

14.8.05

G.O., No. 35 *twice*

DATED 11. January

Initials of

[Despatch Abstract.]

Madras Harbour: Passing orders on letter from the Chairman H. T. Board regarding certain matters ~~in connection with the~~ ^{connected?} — improvements.

Q. T. Old No. 76, New No. 26—5,66,833-2-12-66

DEPARTMENT

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

Press _____
Miscellaneous No. _____, dated _____
 Routine _____

196

Passing orders on letter from the Chairman, Harbour Trust Board, regarding certain matters connected with the—improvements.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following paper:—

From W. AUSTIN, Esq., I.C.S., Chairman, Harbour Trust Board, to the Secretary to Government, Marine Department, dated Madras, 4th December 1896, No. 3771.

I have the honour to submit herewith, for the information of Government, an extract from the minutes of a special meeting of the Harbour Trust Board held on Friday, 13th November, at which the Hon'ble Mr. Bliss favoured the Trustees with his presence, and gave them an opportunity of discussing Harbour matters with him.

(i) *Custody and Warehousing of Goods.*—The two letters from the Collector of Sea Customs, Bombay, referred to by the Harbour Improvements Committee, are reprinted herewith for ready reference.

2. The Harbour Board would invite the attention of Government to two important facts in connection with the arrangements in force at Bombay, as stated by the Collector of Sea Customs at that Port.

(a) "All landing places at Bombay are within Customs limits."

(b) "The sheds in which the goods are stored are under the sole control of the Port Trust," and "except for a general supervision by the Customs Preventive Department, the entire management of the sheds and the gates at the docks is conducted by the Port Trust"; and, on landing, "no goods are taken charge of by the Customs."

3. The Collector of Sea Customs, Madras, has been good enough to forward, for the opinion of the Trustees, a draft notification which he proposed to submit to the Board of Revenue, and to Government, for approval, appointing under section 11 (c) of the Sea Customs Act (VIII of 1878) the places within the limits of the Port of Madras to be wharves for the landing and shipping of goods.

This draft notification is as follows: and meets with the entire approval of the Harbour Trust Board.

"The foreshore and any wharf, pier or jetty, in the occupation or possession of the Harbour Trust Board between two lines drawn due east, one from the boundary pillar at the corner of Messrs. Parry and Co.'s premises, and the other from the northern Port limit pillar at Cassimode."

Should this notification be approved by Government, and published in the Gazette, it will include the whole of the Board's present premises, and all contemplated additions *within Customs premises*.

4. The recommendation of the Chamber of Commerce and the Harbour Improvements Committee is that the system set forth concisely in (b) *supra* should be brought into force at Madras, and the Harbour Board is willing to carry out the necessary arrangements, should Government approve of and sanction the proposal.

5. The Trustees would invite special attention to the difference between "*within Customs limits*" and "*Custom House*."

At Bombay the Custom House is the office of the Collector of Sea Customs, no goods are stored within it, and it is situate in the Fort, in the business quarter of the City, at a considerable distance from the docks, bunders, and wharves, which are, however, all *within Customs limits*.

At Madras the office of the Collector of Sea Customs is within the building which alone is available for the storage of goods, and where only can goods landed be stored until cleared through the Customs office. Hence, in Madras, the Custom House and the place for the storage of goods on landing have, from long association, come to be regarded as synonymous.

6. No section in the Sea Customs Act specifically enacts that goods shall, when landed, be taken into the Custom House; but as goods *must* be stored in some place that affords protection from the weather, convenience for Customs' examination and be under Customs' control until duty is paid, the Chief Customs' authority has directed under section 204, which provides that "all rules made under this Act shall be notified in the Official Gazette and shall thereafter have the force of law," that all goods landed at Madras shall be taken into the Custom House, *i.e.*, into the sheds within the enclosure forming part of the Customs building.

7. When the Harbour Trust has proper accommodation for the temporary storage of goods, giving shelter from the weather, facilities for Customs' examination, so enclosed as to give the Collector proper control over the goods *within Customs limits*, the rule made under section 204 that all goods should be taken into the Custom House should be cancelled, and for it might be substituted a rule that they shall be taken into Harbour Trust premises *within Customs limits*.

The Custom House would then no longer be required for the temporary storage, in the yards and sheds annexed to it, of goods landed, and while retained as the Collector's office, the yards and sheds within the building could be used as a public bonded warehouse, and for the purposes of a *Queen's warehouse* under section 88.

8. As a temporary measure it has been suggested in my letter, No. 2919, dated 23rd October, that the Trustees should rent the Custom House yards, as it is understood that the Chamber of Commerce and Trades Association desire the recommendations of the Harbour Improvements Committee to be brought into force as soon as possible, without waiting until Harbour improvements are completed, and the Harbour Board is willing to meet their wishes, if Government approves of renting the Customs yards to it; but, in the case of these yards which are within the present Custom House building, a question has arisen which would not exist in connection with the Board's own premises, when built and *within Customs limits*, that is whether storage fees can legally be levied under section 45, Act II of 1886.

It is presumed, should Government agree to rent the yards and sheds to the Trust, that the scale of rates for storage leviable under the Sea Customs Act would be cancelled.

At present the Board merely holds a lien for Harbour dues upon goods landed and stored in the Customs sheds, and no difficulty has ever arisen about collecting them; the goods are passed through the gates by the Collector's clerks, a Harbour Trust clerk also being present to see that dues have been paid, before actual delivery is made by the Trust's Traffic Department, and no difficulty is likely to occur in the future, for, because the Collector's lien for duty has been discharged by payment of it, that does not, for instance, effect a ship master's lien for freight, nor the Harbour Board's lien under section 55, Act II of 1886, which authorises the Board to sell, of goods upon which its dues are not paid, sufficient to cover the rates due to the Board; while under section 49, Harbour dues are payable "immediately on the landing" of goods, and should any difficulty occur, the system of deposits for payment of dues could be extended; at present it is confined chiefly to firms represented on the Chamber of Commerce or Trades Association.

The existing scale of rates for storage under section 45 would probably have to be increased very considerably, to yield the amount now collected as storage by the Collector, about Rs. 1,800 per mensem; but the Board would submit that this is a heavy tax on individual merchants, and the opportunity might be taken of reducing it by charging the Trust only such rent as the existing scale of rates under section 45 will yield.

9. The proposed arrangement for warehousing under warrant must stand over until the Board can construct proper warehouses; but this is a question altogether apart from the custody and storage of goods when landed; and from the storage of liquors in a public bonded warehouse, which last must, it is understood, be under the absolute and sole control of the Collector, and is a matter which does not concern the Trust; the Board would object to take charge of liquor in bond for years, indeed such a procedure would not appear to be contemplated by the Harbour Trust Act.

10. (ii) *Harbour Improvements*.—In my letter, No. 343, dated 2nd June 1891, I submitted to Government a proposal made by Mr. Pinsent, the Board's Secretary, for a deep water tidal dock in the sand accreted to the south of the Harbour, with a canal entering the Coom south of the Fort; and in its order thereon G.O., No. 347, Marine, dated 4th August 1891, Government ruled—with reference to the question of the erection of Commissariat godowns upon the proposed site—that “The Harbour Trust Board has no right to, or control over, the accretion on the south side of the southern arm of the Harbour,” and “the Government directs that no buildings excepting sheds of the most temporary character, which can easily be removed, shall be constructed on any portion of the land.”

11. The accretion was subsequently made over to, and is now in charge of, the Collector of Madras.

12. Previous to this, in his letter, No. 539, dated 23rd September 1886, Sir Richard Barlow, then Chairman, wrote—para. 5—“Government are aware that the cost of the erosion to the north of the northern arm has been debited to the construction of the Harbour, and I presume that, should further erosion take place, the Harbour Board will be held responsible for it. On the same principle I consider that the large accretion south of the southern groyne, which results from the construction of the Harbour, should vest in the Trust”: and para. 7—“The accretion immediately to the south of the southern groyne, up to the military boundary line, by Messrs. Parry and Co.'s is needed by the Harbour Works Department at present, and will be emergently required in the future for various Harbour additions and improvements.” To which Government replied that they were “not prepared to part with their power of direct control over the area lying south of the southern Harbour groyne, and more than 50 yards above high-water level. This, however, need not prevent the Harbour Trust Board from applying for the use of any portion of the area in question.”

13. Since this was written, the Board has had to pay large sums for the acquisition and protection of land north of the Harbour, and should Government approve of improvements being made to the south of the Harbour, the area to be occupied by the proposed boat-basin and its surrounding yards and godowns should, the Board would submit, be vested in the Trust under sections 26 and 27, Act II of 1886.

14. The Board has carefully considered (a). Whether the work now proposed is not of such a nature as to require no special knowledge of Harbour construction, and if such is the case, whether it could not be constructed under contract, by some well-known and reliable Public Works Department or other contractor.

(b). Whether it is better in the interests of the Trust to retain the services of an Engineer to the Board, or to employ a Sub-Engineer of the Public Works Department, attached to and paid by the Board, but responsible to the Chief Engineer, with a general Foreman only to assist him; repairs to traffic cranes, &c., being given out to one or other of the Local Engineering firms. In this connection the question arises whether it could not be arranged for the Engineer Member of the Board to exercise immediate supervision, receiving as compensation a personal allowance to be fixed by Government. A monthly inspection of the works by that gentleman, and a short quarterly report, would be a very great assistance to the administrative control of the Board. The question for consideration appears to be whether the Board could not more economically and satisfactorily control the administration of the Engineer's department by transferring the executive control to the Chief Engineer of the Public Works, instead of maintaining a costly establishment of its own.

15. The Board is unanimously of opinion that the time has arrived for a change to be made, and considers that, should it be practicable to transfer the executive control of Harbour Works to the Chief Engineer in the manner indicated, a very important saving might be effected, in the construction of improvements now contemplated, and in upkeep generally thereafter.

16. (iii) *Railway communications*.—In intimate connection with any scheme of Harbour improvements, Railway communications must take a very important place; and in the plan lately approved by the Board, both the Railways would have plenty of room, should Government make over the sand accreted to the south of the Harbour for Harbour improvements, and for Railway purposes. It is observed that the “Clive's” and “Lighthouse” batteries interfere very much with the railway alignment. It is understood that Clive's battery is likely to be moved, and it would seem that the Lighthouse battery is not in the best situation which could be found for it, being as it now is a little over 1,000 yards in a direct line from the high-water mark at the south arm, as recorded on the 7th September last. If the military authorities have any intention of moving the Lighthouse battery, as well as the Clive's battery, the railways could be kept further from the High Court, and the High Court grounds need not be encroached upon. This would be a convenience to the Judges of the High Court, to the Railways, and to the Trust, and the removal of the battery to a more suitable site might suit the military authorities. The protection of the shipping is a matter in which the Trust is indirectly interested, and as the removal of the Lighthouse battery would facilitate railway alignment, the Board would suggest that the cost of the removal of the battery might be paid jointly by the two railways, by the Trust, and by the Military Department. The amount could not be anything very great. Should the battery remain where it is, all railway and canal traffic, and all work in front of the guns, must be stopped, and the whole area cleared of people when shell practice is being carried out.

17. The question arises who is to construct, maintain, and work the lines of railway communication? The Board is of opinion that the matter should be left entirely in the hands of the two railways. A small rent, per ground occupied, might be charged, and the present rate of one anna a ton of goods carried by each railway vehicle entering on the Board's premises would continue to be levied. For the Board's Traffic Department to interfere with railway traffic would only lead to confusion and friction. The Railway Traffic Departments are better able to deal with the matter, and the Board's Traffic Department would merely control the loading and unloading of vehicles, as the Trust must maintain full control and custody of goods brought into its premises, either by sea or rail.

18. (iv) *Outstanding balances due by Coast Ports to the Madras Port Fund*.—At the end of 1894–95 the port of Ganjam was indebted to Madras by way of loan to the extent of Rs. 1,89,051, and this has been regarded by the Trust as anything but a satisfactory liquid asset. Should Government approve the proposals for Harbour improvements, made in my letter, No. 3284, dated 6th November, it would be to the interest of the Board if a portion of this amount in cash, say one lakh of rupees were paid within the financial year 1897–98, and the dredger “Wenlock” transferred to the Trust, as proposed some little time since, but without cash payment by the Board, in liquidation of the outstanding balances due by Ganjam, together with the small items due by other ports to Madras, amounting in all, in round figures, to about two lakhs of rupees.

19. In making this suggestion the Trustees have taken into consideration that while sacrificing to some extent a book asset, cash within a reasonable period is of more importance.

They have also borne in mind that Government has treated the port liberally in the matter of Harbour construction, and that they must still look to Government to assist the future development of trade, by affording facilities for the construction of improvements, by the transfer of the necessary site to the Trust.

ENCLOSURES.

From J. M. CAMPBELL, Esq., C.S., C.I.E., Collector of Land Revenue Customs and Opium, Bombay, to the Collector of Customs, Madras, dated Bombay Custom House, 22nd July 1892, No. C. 5876.

In reply to your letter, No. 1422 G., dated the 25th ultimo, I have the honour to state that all landing places at Bombay are within Customs limits, and neither free nor dutiable goods landed at those places are allowed to be cleared until after all necessary customs formalities, no special arrangement exists at Bombay for the separate storage, and delivery of free goods from premises situated outside of Customs limits. Consequently no separate guarding, supervising or examining establishment is necessary.

I forward a detailed note of procedure which I trust may prove useful.

Note.—Under section 11, clause (c) of the Sea Customs Act, the Local Government have appointed 39 places for landing and shipping goods on Import and Export.

Nearly the whole of the import and export trade passes through three of these 39 places, namely, (1) The Prince's Dock, (2) The Victoria Dock, and (3) The Carnac Bunder; the remaining 36 places are set apart for specified goods, such as coals, hay, straw, raw cotton, bricks, tiles, chunam, etc.

The following practice is observed in clearing free goods from the Prince's and Victoria Docks, both of which are controlled by the Port Trustees, and are worked by officers appointed under the orders of the Trust and paid from the Trust funds.

As soon as the goods are landed on the wharf, their tally is taken both by the Port Trust and the agents of the vessel, these tallies are used in checking off the cargo of the vessels with the duplicate copy of the general manifest in charge of the Customs Preventive Inspector posted at the docks.

Port Trust labourers remove the goods from the wharf and deposit them in the transit sheds.

An order on the bill of entry serves as authority for the temporary delivery of the goods by the Port Trust to their owners or agents for Customs examination. When the Customs examination is completed the packages are returned to the shed where they were originally deposited.

Packages are opened and closed by carpenters kept for the purpose by the Port Trust, on payment of a fee which varies according to the size of the package.

Except that in the case of steel and iron seven free days are allowed, all free goods may, on payment of a single wharfage fee, remain in the transit sheds free of rent for five clear-working days.

Goods remaining uncleared for home consumption at the end of the sanctioned period are on the sixth day removed to the Port Trust uncleared warehouse. In this warehouse, which is within Customs limits, goods incur rent for every three days or part of three days. And here they remain until cleared on an "out of charge" order issued by the customs on the duplicate bill of entry.

If not cleared from the Port Trust uncleared warehouse within four months from the date of landing, the goods are taken charge of by the Customs Preventive department, and are removed to the Queen's warehouse, where they are lodged pending their disposal under section 88 of the Sea Customs Act.

The "Transit sheds," the "Uncleared goods warehouse" and the Queen's warehouse are all within Customs limits.

When vessels discharge in the stream, the bulk of their cargo is under cover of boat notes landed at Carnac Bunder either by the mucedums engaged by the vessel's agents or by the owners of the goods.

As at the docks five clear-working days are allowed for the clearance of goods landed from steamers arriving from free or foreign ports. And five days are also allowed for goods imported by such country craft as arrive by foreign ports. In the case of goods brought by native craft from free ports, three free days are allowed.

It will be seen from the above that, except for disposal under section 88 of the Sea Customs Act, no goods are taken charge of by the Customs; that the department has nothing to do with landing, storage or delivery of goods; that on landing, goods are always kept within Customs limits before clearance for home consumption; and that in no premises outside the Customs are uncleared goods allowed to be deposited.

Dock Custom House,
13th July 1892.

(Signed) D. COWASJEE,
Second Examiner.

From J. M. CAMPBELL, Esq., C.S., C.I.E., Collector of Land Revenue, Customs and Opium, Bombay, to the Collector of Sea Customs, Madras, dated Bombay Custom House, 16th August 1892, No. C. 6511.

In reply to your letter, No. 1646 G., dated the 25th ultimo, I have the honour to give the further information required by you.

1. The practice prevailing at the Prince's and Victoria Docks in respect of the landing of dutiable goods is the same as that described for free goods in the accompaniment to this office letter, No. C. 5876, dated the 22nd idem, except that dutiable goods are allowed to remain free of rent for seven days (exclusive of Sundays and holidays) instead of for five days, the time allowed for free goods. Greater care is taken in stacking dutiable goods, to facilitate their being quickly traced for Customs examination. As in the case of free goods, dutiable goods are delivered by the Port Trust to the consignees or their agents on production of a delivery order from the agents of the importing vessel, and complete documents from the Customs. No delivery of imported goods, whether free or dutiable, is made on any account, except under cover of Customs documents on which orders for their being "out of Customs charge" are given.

2. All free as well as dutiable goods landed at the docks are delivered to their owners or their agents by the Port Trust employees exclusively, and the sheds in which the goods are stored are under the sole control of the Port Trust. Up to the present no cases have occurred in which goods have been passed without documents, no immediate precautions are taken by the Custom House to prevent packages being so passed. But four months after the entry inwards of a vessel, a list is prepared showing all items which remain uncleared in the vessel's manifest, that is, for which bills of entry have not been prepared, and which are not reported as short landed. This list is sent to the Preventive Department by the officers of which the necessary inquiries are made, and the uncleared packages are taken charge of by them and sent to the Queen's Warehouse for disposal under section 88 of the Customs Act. Should any of them be not forthcoming, the Port Trust would be held responsible (vide last paragraph of section 85). Except a general supervision by the Customs Preventive Department, the entire management of the sheds and the gates at the docks is conducted by the Port Trust. The sheds being all within Customs limits, removal of packages from one shed to another is permitted by shed managers, who are all in Port Trust employ.

3. It is under the provisions of section 85, clause (b) of the Customs Act that goods are landed at the two docks.

4. Goods are landed at the Carnac Bunder also under section 85, but in some cases the owners take delivery from the vessel's side in the stream, and land the goods themselves. In the former case they are in charge of the vessel's agents, and in the latter in that of the owners, who employ watchmen to look after the goods. Free goods are stored in open sheds on the wharf, while dutiable goods are placed in a godown, the key of which remains in charge of the Preventive officer at the Bunder after it is closed at sunset, but both classes of goods lie at the risk of the agents of the vessels, or the owners of the goods, as the case may be. The gates at the Bunder are in charge of Customs gate-keepers, who allow the goods to pass on presentation of duplicate of the bill of the entry endorsed with an order signed by an Assistant Collector, permitting the removal of the goods.

EXTRACT of the minutes of the Proceedings of a special meeting of the Trustees of the Madras Harbour, held at the Board's office on Friday, the 13th November 1896.

Present:

The Hon'ble Mr. H. W. Bliss, I.C.S., C.I.E.

Mr. Ware Austin, I.C.S., Chairman.

„ W. S. Shaw.

„ H. Scott.

Commander H. A. Street, R.I.M.

Mr. F. J. Wilson.

„ J. F. Davies.

„ Cowasjee Eduljee Panday.

„ Mirza Mehdy Ispahani.

4. Various harbour matters having been discussed, the Secretary was directed to prepare, and circulate, a draft letter to Government, submitting for favourable consideration the views of the Trustees as placed before the Hon'ble Mr. Bliss, to whom Mr. Scott proposed and Mr. Shaw seconded a vote of thanks for his presence.

Carried unanimously.

(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 4th day of December 1896.

* * * * *

7. Read draft letter to the Secretary to Government, Marine Department, submitting the views of the Trustees regarding harbour matters.

Read minutes by Trustees.

Approved as now amended.

* * * * *

(True Extract.)

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

ORDER—No. 35, Marine, dated 11th January 1897.

As regards the proposed arrangements for the storage of goods, attention is invited to the Proceedings of Government in the Revenue Department, No. 682, dated 1st December, and Mis. No. 4909, dated 2nd December 1896.

2. The terms on which the area is required for harbour improvements south of the southern harbour groyne should be brought forward separately when those improvements have been sanctioned for execution.

3. The Public Works Department will consider the proposals made for future construction and control of the Harbour works, and the question of railway communications, paragraph 16 (iii), will be dealt with in the Railway Branch.

4. The adjustments proposed in paragraph 18 (iv) will be considered in the Financial Department.

(True Extract.)

(Signed) D. McNEIL CAMPBELL, Colonel, R.E.,
Secretary to Government.

To the Chairman, Harbour Trust Board.

- „ Revenue Department.
- „ Public Works Department.
- „ Public Works Department, Railway Branch.
- „ Financial Department, with note by the Hon'ble Mr. Bliss on paragraph 4 of the order.

The Hon. Mr. Bliss C.D.E. Marine DEPARTMENT.

N^o 35 Mar of 11.1.97
PROCEEDINGS OF THE MADRAS GOVERNMENT.

Letter from the Chairman, Harbour Trust Board,
Madras, N^o 3771 of 4. XII. 96

READ the following

As regards the proposed arrangements for the storage of goods, attention is invited to the Proceedings of Government in the Revenue Department N^o 682 of 1st December and 4909 Mis. of 2nd December 1896.

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3. The Public Works Dept. will consider the proposals made for future construction.

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and the question of Rail-
way Communications
para 16 (iii) will be dealt
with in the Railway Branch.
4. The adjustments
proposed in para 18 (iv)
will be considered in
the Financial Department.

* I hope this will become
into soon -
AS

4/1/97

* last he
committed
to the mil. Dept.
11/1/97 W.

AS

- 20
- The Chairman, H. T. Board
- " Revenue Dept.
- " Public Works Dept.
- " P. W. Dept., Railway Branch
- " Financial Dept.

note by the Hon. Mr. Bhis in force of
the order -

in 6/1/97

The Hon. Mr. Bhis C. J. E. Marine

DEPART

GOVERNMENT OF
MADRAS

14/1/97

My dear Campbell

Spassed a f. o. a day
or two ago referring (among
other things) to the F. D.
the H. T. B.'s proposal to take
a lease of property + the
Wenlock in full payment
of the debt due by the Govt. +
other port funds. Will you
kindly send the particulars
here in res. to the F. D. &
that immediate measures may

15/1/97

The
in
1897

14/1/97

undertaken to provide the
table in the Revised Edition
which went to press in
the course of the next few days

Yours truly

H. W. Whips

The Hon. Mr. P. S. C. J. E.

Marine

DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

Letter from the Chairman H. J. Board, Madras,
No. 3771 dated 4 Dec^r 90

As regards the proposed arrangements for the storage of goods, attention is invited to the Proceedings of Govt in the Revenue Dept. No. 682 dated 1 December 1896 and 4909 this d/2 Dec 1896.

The questions raised in connection with the custody and warehousing of goods will be considered in the Revenue Dept., in continuation of the undermentioned correspondence:-

G.O. No. 190, Marine, d/ 1st July 1895.
" " 119, Marine, d/ 26 Feb 1896.
" " 503, Marine, d/ 16 July 1896.
Endorsement No. 539 E d/ 3 Nov^r 1896.

2. The terms on which the area required for Harbour improvements south of the Southern Harbour quay should be brought forward separately when

those improvements have
been sanctioned for execution.
The Public Works Dept
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Communications, para 16 (iii),
will be dealt with in the
Railway Branch.

The adjustments
proposed in para 18 (iv)
will be considered in the
Financial Dept.

ES.

17/12/16

- To The Chairman H. J. Board.
" Revenue Dept
" Public Works Dept
" P. W. Dept, Railway Branch
" Financial Dept

J. A. W.

Will you please let me have
the file in P.W. Workshops that
I sent down to be arranged

JAW
7.12.16

19th

file submitted.

The papers requiring
disposal are placed on
the top. They are taken
from S. S. I since 23/16

Marine (10) C. L. [unclear] [unclear].

Proposed to keep the
draft order over for the
Hon Mr. Bliss who was
present at the Board
meeting when the
matters were discussed,
and is probably expecting
the proposals.

L.S.
W. Bregb

W
80 in the Rev. Sept 1862
and the [unclear] [unclear] [unclear]
of Bregb, having since
been revised, part of
the draft now in C. L. 1368
with required modification
as shown in the margin of
the draft. If approved,
the draft will now be revised.

L.S.
W. Bregb

* linked file.

See also for the [unclear]
to Bliss

HC
The file should be compared
with the orders quoted in
top of the draft.

1862

9 [unclear] [unclear]
120 A 7 29.3 93
with enclosed [unclear].
7.12.26

Marine (1896) Department.

CURRENT No. 1368

Order

From

The Chairman,
Harbour Trust Board,
Madras.

No. 3771.

Dated 4th Decr. 1896.

Despatched 11th "

Received "

Enclosures : Printed Copies of letters from the Collector of Sea Customs, Bombay, referred to by the Harbour Improvements Committee.

Spare copies : three.

SUBJECT.

MADRAS HARBOUR.

- (I.) Custody and warehousing of goods.
- (II.) Harbour Improvements.
- (III.) Railway Communications.
- (IV.) Outstanding balances due by Coast Ports to Madras Port Fund.

BACK PAPERS.

G. O.	No.	Department.	Date.
831	Coby	man	1-12-80
539	E...	man	3-11-80
582	Hier	- bo	27-5-80
+ hibern on the back			
347	Coby	PW	4-8-81
4 R		man	5-1-81
273	R	man	4-12-80
213	R	bo	7-10-81
351	man	bo	8-10-80
71	R	bo	28-4-80
698	man	bo	8-12-86
601	man	bo	28-10-86
496	Coby	bo	8-9-86
276	of	bo	1-6-86
16-18	Coby	Leggs	25-1-86
59			
39	R	man	23-1-85
150	Leg	-	27-10-85
468	man	man	6-11-85
380	man	man	7-9-85
233	Coby	bo	6-6-85
3128	w. Coby	-	19-12-84
3304	of Cof		20-11-83
2154	w.	-	6-8-83
94	Coby	man	13-2-83
2902	Coby	man	15-6-82
3190	of	-	22-12-81
2721	w. Coby	PW	3-11-81
10	Y...		23-11-76

FURTHER PAPERS.

[illegible]

Harbour Trust Office,
Madras, 4th December 1896.

No. 3771.

FROM

WARE AUSTIN, Esq., I. C. S.,
CHAIRMAN, HARBOUR TRUST BOARD,
MADRAS.

To

THE HON'BLE COL. D. MCNEIL CAMPBELL, R. E.,
SECRETARY TO GOVERNMENT,
Marine Department.

SIR,

SIR,

I have the honour to submit herewith for the information of Government, an extract from the minutes of a special meeting of the Harbour Trust Board held on Friday, 13th November, at which the Hon'ble Mr. Bliss favoured the Trustees with his presence, and gave them an opportunity of discussing Harbour matters with him.

Goods.—The two letters from the Collector of

(i). *Custody and Warehousing of Goods*.—The two letters from the Collector of Sea Customs, Bombay, referred to by the Harbour Improvements Committee, are reprinted herewith, for ready reference.

2. The Harbour Board would invite the attention of Government to two important facts in connection with the arrangements in force at Bombay, as stated by the Collector of Sea Customs at that Port.

(a). "All landing places at Bombay are within Customs limits."

(b). "The sheds in which the goods are stored are under the sole control of the "Port Trust," and "except for a general supervision by the Customs Preventive "Department, the entire management of the sheds and the gates at the Docks is "conducted by the Port Trust"; and, on landing, "no goods are taken charge of by "the Customs."

3. The Collector of Sea Customs, Madras, has been good enough to forward, for the opinion of the Trustees, a draft notification which he proposed to submit to the Board of Revenue, and to Government, for approval, appointing under Section 11 (c) of the Sea Customs Act (VIII of 1878) the places within the limits of the Port of Madras to be wharves for the landing and shipping of goods.

This draft notification is as follows : and meets with the entire approval of the Harbour Trust Board.

Harbour Trust Board.

"The foreshore and any wharf, pier or jetty, in the occupation or possession of the Harbour Trust Board between two lines drawn due east, one from the boundary pillar at the corner of Messrs. Parry and Co.'s premises, and the other from the northern Port limit pillar at Cassimode."

Should this notification be approved by Government, and published in the Gazette, it will include the whole of the Board's present premises, and all contemplated additions *within Customs premises*.

4. The recommendation of the Chamber of Commerce and the Harbour Improvements Committee is, that the system set forth concisely in (b), *supra*, should be brought into force at Madras, and the Harbour Board is willing to carry out the necessary arrangements, should Government approve of and sanction the proposal.

5. The Trustees would invite special attention to the difference between "*within Customs limits*" and "*Custom House*."

At Bombay the Custom House is the Office of the Collector of Sea Customs, no goods are stored within it, and it is situate in the Fort, in the business quarter of the City, at a considerable distance from the docks, bunders, and wharves, which are, however, all *within Customs limits*.

At Madras the Office of the Collector of Sea Customs is within the building which alone is available for the storage of goods, and where only can goods landed be stored until cleared through the Customs Office. Hence, in Madras, the Custom House and the place for the storage of goods on landing, have, from long association, come to be regarded as synonymous.

6. No section in the Sea Customs Act specifically enacts that goods shall, when landed, be taken into the Custom House; but as goods *must* be stored in some place that affords protection from the weather, convenience for Customs' examination and be under Customs' control until duty is paid, the Chief Customs' authority has directed under Section 204, which provides that "all rules made under this Act shall be notified in the Official Gazette and shall thereafter have the force of law," that all goods landed at Madras shall be taken into the Custom House, *i. e.*, into the sheds within the enclosure forming part of the Customs building.

7. When the Harbour Trust has proper accommodation for the temporary storage of goods, giving shelter from the weather, facilities for Customs' examination, so enclosed as to give the Collector proper control over the goods *within Customs limits*, the rule made under Section 204 that all goods should be taken into the Custom House should be cancelled, and for it might be substituted a rule that they shall be taken into Harbour Trust premises *within Customs limits*.

The Custom House would then no longer be required for the temporary storage, in the yards and sheds annexed to it, of goods landed, and while retained as the Collector's Office, the yards and sheds within the building could be used as a public bonded warehouse, and for the purposes of a *Queen's Warehouse* under Section 88.

8. As a temporary measure it has been suggested in my letter No. 2919, dated 23rd October, that the Trustees should rent the Custom House yards, as it is understood that the Chamber of Commerce and Trades Association desire the recommendations of the Harbour Improvements Committee to be brought into force as soon as possible, without waiting until Harbour improvements are completed, and the Harbour Board is willing to meet their wishes, if Government approves of renting the Customs yards to it; but, in the case of these yards which are within the present Custom House building, a question has arisen which would not exist in connection with the Board's own premises, when built and *within Customs limits*, that is whether storage fees can legally be levied under Section 45, Act II of 1886.

It is presumed, should Government agree to rent the yards and sheds to the Trust, that the scale of rates for storage leviable under the Sea Customs Act would be cancelled.

At present the Board merely holds a lien for Harbour dues upon goods landed and stored in the Customs sheds, and no difficulty has ever arisen about collecting them; the goods are passed through the gates by the Collector's clerks, a Harbour Trust clerk also being present to see that dues have been paid, before actual delivery is made by the Trust's Traffic Department, and no difficulty is likely to occur in the future, for, because the Collector's lien for duty has been discharged by payment of it, that does not, for instance, effect a ship master's lien for freight, nor the Harbour Board's lien under Section 55, Act II of 1886, which authorises the Board to sell, of goods upon which its dues are not paid, sufficient to cover the rates due to the Board; while under Section 49 Harbour dues are payable "*immediately on the landing*" of goods, and should any difficulty occur, the system of deposits for payment of dues could be extended; at present it is confined chiefly to firms represented on the Chamber of Commerce or Trades Association.

The existing scale of rates for storage under Section 45 would probably have to be increased very considerably, to yield the amount now collected as storage by the Collector, about Rs. 1,800 per mensem; but the Board would submit that this is a heavy tax on individual merchants, and the opportunity might be taken of reducing it, by charging the Trust only such rent as the existing scale of rates under Section 45 will yield.

9. The proposed arrangement for warehousing under warrant must stand over until the Board can construct proper warehouses; but this is a question altogether apart from the custody and storage of goods when landed; and from the storage of liquors in a public bonded warehouse, which last must, it is understood, be under the absolute and sole control of the Collector, and is a matter which does not concern the Trust; the Board would object to take charge of liquor in bond for years, indeed such a procedure would not appear to be contemplated by the Harbour Trust Act.

10. (ii). *Harbour Improvements*:—In my letter No. 343, dated 2nd June 1891, I submitted to Government a proposal made by Mr. Pinsent, the Board's Secretary, for a deep water tidal dock in the sand accreted to the south of the Harbour, with a canal entering the Cooum south of the Fort; and in its order thereon G. O., Marine, No. 347, dated 4th August 1891, Government ruled—with reference to the question of the erection of Commissariat godowns upon the proposed site—that "The Harbour Trust Board has no right to, or control over, the accretion on the south side of the southern arm of the Harbour," and "the Government directs that no buildings excepting sheds of the most temporary character, which can easily be removed, shall be constructed on any portion of the land."

11. The accretion was subsequently made over to, and is now in charge of, the Collector of Madras.

12. Previous to this, in his letter No. 539, dated 23rd September 1886, Sir Richard Barlow, then Chairman, wrote—para. 5—"Government are aware that the cost of the erosion to the north of the northern arm has been debited to the construction of the Harbour, and I presume that, should further erosion take place, the Harbour Board will be held responsible for it. On the same principle I consider that the large accretion south of the southern groyne, which results from the construction of the Harbour, should vest in the Trust": and para. 7—"The accretion immediately to the south of the southern groyne, up to the military boundary line, by Messrs. Parry and Co.'s is needed by the Harbour Works Department at present, and will be emergently required in the future for various Harbour additions and improvements." To

which Government replied that they were "not prepared to part with their power of direct control over the area lying south of the southern Harbour groyne, and more than 50 yards above high-water level. This, however, need not prevent the Harbour Trust Board from applying for the use of any portion of the area in question."

13. Since this was written, the Board has had to pay large sums for the acquisition, and protection, of land north of the Harbour, and should Government approve of improvements being made to the south of the Harbour, the area to be occupied by the proposed boat-basin and its surrounding yards and godowns should, the Board would submit, be vested in the Trust, under Sections 26 and 27, Act II of 1886.

14. The Board has carefully considered (a). Whether the work now proposed is not of such a nature as to require no special knowledge of Harbour construction, and if such is the case, whether it could not be constructed under contract, by some well known and reliable D. P. W., or other contractor.

(b). Whether it is better in the interests of the Trust to retain the services of an Engineer to the Board, or to employ a Sub-Engineer of the D. P. W., attached to and paid by the Board, but responsible to the Chief Engineer, with a general Foreman only to assist him; repairs to traffic cranes, &c., being given out to one or other of the Local Engineering firms. In this connection the question arises whether it could not be arranged for the Engineer member of the Board to exercise immediate supervision, receiving as compensation a personal allowance, to be fixed by Government. A monthly inspection of the works by that gentleman, and a short quarterly report, would be a very great assistance to the administrative control of the Board. The question for consideration appears to be whether the Board could not more economically and satisfactorily control the administration of the Engineer's department by transferring the executive control to the Chief Engineer of the Public Works, instead of maintaining a costly establishment of its own.

15. The Board is unanimously of opinion that the time has arrived for a change to be made, and considers that, should it be practicable to transfer the executive control of Harbour Works to the Chief Engineer in the manner indicated, a very important saving might be effected, in the construction of improvements now contemplated, and in up-keep generally thereafter.

16. (iii). *Railway communications* :—In intimate connection with any scheme of Harbour Improvements, Railway communications must take a very important place; and in the plan lately approved by the Board, both the Railways would have plenty of room, should Government make over the sand accreted to the south of the Harbour for Harbour Improvements, and for Railway purposes. It is observed that the "Clive's" and "Light-house" batteries interfere very much with the Railway alignment. It is understood that Clive's battery is likely to be moved, and it would seem that the Light-house battery is not in the best situation which could be found for it, being as it now is a little over 1,000 yards in a direct line from the high-water mark at the south arm, as recorded on the 7th September last. If the military authorities have any intention of moving the Light-house battery, as well as the Clive's battery, the Railways could be kept further from the High Court, and

the High Court grounds need not be encroached upon. This would be a convenience to the Judges of the High Court, to the Railways, and to the Trust, and the removal of the battery to a more suitable site might suit the military authorities. The protection of the shipping is a matter in which the Trust is indirectly interested, and as the removal of the Light-house battery would facilitate Railway alignment, the Board would suggest that the cost of the removal of the battery might be paid jointly by the two Railways, by the Trust, and by the Military Department. The amount could not be anything very great. Should the battery remain where it is, all railway and canal traffic, and all work in front of the guns, must be stopped, and the whole area cleared of people when shell practice is being carried out.

17. The question arises who is to construct, maintain, and work the lines of Railway communication? The Board is of opinion that the matter should be left entirely in the hands of the two Railways. A small rent, per ground occupied, might be charged, and the present rate of one anna a ton of goods carried by each railway vehicle entering on the Board's premises would continue to be levied. For the Board's Traffic Department to interfere with railway traffic would only lead to confusion and friction. The Railway Traffic Departments are better able to deal with the matter, and the Board's Traffic Department would merely control the loading and unloading of vehicles, as the Trust must maintain full control and custody of goods brought into its premises, either by sea or rail.

(iv). *Outstanding balances due by Coast Ports to the Madras Port Fund* :—

18. At the end of 1894-95 the port of Ganjam was indebted to Madras by way of loan to the extent of Rs. 1,89,051, and this has been regarded by the Trust as anything but a satisfactory liquid asset. Should Government approve the proposals for Harbour Improvements, made in my letter No. 3284, dated 6th November, it would be to the interest of the Board if a portion of this amount in cash, say one lakh of rupees were paid within the financial year 1897-98, and the Dredger "Wenlock" transferred to the Trust, as proposed some little time since, but without cash payment by the Board, in liquidation of the outstanding balances due by Ganjam, together with the small items due by other ports to Madras, amounting in all, in round figures, to about two lakhs of Rupees.

19. In making this suggestion the Trustees have taken into consideration that while sacrificing to some extent a book asset, cash within a reasonable period is of more importance.

They have also borne in mind that Government has treated the Port liberally in the matter of Harbour construction, and that they must still look to Government to assist the future development of trade, by affording facilities for the construction of improvements, by the transfer of the necessary site to the Trust.

I have the honour to be,
Sir,

Your obedient servant,

W. A. S. S. S.
Chairman,
Harbour Trust Board.

Reo

No. C. 5876 of 1892.

FROM

J. M. CAMPBELL, Esq., C. S., C. I. E.,
Collector of L. R. Customs and Opium,
Bombay.

TO

THE COLLECTOR OF CUSTOMS,

Madras.

BOMBAY CUSTOM HOUSE,

22nd July 1892.

SIR,

In reply to your letter, No. 1422G, dated the 25th ultimo, I have the honor to state that *all landing places at Bombay are within Customs limits*, and neither free nor dutiable goods landed at those places are allowed to be cleared until after all necessary customs formalities, no special arrangement exists at Bombay for the separate storage, and delivery of free goods from premises situated outside of Customs limits. Consequently no separate guarding, supervising or examining establishment is necessary.

I forward a detailed note of procedure which I trust may prove useful.

I have the honour to be,

Sir,

Your obedient servant,

J. M. CAMPBELL,

Collector of L. R. Customs and Opium.

Note.—Under section 11, clause (c) of the Sea Customs Act, the Local Government have appointed 39 places for landing and shipping Goods on Import and Export.

Nearly the whole of the Import and Export Trade passes through three of these 39 places, namely, (1) The Prince's Dock, (2) The Victoria Dock, and (3) The Carnac Bunder; the remaining 36 places are set apart for specified goods, such as Coals, Hay, Straw, Raw Cotton, Bricks, Tiles, Chunam, etc.

The following practice is observed in clearing free goods from the Prince's and Victoria Docks, both of which are controlled by the Port Trustees, and are worked by officers appointed under the orders of the Trust and paid from the Trust Funds.

As soon as the goods are landed on the wharf, their tally is taken both by the Port Trust and the Agents of the vessel, these tallies are used in checking off the cargo of the vessels with the duplicate copy of the general Manifest in charge of the Customs Preventive Inspector posted at the Docks.

Port Trust labourers remove the goods from the wharf and deposit them in the Transit sheds.

An order on the Bill of Entry serves as authority for the temporary delivery of the goods by the Port Trust to their owners or agents for Customs examination. When the Customs examination is completed the packages are returned to the shed where they were originally deposited.

Packages are opened and closed by carpenters kept for the purpose by the Port Trust, on payment of a fee which varies according to the size of the package.

Except that in the case of Steel and Iron 7 free days are allowed, all free goods may on payment of a single wharfage fee remain in the transit sheds free of rent for 5 clear-working days.

Goods remaining uncleared for home consumption at the end of the sanctioned period are on the 6th day removed to the Port Trust uncleared Warehouse. In this Warehouse, which is *within Customs limits*, goods incur rent for every three days or part of three days. And here they remain until cleared on an "out of charge" order issued by the Customs on the duplicate Bill of Entry.

If not cleared from the Port Trust uncleared Warehouse within 4 months from the date of landing, the goods are taken charge of by the Customs Preventive Department, and are removed to the Queen's Warehouse, where they are lodged pending their disposal under Section 88 of the Sea Customs Act.

The "Transit sheds," the "Uncleared Goods Warehouse" and the Queen's Warehouse are all *within Customs limits*.

When vessels discharge in the stream the bulk of their cargo is under cover of boat notes landed at Carnac Bunder either by the mucedums engaged by the vessel's agents or by the owners of the goods.

As at the Docks 5 clear working days are allowed for the clearance of goods landed from steamers arriving from free or foreign ports. And 5 days are also allowed for goods imported by such country craft as arrive by foreign ports. In the case of goods brought by native craft from free ports, 3 free days are allowed.

It will be seen from the above that except for disposal under Section 88 of the Sea Customs Act, *no goods are taken charge of by the Customs: that the department has nothing to do with landing, storage or delivery of goods: that on landing, goods are always kept within Customs limits before clearance for home consumption, and that in no premises outside the Customs are uncleared goods allowed to be deposited.*

D. COWASJEE,

2nd Examiner.

DOCK CUSTOM HOUSE, }
 13th July 1892. }

(True copy.)

J. M. CAMPBELL,

Collector of L. R. Customs and Opium.

No. C. 6511 of 1892.

FROM

J. M. CAMPBELL, Esq., C. S., C. I. E.,
Collector of Land Revenue, Customs and Opium,
Bombay.

To

THE COLLECTOR OF SEA CUSTOMS,
Madras.

BOMBAY CUSTOM HOUSE,
16th August 1892.

SIR,

In reply to your letter, No. 1646 G., dated the 25th ultimo, I have the honour to give the further information required by you.

1. The practice prevailing at the Prince's and Victoria Docks in respect of the landing of dutiable goods is the same as that described for free goods in the accompaniment to this office letter, No. C. 5876, dated the 22nd idem, except that dutiable goods are allowed to remain free of rent for 7 days (exclusive of Sundays and holidays) instead of for 5 days, the time allowed for free goods. *Greater care is taken in stacking dutiable goods, to facilitate their being quickly traced for Customs examination. As in the case of free goods, dutiable goods are delivered by the Port Trust to the consignees or their agents on production of a delivery order from the agents of the importing vessel, and complete documents from the Customs. No delivery of imported goods, whether free or dutiable, is made on any account, except under cover of Customs documents on which orders for their being "out of Customs charge" are given.*

2. *All free as well as dutiable goods landed at the Docks are delivered to their owners or their agents by the Port Trust employés exclusively, and the sheds in which the goods are stored are under the sole control of the Port Trust. Up to the present no cases have occurred in which goods have been passed without documents, no immediate precautions are taken by the Custom House to prevent packages being so passed. But four months after the entry inwards of a vessel, a list is prepared showing all items which remain uncleared in the vessel's manifest, that is, for which bills of entry have not been prepared, and which are not reported as short landed. This list is sent to the Preventive Department, by the officers of which the necessary inquiries are made, and the uncleared packages are taken charge of by them, and sent to the Queen's Warehouse for disposal under Section 88 of the Customs Act. Should any of them be not forthcoming, the Port Trust would be held responsible (vide last para. of Section 85). Except a general supervision by, the Customs Preventive Department, the entire management of the sheds and the gates at the Docks is conducted by the Port Trust. The sheds being all within Customs limits, removal of packages from one shed to another is permitted by shed managers, who are all in Port Trust employ.*

3. It is under the provisions of section 85, clause (b) of the Customs Act that goods are landed at the two Docks.

4. Goods are landed at the Carnac Bunder also under section 85, but in some cases the owners take delivery from the vessel's side in the stream, and land the goods themselves. In the former case they are in charge of the vessel's agents, and in the latter in that of the owners, who employ watchmen to look after the goods. Free goods are stored in open sheds on the wharf, while dutiable goods are placed in a

godown, the key of which remains in charge of the Preventive Officer at the Bunder after it is closed at sunset, but both classes of goods lie at the risk of the agents of the vessels, or the owners of the goods, as the case may be. The gates at the Bunder are in charge of Customs gate-keepers, who allow the goods to pass on presentation of duplicate of the bill of the entry endorsed with an order signed by an Assistant Collector, permitting the removal of the goods.

I have the honour to be,

Sir,

Your obedient servant,

JEHANGER DOMBHEY FRAMJEE,
for Collector of Land Revenue, Customs and Opium.

Extract of the Minutes of the Proceedings of a Special Meeting of the Trustees of the Madras Harbour, held at the Board's Office on Friday, the 13th November 1896.

Present:

The Hon'ble Mr. H. W. Bliss, I. C. S., C. I. E.

Mr. Ware Austin, I. C. S., Chairman.

„ W. S. Shaw.

„ H. Scott.

Commander H. A. Street, R. I. M.

Mr. F. J. Wilson.

„ J. F. Davies.

„ Cowasjee Eduljee Panday.

„ Mirza Mehdy Ispahani.

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4. Various Harbour matters having been discussed, the Secretary was directed to prepare, and circulate, a draft letter to Government, submitting for favourable consideration, the views of the Trustees as placed before the Hon'ble Mr. Bliss, to whom Mr. Scott proposed and Mr. Shaw seconded a vote of thanks for his presence.

Carried unanimously.

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True Extract.

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 4th day of December 1896.

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7. Read draft letter to the Secretary to Government, Marine Department, submitting the views of the Trustees regarding Harbour matters.

Read minutes by Trustees.

Approved as now amended.

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(True Extract.)

C. PINSENT,

Secretary,

Harbour Trust Board.