtained." If the two landing and shipping places at Calicut are notified, these will be the limits within which landing and shipping will ordinarily take place, but the correspondence read in Board's Proceedings, Mis. No. 5307, dated 14th December 1895, shows that merchants will be put to serious loss and inconvenience if general permission is not granted for landing and shipping at Varakal in rough weather. The expression "chief Customs authority at the port" in the rule quoted above does not appear to have been used to mean the Board of Revenue as in the expression "Chief Customs-Authority" in the notification published under the Sea Customs Act at page 10 of the *Fort St. George Gazette*, Part I, dated 7th January 1896, but to mean the Sea Customs Superintendent at the port. It would therefore appear that the Sea Customs Superintendent can grant permission to land or ship goods and passengers beyond the limits of the notified landing places when it may be necessary to do so. The Collector reports that the necessary customs supervision over the landing of goods at Varakal can be exercised—*vide* paragraph 1 of his letter read in Board's Proceedings, Mis. No. 4465, dated 20th October 1895.

4. The Board submits the Collector's proposals for the sanction of Government and two draft notifications for approval and publication.

(True Copies and Extract.)

(Signed) D. D. MURDOCH,
Secretary.

(True Copy.)

(Signed) EDMUND MILLETT,
Assistant Secretary.

To the Secretary to Government, Revenue Department,
with two draft notifications and a sketch-map.
" Collector of Malabar.

Ed. J. P. Oliver.

REVENUE DEPARTMENT.

1896.

Board of Revenue

(Separate Revenue),

MADRAS.

Order thereon: No. 3146 Mis. d/7th August '96.

Transferred to the Marine Department.

(True Extract)

Wm. Davidson
S.B.

Ag. Under Secy. to Govt.

Printed April 30th.

Proceedings, No. 132, 27th March 1896.

To

The Marine Dept., with copy of Note
for Orders and Hon'ble Member's remarks.

Precedents - No. 265-6 Mar 26.7.93
" 348-11/27.9.93

Recommending to Government proposals of the Collector of Malabar to extend and define the limits of the Calicut port, to appoint wharves for landing and shipping goods in ordinary weather, and to grant permission for landing and shipping at Varakal in rough weather.