

627

G.O., No. 485 Mar

7c, 1015

<i>Recd.</i>	} 1897.	<i>Enclosures</i>
<i>Regd.</i>		<i>Spare copies</i>

G.O., No. 485, 26th May 1897.

MAY.

Payment of Port dues

Defining the term "due" in column 4 of the schedule of the Indian Ports Act.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

From the Presidency Port Officer, Madras, No. 162 G., dated 8th May 1897.

No. 485 Marine of 26 May 1897

Read—the following paper:—

From Commander H. A. STREET, R.I.M., Presidency Port Officer, Madras, to the Secretary to Government, Marine Department, dated 8th May 1897, No. 162 G.

The S.S. *Coconada*, a coasting vessel, entered Vizagapatam on the 14th December 1896 in ballast, and paid port dues at 2 annas and 3 pies per ton, being three fourths of 3 annas, in accordance with section 46 of the Indian Ports Act X of 1889. She entered Calingapatam next day laden with cargo and passengers taken in at Vizagapatam, and the Conservator at the former port levied the difference of 9 pies per ton on account of the vessel having entered his port laden and being in his opinion subject to payment of the full rate of port dues (i.e.), 3 annas per ton. The Steamer Agents now claim refund of the difference of dues levied on the ground that the payment of dues at Vizagapatam—whether at ballast or cargo rate—exempts the vessel from payment of dues for a period of 30 days at that port or any other port in 1889. I am of opinion that the levy of the difference of dues is correct as the vessel changed her character from *ballast* to *cargo* and *passengers* subsequent to her first payment and within the period of exemption allowed her under the Act, but as there is no ruling in regard to such a case, I beg to be favoured with the views of Government in the matter.

ORDER—No. 485, Marine, dated 26th May 1897.

The position assumed by the Steamer Agents is, in the opinion of His Excellency the Governor in Council, untenable. It is provided in column 4 of the schedule of the Indian Ports Act that "the payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group."

2. The "due" in this case is the full rate of three annas a ton, and not the "three-fourths" rate specially provided for in section 46 of the Act.

(True Extract.)

Under Secretary to Government,

To the Presidency Port Officer,

Exd. W. D'Moss.

R.A.

26/5/97
M.

To The P.P.O.

9/5/97

Payment of port dues. $\frac{485 \text{ mcs}}{26.5 \text{ 57}}$

Read the following:—

From the Presidency Port Officer, Madras, No. 162 G., dated 8th May 1897.

~~For Mr. P. S. S. E.~~

FOR ORDERS.

The position assumed by the Steamer Agents seems untenable. Column 4 of the Schedule of the Indian Ports Act says that "the payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group"

*
Vide Column 3 of the Schedule.

2. The "due" in this case is the full rate, ^xthree annas a ton, and not the "three fourths" rate specially provided for in Section 46 of the Act.

3. It is submitted that this view of the Act should be announced. If the Steamer Agents disagree they have their remedy at law.

4. If the Agents' view be adopted it will be open to steamers to evade the payment of full port dues in very many cases. They have only to go to a

port

port in ballast, pay the "three
fourths" rate, and then enter any
number of ports of the group with
full cargoes without once paying
the full rate.

[Signature]
21/5/97
M.

R.S. I quite agree
Rs
22/5/97

FOR ORDERS.

Marine (1897) Department.

CURRENT No.

677

From

The Presidency Port Office
Madras

No. 162 G.

Dated 8 May 1897

Received

Registered

Enclosures

Spare copies -

SUBJECT.

Requesting the views of
Government in connection
with the levy of Port dues
on the s.s. "Locanada"

BACK PAPERS.

FURTHER PAPERS

No.	Date.
434	9-16-96
395	9-6-9-89.

No.

1629

170

Heading.

PRESIDENCY PORT OFFICE,

Madras,

8th May 1897.

From

Commander H. J. S. S. R. J. M.

PRESIDENCY PORT OFFICER,

Madras,

To

THE SECRETARY TO GOVERNMENT,

MARINE DEPARTMENT,

Chepak.

SIR,

The S.S. "Loconada" a boasting vessel entered Vizagapatam on the 14th December 1896 in ballast and paid port dues at 2 annas and 3 pies per ton, being three-fourths of 3 annas, in accord-ance with Section 46 of the Indian Ports Act of 1889. She entered Baluiga patam next day laden with cargo and passengers taken in at Vizagapatam, and the Conservator at the former port levied the difference of 9 pies per ton on account of the vessel having entered his port laden and being in his opinion subject to payment of the

2/6/97

the full rate of port dues, (i.e.) 3 annas per ton. The Steamer Agents now claim refund of the difference of dues levied on the ground that the payment of dues at Vizagapatam whether at ballast or cargo rate exempts the vessel from payment of dues for a period of 30 days at that port or any other port in the group, in accordance with column 4 of the Schedule of the Indian Ports Act of 1889. I am of opinion, that the levy of the difference of dues is correct as the vessel changed her character from ballast to cargo and passengers subsequent to her first payment and within the period of exemption allowed her under the Act, but as there is no ruling in regard to such a case, I beg to be favored with the views of Government in the matter.

I have the honor to be,
Sir,
your obedient servant
H. A. Theet

Commander R. D. M.
Presidency Port Officer.