Marine (1898) Department.

ORDINARY.

G.O. No. 255 (Marine)

DATED 4-4-1898

[Despatch Abstract.]

Port of Cocanada —

D
to be C
calling
the Con

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Marine (1898) Department.

G.O., No. 255 Marine

DATED 4th April 1898.

[Despatch Abstract.]

Port of Cocanada. — Directing with
remarks that a notification be pub-
lished appointing certain persons
he Conservator of the ______ under
ction 7(1) of the Indian Ports Act X of
and calling on the Supdg. Engineer
le to submit, after consultation with
Conservancy Board an indent
a dredger for the port.

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to be Con to
calling on
the Conserv

BACK PAPERS.

No.	Department.	Date.	G.O.	No.	Department.
5538	Mar:	31-8-97			

FURTHER PAPERS.

O.	No.	Department.	Date.	G.O.	No.	Department.	D
	1096/98	[illegible]	[illegible]				

Government (1898) of Madras.

MARINE.

Recd. } 1898. Enclosures

Regd. Spare copies

G.O., No. 255, 4th April 1898.

APRIL.

Port of Cocanada

Directing, with remarks, that a notification be published appointing certain persons to be Conservator of the — under section 7 (1) of the Indian Ports Act X of 1889, and calling on the Superintending Engineer, I Circle, to submit, after consultation with the Conservancy Board, an indent for a dredger for the port.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

Read—the following papers :—

From the Revenue Department,	dated 26th Feb. 1897,	No.	1186 Mis.
„ the Presidency Port Officer,	„ 18th March „	„	48/97 G.
„ the Collector of Gódávari,	„ 23rd June „	„	A/Acc.
„ „ „	„ 1st July „	„	963/Acc. 97.
„ the Presidency Port Officer,	„ 23rd August „	„	48/312 G.
„ „ „	„ 30th „ „	„	48/318 G.

Order—No. 255, Marine, dated 4th April 1898.

The correspondence read above relates to the powers and responsibilities of th
Gódávari District Ports Conservancy Board, in regard to which there has been so
misapprehension.

2. The position seems to be as follows. The Board is constituted under secti
(1) of Act X of 1889, and its principal functions are described in sections 8 to 1
that Act. It is not legally entitled to the control or management of any Port F
for its duties as regards such funds are limited to keeping the accounts
section 36 (2) and publishing annual abstracts thereof in the Fort St. Georg
Gódávari District Gazettes, as will be seen on reference to the notification recorde
G.O., No. 196, Marine, dated 21st May 1890. In respect to Port Fund co
generally, it is laid down (paragraph 4 of the Government Order) that the Boar
administrative subordination to the Presidency Port Officer.

3. As regards fees under Act III of 1885, it will be seen from the noti
recorded with G.O., No. 247, Marine, dated 5th July 1890, that the Collect
Gódávari district is the officer appointed to levy and receive the fees and to keep
accounts.

[illegible]

4. The district grouping of ports for which the Board was appointed Conservator
has been superseded by the new grouping notified in the *Fort St. George Gaz*
the 18th May 1897, and it thus seems probable that the Board has in conse
become *functus officio*. This, as well as other considerations, renders it desirab
a new Board should be constituted with clearly defined responsibilities and
adapted to the duties which it is required to perform under existing conditions

5. After a careful consideration, His Excellency the Governor in Cour
arrived at the conclusion that the Board should be constituted under section
Act X of 1889 as conservator of the port of Cocanada, and should be com
follows :—

Chairman.

The Collector of the District.

Vice-Chairman.

The Port Officer of the Port.

Members.

The Superintending Engineer of the Circle.
The Executive Engineer of the Division.
Three members of the European Chamber of Commerce to be elected an
Two members of the Native Chamber of Commerce to be elected annu

6. Constituted as above the Board will exercise all the powers vested in a Port Conservator by Act X of 1889, and will, in addition, subject to the control of Government exercised through the Presidency Port Officer, supervise all work such as maintenance and dredging, carried out either from Landing and Shipping Dues or Port Funds not specially entrusted to the Public Works Department. The supervision of Landing and Shipping Dues affairs will also be entrusted to the Board, but the duty of collecting fees and keeping accounts is by law * vested in an officer of Government, and has been entrusted † to the Collector of the district.

* Section 7 of Act III of 1885.

† G.O., No. 247, Marine, dated 5th July 1890.

7. The Board will further be authorised to inform the Presidency Port Officer, before the annual budget is prepared, of the most pressing wants of the port, and these will be provided for with due regard to the requirements of other ports of the eastern group.

8. The Collector will now submit the names of the non-official gentlemen to be placed on the new Board when their appointment will be formally sanctioned. Meanwhile the following notification will be published :—

NOTIFICATION.

The Gódávari District Ports Conservancy Board appointed in the notification published on page 357, Part I of the *Fort St. George Gazette* of 27th May 1890, having become *functus officio*, His Excellency the Governor in Council is pleased, in exercise of the powers conferred on him by section 7 (1) of Act X of 1889, the Indian Ports Act, to appoint the following persons to be Conservator of the port of Cocanada under the said section :—

Chairman.

The Collector of the District.

Vice-Chairman.

The Port Officer of the Port.

Members.

The Superintending Engineer of the Circle.
The Executive Engineer of the Division.
Three members of the European Chamber of Commerce to be elected annually.
Two members of the Native Chamber of Commerce to be elected annually.

9. The most pressing need of the port is a dredger, and the Government will do what is possible to obtain the money requisite for its purchase. The cost will be included in the statement which is being submitted to the Government of India in view to a special grant of Imperial funds being made for port works. Meanwhile the Superintending Engineer will, after consultation with the Conservancy Board as to the most suitable form of dredger, submit an indent through the regular channel on the Secretary of State for its supply.

(True Extract.)

(Signed) W. B. deWINTON,
Ag. Secretary to Government.

To the Presidency Port Officer.
„ Collector, Gódávari District.
„ Revenue Department.
„ Public Works Department.
„ Superintendent, Government Press.

Exd. W. D'Moss.

Marine

~~Revenue~~ (1897) Department. 4

CURRENT No. ~~1454~~
320

D/ 2/2/97

From

Private Secy to His Excellency the Governor

No.

Order Mis. No: 1186 Mis.

Transferred to the Marine Department.

G. Stokes.
Ag. Secretary.

Dated 16th }
Received ~~16th~~ } ~~Feb 1897~~
Registered 18th } 5. 3. 97
Enclosures 1
Spare copies

AR
26.2.97

Fort St. Geo. }
2d Mar. 1897 }

SUBJECT.

Forwarding petition from Mr. A Macnab, praying for a loan for the purchase of the necessary Dredger to clear the Channel in Cocanada.

Seen by W
12 Mar 97

To be linked with the Cocanada papers file now under disposal.

RS
13 Mar 97

13/1a.

18/2/97

A.M. 30-3-97

1168/97

BACK PAPERS.

G.O.	No.	Department.	
~~Correspondence of 1892 re purchase of [illegible]~~			
305		Marine	21-8-93 ✓
300		..	21-8-93 ✓
88		..	2-3-93 ✓
22		..	21-1-93 ✓
468		..	19-12-92 ✓
Slips containing H.m's remarks removed from the file of G.Os sent to Mr. Larminie with G.O. to 3921, dt 21-3-96.			

FURTHER PAPERS.

G.O.	No.	Department.	Date.
282		Marine	4-8-92 ✓
260		..	7-7-92 ✓
215		..	17-6-92 ✓
189		..	3-6-92 ✓
150		..	11-5-92 ✓
143		..	5-5-92 ✓
135		..	2-5-92 ✓
96		..	23-3-92
124		Fin^l	21-2-90
190		Marine	3-3-97
374		— do —	26-4-97
513		— do —	4-6-97

5

PETITION
8140
REVENUE DEPT.

MADRAS, 11th *February* 1897.

To

THE PRIVATE SECRETARY TO
HIS EXCELLENCY THE GOVERNOR OF MADRAS,
MADRAS.

SIR,

I have the honor to inform you that I have received the following telegram from the Vice-Chairman of the Godavery District Ports Conservancy Board, bearing date the 4th instant:—

> "Both Chambers of Commerce unanimously reaffirm their offer of March 1892 to have the Landing and Shipping Dues raised to serve loan from Government for purchase of new dredger. Conservancy Board requests you to see Governor and ask loan on security of above special dues offered"

and in obedience to that mandate, I solicit the honor of an interview with His Excellency the Governor of Madras.

In 1892 I was similarly deputed by the European and Native Chambers of Commerce of Cocanada and by the District Ports Conservancy Board to approach the then Government of Madras on the same subject, and the Hon'ble Mr. (now Sir Henry) Stokes was good enough to promise to advance the necessary funds on condition that the District Ports Conservancy Board should show, and pledge to Government, revenue from dues sufficient to serve the loan on the usual terms, which, if my memory serves me aright, were 4¾% per annum. The Native Chamber of Commerce thereupon promptly tendered special dues, calculated to yield about Rs. 17,000 per annum, or more than double the revenue required to serve the loan, but, on a subsequent representation from the Marine Department, it was decided to first try whether the Government Dredger *Wenlock* could not clear the channel, and the promised loan was withheld.

The results of that decision have been disastrous to the Port, and the two Chambers of Commerce earnestly appeal to Government to sanction the District Ports Conservancy Board's acquiring an efficient Dredger of its own and to advance the funds required, estimated at Two Lakhs of Rupees. To serve this loan, they offer the same special dues as tendered in 1892, namely, an increase in the ordinary Landing and Shipping Dues from two annas to four annas per ton, and in addition special dues on certain items of export (Tobacco, Oil and Ghee), the whole calculated to yield annually about Rs. 17,000, which again, it will be observed, is nearly double the revenue required to serve the loan.

It has been suggested that our present fairway should be abandoned, and a new canal constructed with an outlet at Vakalapudi, abreast of the anchorage, but the mercantile community of Cocanada, Europeans and Natives alike, unanimously and strenuously oppose any such migration, believing as they do that the result of that migration would be, first, that Cocanada would quickly lapse into ruin, as the neighbouring and once flourishing seaport of Coringa has already done, and, second, that the proposed new outlet would be exposed to the surf, and that Cocanada would consequently lose the unique position it now enjoys of being alone of all the ports between False Point and Ceylon, independent of surf.

The Chambers of Commerce submit with the utmost confidence that until efficient dredging, which they believe would be certainly effective, has been tried, there can be no justification for abandoning the present channel, upon which so much money has been spent, and upon which the large vested interests of Cocanada absolutely depend, and they earnestly appeal to Government for a loan to purchase the necessary Dredger.

I may perhaps be permitted to urge on the consideration of His Excellency that Cocanada is the main outlet of the two great irrigated deltas of the Godavery and Kistna, and that it is peculiarly desirable at the present time, when scarcity prevails, and famine threatens, over so large an area of India, that the means of shipment at that Port should be improved without delay.

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

A. MacNab.

Encls 1
Mar ~~320~~ 937/97

Dredger for Cocanada

READ the following :—

Endorsement from the Private Secretary to His Excellency the Governor on petition from Mr. A. MacNab, dated, Madras, 11th February 1897.

- do - thereon in the Revenue Department, No. 1186 Mis., dated 2nd March 1897.

320

~~The Hon. Mr. Bliss C. I. E.~~

FOR ORDERS.

This is a proposal from the Godavari District Ports Conservancy Board to obtain a dredger of its own by means of a loan of two lakhs of rupees to be advanced by Government.

2. In order to "serve" the loan, i.e., pay interest and form a sinking fund, the Board propose to pledge certain landing and shipping dues estimated to yield Rs. 17,000 per annum. Interest on Rs. 2,00,000 at $4\frac{3}{4}$ per cent would come to Rs. 9,500 in round figures, thus leaving Rs. 7,500 for the sinking fund.

3. The Collector might be asked as to the prospect of raising the amount named from landing and shipping dues as suggested.

4. As regards the necessity for the dredger, I am of opinion that as the Mercantile Community of Cocanada are averse to the removal of the port

Mr. MacNab's letter is very indefinite — The Collr. had better be asked to report generally.
(a) I don't understand about this Conservancy Bd. — Who appoints it & under what Act? I observe that Act III of 1885, while providing for the collection of funds, makes no provision at all as to what is to be done with them when collected.

B.
12/4/97

(a)
Please see the following orders.
G.O. 56. Marine d/ 13 Feb. 90. Kaz. D
" 196 - do — 21 May " " A
in regard to the Constitution of the Conservancy Board and its powers.

24/4/97

Sen. It may be as well to bear in mind the considerable*

43—500-6-3-94.

RS

Hn 26 4 97 R 27. 4. 97

FOR ORDERS.

port to Vakalapudi, it is essential that the port should be provided with a good dredger. The Wenlock was tried once before and was not a success, and was found to be ~~excessive~~ expensive. The question of hiring the vessel ~~for~~ from the port of Madras may ~~then~~ thus be dismissed. The lengthening of the groynes now in progress has produced some good effect, but unfortunately the old dredgers have got out of order.

5. With the groynes lengthened and a good sand pump dredger available, I think the channel can be kept open for the largest boats, though periodical lengthening of the groynes may be required.

30/3/97

W.

R.S.* proposals for raising add^l. funds made in the former of these G.O.s

27/4/97

W. Submitted for information. The matter will be kept in view. R.S. 28 ap 97

28/4/97

2. 18-4-97

Marine ~~Public Works~~ Department.

9

B
For orders

PROCEEDINGS OF THE MADRAS GOVERNMENT

Under date the

Read the following

Endorsement from the Private Secretary to H.E. the Governor on letter from Mr. A. MacNab dated Madras 11th February 1897.

Endorsement thereon in the Revenue Dept. No. 1186 Mis dated 2nd March 1897

No. 370 Marine of 23rd April 1897

The letter from Mr. MacNab will be referred to the Collector, Godavari, for report generally, and on the financial aspect of the proposal.

23/4/97

Issue from here R.W. 27/4/97

To

The Collector, Godavari, with letter in original to be returned.

R.S.

23/4/97

I Reminder sent 16.6.97

(1) Issue

(2) Resubmit papers with reply to Note on the "for orders" draft.

Marine (1897) Department.

10

CURRENT No. 420

From,

The Presidency Port officer,
Madras

Order

No. 48/97 G

Dated 18th March 1897
Received 20 · 3 · 97
Registered — o —
Enclosures one.
Spare copies

[illegible] No. 3[illegible] 23rd [illegible] 97

SUBJECT.

Forwarding with remarks letter from the Vice Chairman, Godavary district Ports Conservancy Board, praying that a loan of two Lakhs of Rupees may be granted for the purchase of a dredger for Cocanada —

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

M.130

No. 1668. PRESIDENCY 15 MAR 97 PORT OFFICE Coconada 10th March 1897.

From

The Vice Chairman

Godavary District Ports Conservancy Board.

Coconada.

To

The Chief Secretary to Government.

Through The Presidency Port Officer

Madras.

Sir

I have the honor to inform you that at a recent meeting of the Godavari District Ports Conservancy Board, specially convened for the purpose, it was decided to approach Government with a view to obtaining a loan of Two Lakhs of Rupees for the purchase of a suitable Dredger for Coconada.

The necessity for a powerful Dredger capable of clearing away sand as well as mud has long been recognised but the enormous accretions of sand across the mouth of the river during the last year or two have emphasised the need.

Government in their G. O. No. 3357 W dated 23rd November 1896 sanctioned the extension of the Southern and Northern groynes at Coconada by 2300 and 200 feet respectively. The groynes are now being extended under the direction of Mr. Larminie, the Superintending Engineer, but unless a channel can be kept open between the groynes the extension will apparently be of little service to this Port. I understand that Mr. Larminie in advising the extension of the groynes fully recognised that their utility would depend upon the acquisition of such a Dredger as the Board now wish to purchase.

In March 1892 the European and Native Chambers of Commerce representing the mercantile interests of this port voluntarily proposed to impose special rates on certain goods exported from this place and in addition to increase from One pie to Two pies per cwt the Landing and Shipping Dues now levied on exports and imports other than those for which special rates are to be charged, for the service of a similar loan. It was however decided to first try whether the Government Dredger "Wenlock" could not clear the channel, and the loan which had been promised by the Hon'ble Mr. (now Sir Henry) Stokes, was withheld.

As the results of that decision were disastrous to the port it seems imperative that it should have an efficient dredger of its own and the Native and European Chambers of Commerce have reaffirmed their offer of March 1892 to have the Landing and Shipping Dues increased as then proposed to serve a loan from Government for the purchase of a new and suitable dredger.

I have therefore the honor to request that you will be good enough to move Government forthwith to sanction the loan of Two Lakhs for the purchase of a suitable dredger for this port on the security of the special dues to be imposed to meet the charges for interest and working and for the creation of a sinking fund.

The matter appears to the Board to be one of extreme urgency and I am instructed to lay stress upon the desirability of funds being placed at the Board's disposal at a very early date so that the Board may place the order for the Dredger without delay.

It is proposed to consult Mr. Cockburn an expert formerly employed by the Government of India and personally conversant with the requirements of this Port as to the best form of dredger and to request him to superintend the design and construction

I have the honor to be.

Sir,

Your Most obedient Servant.

W. Leighton

Vice Chairman, Godavari

District Port Conservancy Boa

No. 1668 of 1897.

From

The Vice Chairman

G. D. P. C. B.

Coconada

To

The Chief Secretary to Govt

through the Presidency Port Officer

Madras.

Dated 10th March/97.

Despd. 11th

Recd.

Enclosure

Nil

Requesting to obtain from Government a loan of two lacs for purchase of a dredger for the port under circumstances stated.

Encls 1

Mar 420 (5)

No.48/97 G

Presidency Port Office,
Madras, 18 March, 1897.

From

Commander H. A. Street, R.I.M.,
Presidency Port Officer,
MADRAS,

To

The Secretary to Government,
Marine Department,
CHEPAK.

Sir,

I have the honor to forward herewith, for the consideration and orders of Government, a letter No.1668 dated 10th March 1897 from the Vice-Chairman Godavary District Ports Conservancy Board, addressed through this office to the Chief Secretary to Government, praying that a loan of two lakhs of rupees may be granted for the purchase of a suitable dredger for the port of Coconada. It is pointed out that "the enormous accretions of sand across the mouth of the river during the last year or two have emphasised the need" of a powerful dredger, & that unless a channel can be kept open between the groynes, the extension now being carried out will be of little use to the port.

2. At present, the two small dredgers belonging to the port assisted by two dredgers of the Public Works Department are employed in dredging a channel through the sand which has been enclosed by the extension of the groynes, but these vessels are unsuitable for dredging beyond the groynes.

3. A powerful dredger could no doubt clear a channel through the bank of sand and mud (about 600 feet) which at present extends beyond the ends of the groynes

but experience has proved, that at Coconada a channel which is unprotected, is liable to be blocked up on heavy weather occurring- the channel cleared by the "Wenlock" is a case in point. Should the groynes be extended into deep water, it is possible that the powerful dredger the conservancy Board contemplates obtaining might prove a "white elephant". It seems to me that, everything depends on the groynes being extended or not. Should it be decided to leave them as they are at present, a powerful dredger will be necessary, for by constant dredging only can the channel be kept open.

4. Should the Government decide to sanction the loan asked for, I submit that the conditions of the port which existed when Mr. Cockburn was at Coconada have considerably altered, and that the slight experience he gained of the difficulties of the port while he was engaged in repairs to the Tug " Madras" scarcely qualifies him to afford a sound opinion as to the best class of apparatus to be used.

I have the honor to be,
Sir,
Your Obedient Servant,

H A Street

Commander, R.I.M.,
Presidency Port Officer.

GJL

Marine Department

rder:

Current no: 903

From
The Collector of Godavari

Dated 23.6.97

Despatched 24.6.97

Received 30.6.97

Extra No A/ecc

Subject.

Submitting report on the desirability of improving the bar at the Cocanada port.

Register [illegible]

Port of Cocanada.

8 / Receipts and Charges & Dredging Expenses.

Year	Total Receipts			Total Charges			Priestman Dredger Establishment			Working Expenses & Repairs			Connemara						Total Dredging Charges		
													Establishment			Working Expenses & Repairs					
1894-95	43604	2	3	36603	10	3	2213	-	-	4973	-	-	1206	-	-	4984	-	-	13376	-	-
1895-96	41199	10	3	52678	6	4	2199	-	-	5843	-	-	1206	-	-	6170	-	-	15418	-	-
1896-97	40575	11	2	20434	12	7	2183	8	6	4041	8	10	1208	5	6	4277	8	10	11710	-	-

Collector.

9D
24/6/97

Extract from the minutes of the Godavari ~~District~~ Ports Conservancy Board held on the 31st May 1897

× × ×

4. Read Proceedings of Government dated 23rd April 97 No 370 received from the Collector with letter from Mr A. Macnab dated 14.2.97 and the Dy Conservator's remarks thereon relative to the improvement of the bar.

Copy of letter from Vice Chairman dated 10th March 1897 will be furnished to the Collector as this letter embodies the opinion of the Board on the subject.

× × × ×

(sd) W. J. Highton
Vice Chairman G. D.
Port Conser: Bd.

(True Copy)

No $\frac{18}{P.A}$

Forwarded to the Collector Godavari for information with reference to his No $\frac{184}{acc}$ of 97 d/ 15.5.97. The Proceedings of Madras Government dated 23rd April 1897

B/

No 370 with its enclosures is herewith returned

(sd) Geo: Wicks
Dy Conservator of the Port

True copy

Collector

9B
24.6.97

Enc 2
20.3.97

Coconada 10th March 1897

2/

From

The Vice Chairman
Godavari District Ports Conservancy Board,
Coconada.

To

The Chief Secretary to Government
Through the Presidency Port Officer,
Madras.

the same
Enclosure & to CA
20/3

Sir,

I have the honor to inform you that at a recent meeting of the Godavari District Ports Conservancy Board, Specially convened for the purpose, it was decided to approach Government with a view to obtaining a loan of two lakhs of Rupees for the purchase of a Suitable Dredger for Coconada.

The necessity for a powerful Dredger, capable of clearing away sand as well as mud has long been recognised but the enormous accretions of sand across the mouth of the river during the last year or two have emphasised the need.

Government in their G. O. No. 3357 W dated 23rd November 1896 Sanctioned the extension of the Southern and Northern Groynes at Coconada by 2300 and 200 feet respectively. The groynes are now being extended under the directions of Mr. Larminie, the Superintending Engineer, but unless a channel can be kept open between the groynes the extension will apparently be of little service to this Port. I understand that Mr. Larminie in advising the extension of the groynes fully recognised that their utility would depend upon the acquisition of such a Dredger as the Board now wish to purchase.

In March 1892 the European and native Chambers of Commerce representing the mercantile interests of this Port, voluntarily proposed to impose special rates on certain goods exported from this place and in addition to increase from one pie to two pies per Cwt, the Landing and Shipping Dues now levied on exports and imports other than those for which special rates are to be charged, for the service of a similar loan. It was however decided to first try whether the Government Dredger "Wenlock" could not clear the channel, and the

loan which had been promised by the Hon'ble Mr. (now Sir Henry) Stokes, was withheld.

As the results of that decision were disastrous to the Port it seems imperative that it should have an efficient dredger of its own and the Native and European Chambers of Commerce have reaffirmed their offer of March 1892 to have the Landing and Shipping Dues increased as then proposed to serve a loan from Government for the purchase of a new and suitable dredger.

I have therefore the honor to request that you will be good enough to move Government forthwith to sanction the loan of Two Lakhs for the purchase of a suitable dredger for this port on the security of the special dues to be imposed to meet the charges for interest and working and for the creation of a sinking fund.

The matter appears to the Board to be one of extreme urgency, and I am instructed to lay stress upon the desirability of funds being placed at the Boards' disposal at a very early date so that the Board may place the order for the dredger without delay.

It is proposed to consult Mr. Cockburn, an expert formerly employed by the Government of India and personally conversant with the requirements of this Port, as to the best form of dredger and to request him to superintend the design and construction.

I have the honor to be
Sir,
Your most Obedient Servant
(Sd) W. T. Highton
Vice Chairman

(True Copy)
Collector.

PB
24.6.97

Em B
Mar 96 3/6/97

Port Office Cocanada
No 41/9 Dated 12 May 97

From
F.W. Wicks Esq
Port Officer Cocanada.

To
The Collector Godavari District
Cocanada

Sir,

With reference to your endorsement Ref on G.B. No 184/acc of 97 on Government order No 370 Marine dated 28th April 97, I have the honor to submit the following remarks:-

2 If the present mouth is to be retained and kept open for traffic, it is absolutely essential that the Port should be provided with powerful dredging plant of a suitable type for the small Priestman's dredgers are quite useless for working in exposed positions, and cannot cope with the growth of silt. I am quite convinced however that no amount of dredging

will be satisfactory unless the groynes are carried outside of the sand growth, and kept well in advance of it. I desire to emphasise the importance of this as with a sand bank in front of the mouth at the end of the groynes, a storm will rapidly throw up sufficient sand to block the channel and mouth in a few hours; whereas if the groynes terminate in mud, there can be no fear of such a very serious interruption of the traffic, therefore I say that the groynes should be continued as there is no possible advantage to be obtained in stopping some 800 feet inside of the sand bank.

3 Taking into consideration the very shallow water & the different kinds of spoil which have to be dredged namely hard sand, sand and mud united and soft mud, I am in favour of obtaining a stationary centrifugal pump dredger fitted with a large hinged suction pipe with gear for lowering and raising and it sucks up

sand and mud and even pebbles at a great rate and discharges either into punts or back into the water which if there is a strong current carries it away. Such a kind of dredger would, in my opinion, be most useful here as the punt in which the pump and gear is fitted need not draw more than 2 or 3 feet of water. A good supply of small light draft hopper barges would be required to keep such a powerful dredger going; these barges to be towed by the Tug 'Godavari' and the spoil to be deposited in shallow water to the South of the groynes.

4 A self propelling seagoing bucket and ladder hopper dredger would be of no use for this port as she would draw too much water and must always be outside the bar.

5. Such a dredger as I suggest with the necessary hopper punts could no doubt be obtained for the two Lakhs

of rupees asked for as a loan, and the special dues calculated to yield annually about Rs 17,000 to serve the loan could be levied without in any way affecting the trade of the Port.

I have &c &c

(signed) Geo: Wicks
Port Officer

(True copy)

Collector.

GD
24.6.97

Recd 30/6/97

Extra No A/an of 97

Godavari District Collector's
Office Rajahmundry
Dated 23.6.97

From
W. A. Brodie Esq C.S.
Collector Godavari

To
The Secretary to Government
Marine Department.

Sir,

In reply to Government Order No 370 Marine dated the 20th April last, I have the honour to state that the general question referred to me for report is a very difficult one because those whom I have spoken with on the subject as being best able to advise me by no means agree.

2 The Port Officer who has had some years experience of the port is a strong advocate of the proposal so vehemently condemned by Mr Macnab of abandoning the present fairway, and constructing a canal to Vakalapudi. He would not spend another pie on attempts to improve

the present channel. He however admits that it is quite impossible to convince the local mercantile community of the advisability of this course, and this is only natural for they have invested a great deal of capital in buildings and warehouses at Cocanada which would fall heavily in value were Vakalapudi to become the port of the town. They have also a large amount of capital invested in boats which in that case would yield a poor return as fewer boats would suffice to do the work at Vakalapudi than are required to do it now as the present steamer anchorage is 6 miles from Cocanada and only one from Vakalapudi.

3 Personally I must confess that I am of the Port Officer's opinion that a canal to Vakalapudi with an outlet protected by a sea wall parallel to the shore would furnish the port with better means of communication with the shipping than the present channel can ever do. Such a sea wall as I propose would get rid of the surf difficulty

to which Mr MacNab alludes in condemning the project, but which is not of such consequence as he would make it out to be. The shipping as it is lies and lies in safety not off Cocanada but Vakalapudi, and when the surf is so bad that boats could not make their way through it out of a Canal at Vakalapudi, it is more than probable that it would be so rough at the anchorage that no boat could work if it did get out. As a matter of fact the harbour of Cocanada is really the harbour of Vakalapudi and it is safe because it is protected except on the north east, and when there is much wind & sea from this quarter, vessels cannot work though they are in no danger because the anchorage is good and because should this fail, they can save themselves by running aground in the soft mud of the bay. Vakalapudi has the same protection, and the same exposure as the anchorage, and the surf is never bad except when the wind

is up the north East, and against this in
any weather in which vessels could work the
mouth of a canal would be amply protected
by a sea wall beyond ordinary surf limits

4. I however fully recognize the impossi-
bility of ever getting the local mercantile
community with its vested interests in Cocanada
to see this whilst any hope remains of their
present channel being kept open, and
they are the persons most to be consulted
as it is they who make use of the port
and pay for its maintenance. Not only
so but some of them also honestly doubt
if the Vakalapudi project would work
and have in this the support of the present
Superintending Engineer who is of opinion
that the land is extending seawards at
Vakalapudi, and that such a wall as
I propose would increase the rate of
advance, and ultimately prove the cause
of its own inutility. The Port Officer does
not however admit that the land is
advancing, and there are apparently
no exact data to go by one way or the

---

other. Of course no one advocates a canal
protected by groynes as the inevitable
result would be what we have at Madras
- erosion on one side & the rapid
accumulation of sand on the other. Indeed
we have this action already in the case
of the existing groynes.

5. The opinion of the mercantile communi
and the Superintending Engineer is that
it is of little use extending the groynes
much farther for this is an unending
work as the harbour Board knows t
its cost as the result of extension is to
extend the sand shoal caused by the
obstruction to the long shore tidal
current of the groynes. We may get
ahead of the shoal for a time, but
sooner or later the shoal reaches the
end of the groynes, and tends to overla
them and block the Entrance altoge
This overlapping however they think
be effectually held in check by dredgin
and hence this proposal. Whether it c

n not can only be decided by a fair trial which it has never had yet for the present dredgers are quite useless for dealing with the hard sand which composes the shoal and can make no impression on it. What it wanted is a powerful sand pump +is probably. As until dredging has been given a fair trial the mercantile community will not be convinced that the present channel which they prefer f any other cannot be kept open support the proposal though not very confident as to the result. Should it fail, pposition to the Vakalapudi project ould probably cease, and we should e in a better position to undertake that ork as the dredger or dredger & barges procured. the present channel could always usefully employed in connection ith it.

6. As to the style of dredger which should procured I can express no opinion. Cowlock was tried, and though powerful

was useless as she drew too much water to work on the bar. If therefore a powerful dredger is to be employed it is essential that she should be of shallow draught & I am not sure that power and a light draught are easy to combine. On this point however the mercantile community desire the Board to consult an Expert and the point can be best left to such a person. Possibly the difficulty can be got over by getting not a hopper dredger but a dredger that will discharge into hopper barges alongside which the Harbour Conservancy Board's tug can tow to the dumping ground

7. To procure such dredging plant must necessarily be expensive and hence this application for a loan of two lakhs at such interest as Government may consider equitable to serve which the mercantile community

both native and European is prepared to pay additional dues which it is estimated will yield an additional income of Rs 17000 an estimate which is I think a fair and reliable one. This amount safely covers the interest on such a loan which at 4½ per cent and I suppose more would not be charged comes to Rs 9000 per annum. It also provides Rs 8000 a year towards the reduction of the debt which the funds of the Conservancy Board will I think safely admit of being increased to Rs 10,000.

8 Of course, we have not to consider the initial cost of the dredging plant alone but also working expenses and in reference to this I enclose a statement showing the total receipts and charges during the last 3 years and the cost of the present two dredgers. The statement shows that the Board has ample funds to

meet the cost of working for it shows that the present two dredgers cost only about 30 per cent of the Board's income and the heavy expense hitherto has been the work of extending the groynes which it is proposed to discontinue. Indeed the Port Officer thinks that the expenses of the Board will not be increased by the new dredging plant if purchased as the heaviest item of expenditure now is the cost of unloading the spoil from the punts which has all to be done by cooly labour - the spoil being deposited on shore. With hopper punts the spoil could be dumped into the sea and such cooly charges saved. The present Priestman dredger is worn out and will have to be broken up, whilst to save establishment charges, it is proposed to retain the "Connemara" and work her only when the new dredger is not working. In this way the existing establishment will suffice or more than suffice for the new dredger and the saving by means of hopper punts in the the matter of cooly labour will cover any extra charges under repairs and fuel. So far therefore as finances require to be considered, I think Government incurs no risk in making the loan asked for which can be made repayable by instalments of Rs 10,000 a year for the first 5 years, Rs 12,500 for the second 5 years and then at the rate of Rs 15000 a year by which means the whole will be repayable in 16 years. Two lakhs is also a rough estimate only and it may be that

the Board will not require to borrow the whole amount. The exact amount can be left for settlement until it is known what sort of dredger & other plant the expert the Board proposes to employ recommends for adoption & the probable cost.

9 I enclose copies of the resolution on the subject of the Conservancy Board, of the letter of the Vice Chairman which the Board endorses and of the letter of the Port officer of the 12th ultimo.

I have the honour to be,
Sir,
Your most obedient Servt

Collector.

JB
23.6.87

Dredger for Coconada

READ the following:—

903 Letter from the Collector of Godavari, Extra No. A/Acc. of '97 dated 23rd June 1897.

420 Letter from the Presy. Port Officer, Madras, No. 48/97 G. dated 18th March 1897.

~~The Hon Sir Henry Bliss K.C.I.E.~~

FOR ORDERS.

The Collector of Godavari now replies to the proposals of the District Ports Conservancy Board for the purchase of a dredger by means of a loan of two lakhs of Rupees to be advanced by Government. The dredger is intended to keep open the channel between the existing groynes at Coconada.

2. The Collector also discusses at length the alternative proposal for a canal to Vakalapudi with an outlet protected by a seawall parallel to the shore, but having in view the strong opposition of the mercantile community to this project, and the element of uncertainty as to its success, he is inclined to favour the proposal for the purchase of the dredger. If dredging fails to keep the existing passage free, the Vakalapudi project can then be reconsidered.

3. As regards interest on the loan and

The port can apparently afford a dredger. I don't myself believe in the continued maintenance of the port of Coconada but think that money spent on it will be thrown away. The merchants, however, who will have to pay for the service of the loan which must be raised in order to provide for the necessary dredging plant, say they desire to spend the money, so I suppose they must be allowed to do so.

From what source the loan is to be obtained I don't know. There is no Govt. money at present obtainable for loans to anyone, nor is there likely to be even next off.l year, I fear. Sir H. Stokes proposed to lend money to Coconada from the Mal. Port Fund — But it seems to me that the resources of the Western Group Port Fund are pledged up to the hilt for the construction of lighthouses & that no money will be available from that source unless we postpone the construction of the lighthouses proposed to be built on the W. coast. A forecast might be prepared for (say) 3 years of the position of the W. Group fund.

Meanwhile, the pressing question is as to the nature of the dredging plant proposed. The Secy states that Expert opinion will have to be taken. What steps wd. he propose to take to this end?

The H. T. B. talks, I believe, of fitting the "Wenlock" with sand pump apparatus. If this was done, and if suitable hopper barges were provided, as seems now to be intended, I can't see why she should not do as well as a new dredger. But apparently the Coconada people want a dredger of their own, to be always available for use there.

H.S.
1/7/97

HM 30/6/97

FOR ORDERS.

and its ultimate extinction, the Collector is of opinion that the Landing and Shipping Dues can, without inconvenience, be raised as proposed. The yield would be Rs. 17,000 per annum. It is assumed by the Collector that the interest on the loan would not be fixed at a higher rate than 4½ per cent. this would amount to Rs. 9,000 per annum leaving Rs. 8,000 towards the reduction of the debt which could be made repayable by the following instalments:-

Rs. 10,000 a year for the first 5 years
Rs. 12,000 -do- second -do- and then at
Rs. 15,000 a year;

by which means the whole would be repaid in 16 years.

4. There would thus seem to be no difficulty in regard to finance.

5. The type of dredger most suited to the work would require careful consideration, and on this point expert opinion would have to be taken.

6. The Collector has not returned the original documents which were referred to him. He has been asked to do so-but the nature of the proposals is stated in the previous note for orders in the file, which also contains the following remark by the Honourable Member. "It may be as well to bear in mind the considerable proposals for raising additional funds made in the former

former

former of these "G.Os". Viz. No. 56 Marine dated 13th February 1890.

7. The second letter read above contains the Presidency Port Officer's views on the conditions prevailing at Cocanada and the effects of dredging. He says that should it be decided to leave the groynes as they are at present, a powerful dredger will be necessary, for by constant dredging only can the channel be kept open.

8. The intention of the Conservancy Board is to stop the extension of the groynes while dredging goes on.

Considering the great importance of the port of Cocanada I concur with R.B. in strongly recommending the purchase M. of a dredger

30/6/97

Marine

~~Public Works~~ (1897) Department.

CURRENT No. 937

Order

From The Collector
Godavari District

Dis No. $\frac{963}{acc}$ of 1897

Dated 1st July 1897
Received 5-7-97
Enclosures 1
Spare copies

SUBJECT.

Returning Mr. A. Macnab's letter received with Government Order No: 370, Marine, dated 23rd April 1897.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date

Dis No. 963/~~Eng.~~ acc of 97

GODAVARI DISTRICT, COLLECTOR'S OFFICE,
Cocanada, 1st July — 1897.

44

FROM

V. A. Brodie Esq.,
COLLECTOR,
Godavari District.

TO

THE Secretary to Government,
Marine Department,
Madras.

SIR,

437 E / 30 6 97

Hay J

As directed in your telegram of the 30th ultimo, I have the honor to return herewith letter from Mr. A. Macnabe which was the only paper received with Government Order No 370, Marine dated 23rd April 1897.

Hay 7

I have the honor to be,
Sir,
Your most obedient Servant
Venkataramadas
Deputy for Collector

REVENUE (189) DEPARTMENT.

FROM
THE COLLECTOR,
Godavari District.

TO
THE

Dated
Despatched 189 .
Received

No.——
ENG.

ENCLOSURES.

SUBJECT.

Marine DEPARTMENT.

45

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

Endorsement from the Private Secretary to His Excellency the Governor on petition from Mr. A. MacNab, dated, Madras, 11th February 1897.

- do - thereon in the Revenue Departmet, No. 1186 Mis. dated 2nd March 1897.

Letter from the Collector of Godavari, Extra No. A/Acc. dated 23rd June 1897.

Letter from the Presy. Port Officer, Madras, No. 48/97 G. dated 18th March 1897.

Not approved for issue –

The papers recorded above refer to a proposal of the Godavari District Ports Conservancy Board to obtain a dredger of its own by means of a loan of 2 lakhs of rupees to be advanced by Government.

2. In order to serve the loan, i.e., pay interest and form a sinking fund, the Board proposes to pledge certain landing and shipping dues estimated to yield Rs.17,000 per annum. The Collector is of opinion that the landing and shipping dues can, without inconvenience, be raised as proposed, and that the yield would amount to the sum estimated. If the interest on the loan be fixed at 4½ per cent, as assumed by the Collector, a sum of Rs. 9,000 would be required for this purpose, leaving Rs. 8,000 towards the reduction of the loan, which could be

made

[P. W. 40. / 1,0[illegible]—26-2-97.]

made repayable by the following instalments:-

Rs.10,000 a year for the first 5 years

Rs.12,000 a year for the second 5 years, and

Rs.15,000 a year for the remaining period, by which means, the whole debt would be liquidated in 16 years.

3. The question of granting the loan, or authorising the amount to be raised in the local market under the provisions of the Local Authorities Loan Act, 1879, will, subject to the report called for in para 6 *infra*, be considered in the Financial Department.

× Inadmissible - vide Adv. Genl's opinion: C No 1168
31 Aug 07

4. The Collector also discusses at length the alternative proposal for a canal to Vakalapudi with an outlet protected by a seawall parallel to the shore; but, having in view the strong opposition of the mercantile community to this project, and the uncertainty as to its success, he is inclined to favour the proposal for the purchase of a dredger. If the proposed dredging fails to keep the passage open, the Vakalapudi project can be revived.

5. In his letter of the 18th March, the Presidency Port Officer discusses the conditions prevailing at Cocanada and the effects of dredging. He is of opinion that, should it be decided to leave the groynes as they are at present, a powerful dredger will be necessary, for by constant dredging alone can the channel be kept open. It is observed that the intention of the Conservancy Board is to stop the extention of the groynes while dredging goes on.

6. It is understood to be the intention of the Madras Harbour Trust Board to fit the "Wenlock" with sand pump apparatus, and provide suitable hopper barges. The Presidency Port Officer will ascertain whether, if this be done, the vessel would be suitable and could be made available for work at Cocanada.

7. Should there be insuperable objections to this proposal, the question as to the type of dredger best suited to the work will have to be considered, and upon this point it is desirable that expert opinion should be taken. To admit of this opinion being formed, the Presidency Port Officer will, in communication with the Conservancy Board, draw up a note detailing as fully as possible local conditions and requirements. This note will be forwarded to the Secretary of State in view to plans and

specifications of a suitable dredger being obtained from manufacturers at home.

R.P.

8/7/97

To

The Presy. Port Officer
„ Chairman, Harbour Trust Board.
„ Financial Department.

The Hon the Chief Secretary

Financial Dept

Dredger for Cocanada

The Hon Sir Henry Bliss KCIE

Before the draft order can issue it is necessary, I think, to consider the question whether the Landing & Shipping dues Comee at Cocanada is a "local authority" within the meaning of Act XI of '79 — I should like to see the question discussed. At present, I think, that it is not.

HB
14/7/97

Unless the secretariat (in whatever branch) can arrive at a perfectly clear opinion as to this, the point had better be referred to the Adv. Genl.

Finl. Depts

Note

It is hopeless to ask the G of I. or to expect this Govt to help. As to ~~[illegible]~~ course ~~[illegible]~~ (2) it will be necessary to ensure that the rules framed under the Act [vide Resoln. No. 16 of the Govt of India on page 20 of G.O. No 24 Finl of 18th January 1889] are complied with. The sanction of the Governor General in Council does not appear to be necessary - vide 7, 8, 9 and 10 of those rules. These & other points will be looked into by Financial if the draft order is approved. It wd. only delay the ~~papers~~ other points dealt with, ~~to~~ if ~~[illegible]~~ any detailed examn. were now undertaken.

Cmd.
10.7-97

HB
15/7/97

H.m.12.7.97 R 14.7.97

Note for the Honourable Member

With reference to the Hon. Member's remarks as to the source from which the money is to be provided, it is submitted that two courses are open:

(1) The Government of India may be asked to advance the money, or

(2) The Conservancy Board be authorised, with the previous sanction of the Governor General in Council, under Section 7 of the Local Authorities Loan Act, 1879, to borrow money in the open market.

The question might be considered in the Financial Department, and the order has been drafted in this sense.

As regards a loan from the Western group it is submitted that the available balance is only Rs. 2,89,000, and if Rs. 2 lakhs be lent to Cocanada, to be repaid by the moderate instalments contemplated by the Collector, there will be very little money left for lighthouses and other port improvements on the western coast. It is not at present known what the probable annual expenditure on this coast is to be - the Presidency Port

Officer has been called on for a forecast - but, without waiting for this information, it will perhaps be considered out of the question to deplete the Western group balance to the serious extent necessary to provide Cocanada with a ~~[illegible]~~ dredger

8/7/97

M.

Dredger for Cocanada

The Hon Sir Henry Bliss K.C.I.E.

Loan for the purchase of a Dredger for Cocanada.

Note in the Marine Department.

1- In para 3 of the draft order in the Marine Department on C. Nos. 320, 420 and 903 the question of granting a loan, or authorising the amount to be raised in the local market, under the provisions of the Local Authorities Loan Act was remitted for consideration in the Financial Department.

2. That Department proposed to allow the order to issue and to examine the various points connected with the question of the loan at a later stage. The Honourable Member, however, considers that it is first necessary to go into the question whether the Landing and Shipping Dues Committee at Cocanada is a "local authority" within the meaning of Act XI of 1879. The following remarks are accordingly submitted:-

Under Section 3 of the Act a "local authority" means any body corporate, municipal committee or other persons legally entitled to the control or management of any local or municipal fund, or legally entitled

To The C.S. Civil Depts

52

entitled to impose any cess, rate, duty or tax upon any persons within any local area; and

"funds" used with reference to any local authority, includes any local or municipal fund to the control or management of which such authority is legally entitled, and any cess, rate, duty or tax which such authority is legally entitled to impose, and any property vested in such authority.

Under Section 4 any "local authority" desiring to obtain a loan, on the security of its funds, for carrying out any works which it is legally authorised to carry out may apply to the Local Government for such loan, and

under Section 7 such local authority may be authorised to borrow in the local market.

Para 2 of letter ~~month~~ from Finance and Commerce Department No. 419 dated 24th January 1890 points out that Local Goverments are "competent, as in the case of Municipalities, to grant loans to District Boards, District Councils and any body having like authority beyond the local limits of Municipalities and cantonments."

× G.O. 124 Financial dated 21st February 1890. Flag- A.

3. As regards the Godavari District Ports Conservancy Board it will be seen from G.O. 196 Marine dated 21st May 1890 that it has been constituted under Sections 7 and 36 of the Indian Ports Act X of 1889. It consists of a

× Flag - B.

53

Chairman
Vice Chairman and
Members

and is appointed to be

(i) Conservator of the several ports in the district under section 7, and

(ii) to keep the accounts of the District Port Fund under section 36 (2).

4. The Landing and Shipping Dues Act III of 1885 has been applied to the port of Cocanada, and under section 7 the officer of Government appointed to levy the fees and keep the accounts is the Collector-Vide G.O. 247 Marine dated 5th July 1890.

× Flag - C.

5. It now remains to be seen how far the Conservancy Board fulfils the conditions requisite to bring it within the definition of a "local authority".

6. Under Act X of 1889, the Board is Conservator of the Port, and in this capacity is merely the Executive officer of the Government, with whom the ultimate control of the port funds vests. In this capacity, therefore, the Board cannot be held to be "local authority" within the meaning of the Loan Act, as it is not legally entitled to the control or management

See note below.

management of the funds raised at the port, neither has it power to impose any cess, rate, duty &c.

7. So far as Act III of 1885 is concerned, it is quite clear that the Board neither occupies the position nor has the powers requisite to bring it within the definition of a "local authority", for it will be seen from section 7 of this Act that an officer of Government has to be appointed to levy and receive all fees payable, &c, to pay the same into the treasury, and to keep the accounts. The officer so appointed in the case of Cocanada is the Collector-Vide notification printed with G.O.*247 Marine dated 5th July 1890.

* Flag - C.

8. It will be seen from G.O.x143 Marine dated 5th May 1892 that the question of granting a loan to the Conservancy Board under the Loan Act was on a former occasion referred to the Govt. of India, but it would appear that the position and powers of the Board were then incorrectly described. It was said that dues were "leveied and managed" by the local committee appointed by Government to be Conservator of the port. The Landing and Shipping Dues were then, as now, offered as security. In reply the Government of India authorised the

x Flag - E.

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the grant of the proposed loan from "local loans", but ordered that the interest should form a charge against the "port fund account under section 36, sub-section 3 of the Ports Act". Under present arrangements the port dues of Cocanada become merged in the general fund of the Eastern Group and the port has no exclusive right to the collections under this head. It has, however, an exclusive right to its landing and shipping dues, and these are amply sufficient to pay interest on a loan of 2 lakhs, and form a sinking fund for the extinction of the debt in 16 years.

9. It would thus appear that the Conservancy Board is precluded from raising a loan in the local market under the Local Authorities Loan Act, and that if a dredger is to be purchased, the money will have to be advanced by Government, presumably from Port Funds.

19/7/97
M.

R.S.

To

The Chief Secretary, Financial
Department.

For favour of any remarks he may wish to add prior to circulation to the Honourable Member.

19/7/97
M.

R.S.

56

Financial Dept:

N O T E

B

With reference to para 6 of the above note of the Marine Dept: it is observed that the Godavari Dt. Ports Conservancy Board was, in the notification on page 13 of G.O.No.196, d/ 21st May 1890, appointed amongst other things to keep the accounts [redacted] of the Dt. Port Fund under sec.36 (2) of Act X of 1889. In the earlier part of the notification the appointment of the Conservancy Board was stated to be made under the powers conferred on the Governor in Council by sections 7 and 36 of Act X of 1889. Clause (1) of sec.36 of that Act, which is not permissive, [redacted] directs that the local Govt [redacted] shall appoint some officer or body of persons at every port at which any dues , fees or other charges are authorized to be taken by or under the Act to receive the same and, subject to the control of the local Govt. , to expend the receipts on any of the objects authorized by the Act. Clause (2) of the same section directs that such officer or body shall keep for the port a distinct account and perform other duties. From the wording of these sections it does not appear to be possible to separate the powers conferred in clause (1) from those

conferred

57/

conferred in clause (2) and from the general wording of the notification in the G.O. of 1890 it seems to have been the intention to have given the Conservancy Board power ~~for~~ over the expenditure of the receipts of the port. Whether there is a legal flaw in the notification it is impossible to say with certainty in the absence of a reference to the Advocate Genl, but if the above view is correct, the Conservancy Board appears to be legally entitled to the control or management of a local Fund and as such to fulfil the condition in sec. 3 of the Local Authorities Loan Act, XI of 1879, to enable it to be viewed as a "local authority."

The matter is certainly somewhat confused by the correspondence under cover of G.O.No.143 Marine, d/ 5th May 1892. The telegram from this Govt. to the Govt. of India (No.160, d/ 31-3-92), in talking of dues, referred apparently to the landing and shipping dues under Act III of 1885. The Govt. of India's reply seemed to have taken the dues referred to as those collected and managed under Act X of 1889. It is thought that before the papers are resubmitted to the Hon: Member, the Advocate General should be consulted as directed by him. The matter involves points of law which are not free from doubt and upon which it would be unsafe to lay down any decided opinion without consulting a lawyer.

F

the Adv Genl being supplied with a complete file of papers and with the necessary information from these notes, & being asked to consult the Acct. Genl & R.P.O. if he finds any difficulties as regards the accounts portion of the question

Cw.S.
24-7-92

Ie
26/7/92

E/

Marine Department.

Memorandum. No. 480 E. 29: Ju

The undersigned is directed to request that the opinion of the Advocate General may be obtained, through the Government Solicitor, on the question whether the Godavari District Ports Conservancy Board, Cocanada, is a "local authority" within the meaning of the Local Authorities Loan Act, XI of 1879, and is thus entitled, upon the security of its funds, to borrow money in the open market under the provisions of Section 7 of that Act.

2. Under Section 3 of the Local Authorities Loan Act, a "local authority" means any body corporate, municipal committee or other persons legally entitled to the control or management of any local or municipal fund, or legally entitled to impose any cess, rate, duty or tax upon any persons within any local area; and "funds" used with reference to any local authority includes any local or municipal fund to the control or management of which such authority is legally entitled, and any cess, rate, duty or tax which such authority is legally entitled to impose, and

any property vested in such authority.

3. It will be observed from G.O. 196 Marine dated 21st May 1890 that the Conservancy Board has been constituted under Sections 7 and 36 of the Indian Ports Act X of 1889. It consists of a Chairman, Vice-Chairman and members, and is appointed to be

(i) Conservator of the several ports in the district under Section 7, and

(ii) to keep the accounts of the District Port Fund under Section 36(2).

4. Caluse (1) of Section 36 of the Ports Act, which is not permissive, directs that the Local Government shall appoint some officer or body of persons at every port at which any dues, fees or other charges are authorised to be taken by or under the Act to receive the same; and, subject to the control of the Local Government, to expend the receipts on any of the objects authorised by the Act. Clause (2) of the same Section directs that such officer or body shall keep for the port a distinct account and perform other duties. From the wording of these Sections it does not seem to be intended that the powers conferred in Clause (1) should be separated from those conferred in Clause (2). The Conservancy Board would thus seem to be legally entitled to the control or management of a local fund, and accordingly to fulfil the condition of Section 3 of the Local Authorities Loan Act requisite to constitute it a "local authority" under that Section.

This view is put forward by the Financial and not the Marine Depts. R.S. 28 July 97

According to the Advocate General it is incorrect. R.S. 31 Aug 97

5. The Landing and Shipping Dues Act III of 1885 has been applied to the port of Cocanada, and under Section 7 of that Act the officer of Government appointed to levy the fees and keep the accounts is the Collector. Vide G.O. 247 Marine dated 5th July 1890.

6. The Presidency Port Officer is requested to be so good as to place these considerations before the Advocate General, and to supply him with copies of the orders quoted above and any other particulars which he may require to enable him to arrive at an opinion on the question raised.

28/7/97

M.

R.S.

To

The Presy. Port Officer. D. No 29/7/97

Marine (1897) Department.

61

CURRENT No. 1168

Order

From

The Presidency Port officer, Madras

No. $\frac{48}{312}$ G

Dated 23rd August 1897.
Received } 27.8.97
Registered }
Enclosures 3. One
Spare copies

SUBJECT,

Forwarding with remarks a copy of the Advocate General's opinion stating that the Godavari District Ports Conservancy Board is not a local authority to raise loans upon the security of its funds.

Recd
10.1.09

BACK PAPERS. | **FURTHER PAPERS.**

No.	Date.	No.	Date.
Local authorities Loans Act XI of 1879			
act iii of 1885			
act X of 1889			
450 E	d/ 24-7-97		
437 E	d/ 30-6-97		
E0 370	d/ 23-4-97		
261-2	d/ 19-3-97		
3357 W	d/ 23-11-96		
3187 W	d/ 7-11-96		
3188 W	d/ 7-11-96		
2445 W	d/ 14-8-96		
247 Mar	d/ 5-7-90		
1967 Mar	d/ 24-5-90		
56	d/ 13-2-90		
143	d/ 5-5-92		
Fin 124	d/ 21-2-90		
24	d/ 18-1-89.		

Re the Presidency Port Officer's letter No. 929 M dated 5th August 1897 forwarding with remarks copy of Government Memorandum (Marine Department) No. 480, E, dated 29th July 1897.

Opinion.

1. I am of opinion that the Godaveri District Ports Conservancy Board, Cocanada, as such, is not a "local authority" within the meaning of the Local Authorities Loan Act XI of 1879. This body is constituted under section 7 (1) of the Indian Ports Act X of 1889 and its principal functions will be found described in Sections 8 to 16 both inclusive. This body, as such, is not legally entitled to the control or management of any local fund or to impose any cess, rate, duty, or tax, and it has no funds vested in it.

This is the view taken in the Marine Depᵗ letter of 19/7/97 vide para 6 R.S.

2. In respect of port dues, fees and other charges leviable under the Indian Ports Act, the Local Government is required by section 36 (1) to appoint some officer or body of persons to receive and expend the same, subject

to the control of the Local Government. Under Section 36 (2), the Officer or body of persons is required to keep an account of such receipts and expenditure in such detailed form as the Local Government prescribes, and to publish annually an abstract of such account in the form prescribed by Government. A body of persons appointed by[+] the Local Government under this section will be a "local authority" within the meaning of Section 3, of Act XI of 1879, as having the management of port dues, fees, and other charges received by it, though it may be subject to the control of the Local Government in expending the same. Section 36 primarily refers to the appointment of such a body at each port. But under Section 37 (1), the Local Government may group any number of ports, and in that case, the ports comprised in such group will form but one port for the purposes of Section 36. That this body is different from the Conservator will also appear on reference

+The Government Board has not been so appointed. And there are difficulties in doing so — vide paras 6 & 7 infra
R.

reference to Section 15 (1). It may no doubt be competent to Government to appoint the same officer or body of persons to be Conservator of a port, and also as the authority to receive and spend port dues &c. under Section 36. In such a case, the Officer or body of persons will have two different capacities. There is no grouping of ports for conservancy purposes, though no doubt the same Officer or body of persons may be appointed Conservator for each of several ports. Such a course though not illegal, seems highly inconvenient and hardly contemplated by the Act. As a general rule the Port Officer or Harbour Master, as the case may be, at each port, where there is such an officer may be allowed to be the Conservator of the port under Section 7 (2). But for purposes of collecting port dues &c. and expending the same, provision is made for grouping several ports in order that all the ports forming the group may be regarded as but *one port.*

3. Under the Notification appended to G. O. dated 21st May 1890, No. 196, Marine, the Local Government purported to appoint the body in question (1) to be Conservators of the several ports in the Godavari District under section 7, and (2) to keep the accounts of the District Port Fund under section 36 (2). *If*, in the said Notification, the body had been *authorised* to receive port dues &c leviable under the Act and spend the same, the body of persons so authorised would, in that capacity, be a "local authority" under Act XI of 1879, and under section 7 of that Act, the Local Government, with the previous sanction of the Governor General in Council, may authorise such body to borrow money upon the security of its funds for any of the objects authorised by the Indian Ports Act.

D

4. When a body of persons is appointed by the Local Government under section 36 (1), section 36 (2) casts upon that body the duty of keeping the

the Port Fund account *showing* the receipts and expenditure of the port dues &c and publishing *annually* an abstract of such account. That is not a power to be *conferred* or duty to be *prescribed* by a Notification or order of *Government*. I suspect that the Notification was issued under the mistaken impression that the Board of Port Conservancy, as such, was under the Act entitled to receive port dues &c and spend the same, and in view to impress upon it the statutory duty of keeping an account and publishing an abstract thereof annually, the purport of section 36 (2) was recited in the Notification. If, however, this body in fact was receiving port dues &c and spending the same, the notification might be construed to have *by implication*, appointed the body in question under section 36 (1) as the local authority to receive and spend the port dues &c.

5. But it is stated in para 2 of the Presidency Port Officer's letter dated

forms one "port" for purposes of section 36.

8. Even assuming therefore that the body in question was by implication appointed under section 36(1) in 1890 in addition to its express appointment under section 7, it would probably have to be regarded as having become *functus officio* in its former capacity when the "port" for which it was appointed had legally merged into the new "port" formed in March 1897 unless it was reappointed in respect of such new port.

9. I am not aware of the existence of similar bodies at other ports now forming the Eastern group. If it were feasible, the difficulty might be met by now appointing the Godaveri Ports Conservancy Board under section 36(1) as the authority to receive and spend port dues &c in respect of the ports forming the Eastern group. That body will then become competent as a "local

These suggestions seem inexpedient from an administrative point of view.
R.S.

"local authority" to raise the loan required with the sanction of the Local Government under section 7 of Act XI of 1879. If it be deemed expedient to do so, such body may also be constituted under section 7 (4) as an intermediate authority between the Local Government and Conservators of specified ports.

Madras, }
17th August 1897 }

(Sd) V. Bhashyam Iyengar
Offg: Advocate General

(True Copy)

(Sd) William Morgan
Ag: Govt: Solicitor

(True Copy)

H. W. Street
Commander, R.I.M.,
Presidency Port Officer

FURTHER PAPERS

Mar Genl 1168/97

No.48/ 3/2 G

Presidency Port Office,
Madras, 23 August, 1897.

From

Commander H. A. Street, R I.M.,
Presidency Port Officer,
MADRAS,

To

The Secretary to Government,
Marine Department,
CHEPAK.

Sir,

Flag C

In compliance with Marine Department Memorandum No.480 E, dated 29th July 1897, I had the considerations therein referred to placed before the Acting Advocate General and now forward herewith a copy of his opinion on the same and of my letter[x] to the Government Solicitor on the subject. With reference thereto, I would point out that para 1 of the Acting Advocate General's opinion appears to dispose of the whole question, as, in his opinion, the Godaveri District Ports Conservancy Board, Cocanada, is not a "local authority".

x not received

para 9?

2. With respect to the suggestions contained in para 4, I would point out that the interests of the ports of the other districts of the Eastern Group might be seriously affected if the Godaveri District Ports Conservancy Board was authorized to receive and spend the dues of the Eastern Group and was constituted an intermediate authority under Section 7 (4) of Act X of 1889.

I have the honor to be,
Sir,
Your Obedient Servant,
H A Street
Commander, R.I.M.,
Presidency Port Officer.

[43/509]

Dredger.
for Coconada

C. No. 1163 of 1897.

~~HIS EXCELLENCY THE GOVERNOR.~~

THE HON'BLE SIR HENRY BLISS, K.C.I.E.

~~THE HON'BLE MR. GROSE, C.I.E.~~

SUBJECT.

FOR ORDERS.

It is quite clear from the Advocate General's opinion that the Cocanada Ports Conservancy Board is not a "local authority" within the meaning of the Local Authorities Loan Act, and that it cannot thus raise a loan in the local market for the purchase of the dredger it requires.

2. It would also appear that the Board has no power even to pledge the Landing and Shipping Dues of the port, (Vide para 6 of opinion) as seems to have been assumed. If, therefore, the Government does not advance the money, the dredger cannot be procured. If the advance be made the Government might recoup itself by increasing the Landing and Shipping Dues and appropriating the proceeds until the debt is extinguished.

L
31/8/97

M.

This is as I expected though I think I should have come to the same conclusion on rather different grounds. The position therefore is this:—

We are advised that a dredger must be had to keep the port open – we have no money to advance for the purchase of one & the Landing & Shipping dues Comm^ee can't borrow in the open market – unless therefore India will come to the rescue there is imminent danger of the port being ruined, ~~[illegible]~~ and this in consequence of legal technicalities although the port has money enough of its own to finance a loan – I should represent the position to India and should ask (1) if it will advance the money or (2) if it can't or won't whether it will legislate, or allow us to legislate, to give the Comm^ee such a legal status as will enable it to borrow in the open market.

The letter should issue in F.D.

H.B.
2/9/97

Circ.

India shd be addressed accordingly.

J.G.
4/9/97

I agree.
R.S.H. 8.9.97

R.B.

H.Ju(a) 2.9.97 R 6/9/97
H.Ju. 31.8.97 R 2.9.97 H.L 4.9.97 R 9/9/97

Marine (1897) Department. 14

CURRENT No. 1184

From

The Presidency Port officer,
Madras

Order

No. $\frac{48}{318}$ G

Dated 30 August 1897
Received
Registered } 2-9-97
Enclosures 1.
Spare copies –

SUBJECT.

Forwarding with remarks a copy of an extract from the minutes of a meeting of the members of the Godavari District Ports Conservancy Board refusing to allow the Landing and Shipping Dues to be used for the purpose of paying off the expenditure on the groynes work

BACK PAPERS.

No.	Date.
~~657 of 22-7-97.~~	
~~The papers marked.~~	
~~also 247 of 5-7-90 ✓~~	
~~196-7 of 2-5-90 ✓~~	
657	22-7-97 marine
5742	10-9-97 "
261-2	19-3-97 "
2445 W	24-8-96
247	5-7-90 marine
196-7	21-5-90 "

Madras Act No III of 1885
~~370 marine of 23-4-97~~
The Indian Ports Act 1875

Linked files
1240, 1317, 10757 (P.W.)
1433 of 97 & 45,
46, 51, 220, 251 of
98

FURTHER PAPERS.

No.	Date.

16

Extract from the Minutes of a meeting of members of the Godavary District Port Conservancy Board held in Port Office, Cocanada, on Saturday the 21st August 1897 at 7.30 A.M.

× × × ×

1. Read G. O. No. 657 Marine dated 22d July 1897 asking the Port Conservancy Board whether the proposed enhanced rates should not be raised at once under certain circumstances.

The Board is surprised at the demand now made and must refuse to pay it as its funds have always hitherto been at its own disposal and the work now being done is being done in the Public Works Department which has not consulted the Board as to rates or in regard to any other matter. It is not being done in pursuance of any resolution of the Board but by the Public Works Department under the Orders of Government direct.

How did this come about? There is nothing in the constitution of the Board which gives the control of any funds. R.

Moreover the Board agreed to enhance the rates for the specific purpose of paying interest on a loan for the purchase of a dredger and except for that specific purpose, and until the loan for the dredger is actually made, must decline to enhance the rates.

× × × ×

(Sd) V. A. Brodie
Chairman, G. Dt. P. C. Bd.

(True Extract)

H. A. Street
Commander R. I. M.
Presidency Port Officer

Mem Encl
11 Sep (97)

Heading. No. 48/318 G

PRESIDENCY PORT OFFICE,
Madras, 30th August 1897.

From

Commander H. A. Street, R.I.M.,
PRESIDENCY PORT OFFICER,
Madras,

To

THE SECRETARY TO GOVERNMENT,
MARINE DEPARTMENT,
Chepak

SIR,

With reference to para 5 of G.O., No. 657, Marine, dated 22d July 1897, I have the honor to forward herewith a copy of an extract, relating thereto, from the Minutes of a Meeting of the members of the Godaveri District Ports Conservancy Board held at Cocanada on the 21st August 1897. According to the Resolution passed on the occasion, the Board refuses to allow the Landing and Shipping Dues to be used for the purpose of paying off the expenditure on the groynes on the grounds that the dues have always hitherto been at the Boards disposal and that the extension of the groynes has been carried out by the Public Works Department. The Board also declines to enhance their rates except for the purpose of paying interest on a loan for the purchase of a

79

a dredger.

2. In dealing with the question, the Board, it seems to me, has adopted a tone and attitude towards Government which is neither warranted by the sections of the Indian Ports Act X of 1889 under which a Board of Port Conservancy for the Godaveri District was formed, nor by the provisions of Act III of 1885 (Madras). The members also have apparently overlooked the fact that in para 4 of G.O. No. 196, Marine, of 21st May 1890, it is stated in connexion with the Groynes extension work "that the advice of the Public Works Department will be obtainable if any engineering questions arise", and that as the Conservancy Board is not independent of Government control, it is open to Government to obtain such advice in respect to the groynes without reference in the first instance to the Board.

Hay N
Replying vide Hay
O

3. On the Board, as constituted under the Notification printed with G.O. No. 196, Marine, dated 21st May 1890, the Chairman is the only Government official, and when he is absent from the port the interests of Government remain unguarded. There are only two important mercantile firms at Cocanada, viz, Hall, Wilson & Co., and Simson Brothers and a representative of each of these firms is invariably elected a member of the Board. Provided that the support of the vice Chairman and of one of the native members or of the two native members only can be obtained, the representative of either of the firms mentioned could become virtually master of the situation, in the absence of the Chairman. Whether it is advisable that the Conservancy arrangements of the port should be thus controlled is a matter for the consideration of Government.

Hay N.

80

The Board has no independent powers. It is under the control of the Govt. or the "Collector" immediate authority under Sec 7 (4) of Act X of 1889
14.9.97

I have the honor to be,
Sir,
Your obedt. servant,
H. A. Street
Commander, R.I.M.,
Presy. Port Officer

81

Marine DEPARTMENT.

[43/509]

C. No. 1184 of 1897.

SUBJECT.

Godavery Dt. Ports Conservancy Board –

~~HIS EXCELLENCY THE GOVERNOR.~~

THE HON'BLE SIR HENRY BLISS, K.C.I.E.

~~THE HON'BLE MR. GROSE, C.I.E.~~

the Conservancy Board, – in the future. This has now become a rather delicate matter. I would suggest that Mr. De Wiston, who knows the situation and is acquainted with the members of the Bd., might be instructed to discuss the matter with the Board and the Chamber of Commerce, and report what he thinks would be the best solution.

But, in any case, the provision of a dredger is indispensable, and I should like to know ~~how~~ precisely how this matter stands.

A.G.W. 6.3.98

FOR ORDERS.

The Committee has quite misunderstood its position.

2. It is constituted under section 7(1) of the Indian Ports Act X of 1889 and its principal functions are described in sections 8 to 16 of that Act. It is not legally entitled to the control or management of any local fund, and it has no fund vested in it by this Act.

3. As regards the fees levied under Act III of 1885 which it says "have always hitherto been at its own disposal", and from which it refuses to pay anything towards the groyne work, it is submitted that the Committee has no power to interfere with them in any way. The Collector of the Godavari District is the officer appointed[*] to levy and receive all fees payable under that Act, and to keep the accounts. In fact the Act

requires

[*] Vide G.O. 247 Marine dated 5th July 1890.

The Comtee certainly has mistaken its position – It should be pointed out to it. So far as I can see, the Comtee has no financial power at all save by the courtesy of Govt. which has allowed it a voice in financial matters. Possibly it may have been misled by (ii) in the Notifn in G.O. 196 Mar / 21. 5. 90 under which it is authorized to keep the accounts of the dist. Port fund under S. 36(2) &c. It may be as well therefore to amend that Notifn & to appoint some one else to keep the accounts &c. Who does this in the case of other ports? the Colr. or the Port Officer? A further & perhaps stronger reason for amending that Notifn is that it seems to me to be wrong. The Comtee is appd in it, as above stated, under s. 36(2). But ~~the~~ S. 36(2) does not provide for the appt. of any person to discharge the duties specified, but says that those duties shall be discharged by the officer or body appd. under S. 36(1) to receive dues, fees &c. But the Comtee has not been appd. under S. 36(1) at all. I dont know whether it is the Colr. or the Port officer who makes the collection under S. 36(1), but the Comtee certainly does not – It does not even make the collection under Act III of 1885 – the Colr. does that (vide G.O. 247 Mar / 5. 7. 90)

I dont want to throw the Comtee over altogether, or to supersede it, so long as it is made to understand its position – When the questions above asked as to who makes the collections under X of 1889 are answered, therefore, the ~~[illegible]~~ matter had better be referred

H.M. 15.9.97

requires that "an officer of Government" shall be appointed to discharge such functions, and it is not clear how the Committee has been allowed to assume a control and management not vested in it by law.

15/9/97

M.

R.S. back to the Comm^ee^ – Draft order had better ~~[illegible]~~ be prepared at once & circ^d^.

H.B.
16/9/97

Note.
A further reason for amending the Notification is that the district grouping of ports has recently been superseded by the new grouping into (1) Eastern (2) Western & (3) Madras. The Committee has thus become functus officio

R.S.

Marine Department.

[illegible] of the Godavari Conservancy Board

Memorandum.

C.No. 1184 of 1897.

~~The Hon Sir Henry Bliss K.C.I.E.~~
~~The Hon Mr Gose C.I.E.~~
H.E. the Governor

Ex. I think this will do. I don't see how it could be put in a milder manner.

H.B.
24/9/97

J.G.
28/9/97

This is the first time I have seen this portion of these papers. The Conservancy Bd. presented me with an address at Coconada on the 1st Inst., in which the sense of their Resolution was repeated. I gathered from Notes given to me by the Collector and by the Sec. P.W.D., that there had been some oversight, and that the Bd. had some grievance. In faith of this, and in ignorance of the existence of these papers, I made a conciliatory reply to the Bd., which I understand had the result of there accepting

× Flag-A

With reference to the extract, submitted by the Presidency Port Officer with his letter read above, from the minutes of a meeting of the Godavari District Ports Conservancy Board held on the 21st August 1897, the undersigned is directed to remark that, so far as can be judged, the ~~Committee has mistaken~~ Board is in error as to the extent of its powers and responsibilities.

2. The Board is constituted under Section 7(1) of Act X of 1889, and its principal functions are described in sections 8 to 16 of that Act. It is not legally entitled to the control or management of any port fund, ~~But~~ for its duties as regards such funds are limited to keeping the accounts under section 36(2) and publishing annual abstracts thereof in the Fort St. George and Godavari District Gazettes, as will be seen on reference to the notification recorded with G.O. 136 Marine dated 21st May 1890. In respect to Port Fund concerns generally, it is laid down (para 4 of the G.O.) that the Board is in administrative subordination

to the Presidency Port Officer.

3. As regards the fees under Act III of 1885, it will be seen ~~from~~ from the notification* recorded with G.O. 247 Marine dated 5th July 1890 that the Collector of the Godavari District is the officer appointed to levy and receive the fees and to keep the accounts.

4. Under these circumstances it is not, it would appear, open to the Board to "refuse" to pay for works chargeable either to the Landing and Shipping Dues of the port of Cocanada, or to Port Funds generally.

5. The undersigned is accordingly directed to request that these considerations may be placed before the Board for such further remarks and suggestions as it may desire to offer.

6. It may ~~further~~ be added that the district grouping of ports for which the Board ~~it~~ was appointed Conservator has been superseded by the new* grouping notified in the Fort St. George Gazette of the 18th May 1897, and that it thus seems probable that ~~the Committee~~ it has in consequence become functus officio.

23/9/97

M.

R.S.

To

The Presy. Port Officer.

Note.

It has been ascertained* that port dues are collected at outports by Customs officers, and that the accounts are kept by Port Officers. It would, however, appear that no appointments have been formally made under section 36(1) of Act X of 1889.

2. It is explained in letter* to the Government of India No. 849 Financial dated 22nd July 1887 that the old system under which the Presidency Port Officer was authorised to receive and expend the proceeds of the Port Fund was practically continued. But this was before the introduction of the Act of 1889. When this Act came into operation, a formal notification should have issued under section 36(1) in regard to all ports.

23/9/97

M.

* Vide P.P.O's telegram in linked file.

* Flag B in linked file.

That is to say, the Collr. collects and: under s. 36(1) he should be the person to see to the expenditure of the receipts and under s. 36(1) [illegible] keep the accounts. The Collr. is not, however, a suitable person for the discharge of these duties of seeing to port expenditure and of keeping port accounts. On the other hand, the Port Officer has no agency by which he can make collections. I think we had better let things alone. If any question is raised by anyone, it will be easy to order* that, for the purposes of s. 36(1) the Customs subordinates shall be considered subordinate to the Port officer. The truth is, the Act is not suited to petty outports where complete port a/cs cannot be kept up. Where, by the way, the Port officer is also Customs Supt, he may be considered to collect under s. 36(1)

Yes, I suppose so. But I don't see how the duties of collection, expenditure & account keeping can be discharged by the same person except when the Port Officer is also Customs Supt.

R.S.

* Flag - C.

accepting the action taken by the Govt. as regards the last extension of the groynes.

As far as I can get to understand the matter, the history and position of the Conservancy Bd. are as follows:— A Committee called the Groynes Committee existed at Cocanada: The Chamber of Commerce proposed that this Committee should be made a Conservancy Board, and that that Board should be given powers to levy fees for the improvement of the Harbour (vide memo. on page 10 of (N). The same Memo. and the sentence marked on page 5 of (N), show that the particular improvement desired, was the deepening of the entrance by dredging. Judging from the tone of the papers in (N) and from the words of the first sentence of the G.O. of 21 Aug 1890 (page 11 of N), it would seem that the intention of both the Chamber and the Govt. was, that this new Board should have the spending of the funds (under the control of the Presidency Port Officer and of Govt.), on its own initiation.

+ Vide G.O. 261 Marine, d/ 19 May 97. Flag K.

Under the Indian Ports Act X of 1889, two courses of action were open to Govt.:—

(1) To appoint under Sec. 7 a body to be Port Conservator with the powers described in Secs. 8–16.

(2) To appoint, under Sec. 36, a body to receive and spend the Port Funds.

But, it appears from the Notification on page 13

R.S.

80

3 of N. that what Govt. actually did, was:—

(1) To appoint Port Trustees (Conservators) under Sec. 7, and,

(2) to give to these Trustees or Conservators power only to keep the accounts of the Port Fund, under Sec. 36 (2), and not the power to spend the Port Funds, under Sec. 36 (1).

Govt. also (see O) sanctioned the levy of the additional landing and shipping dues suggested by the Chamber, but left the Collector to collect them, and said nothing as to who should spend them.

Although, therefore, the intention both of the Chamber and of Govt. seems to have been that the new Conservancy Body should have the spending of the money, Govt. did not actually say this, nor did it notify it. Accordingly, now when the Conservancy Body claims the money as belonging to it to spend, Govt. proposes to reply that the Board has only the power to keep the accounts.

In this, Govt. is perhaps technically right, but it is pretty clear that this was not the original intention. And, as now the Conservancy Bd. is ready to spend the money on the progress, the view of the proposed order has no definite purpose.

But, some action is needed in the direction of

[illegible]

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255 M

Marine DEPARTMENT.

87

C. No..................

HIS EXCELLENCY THE GOVERNOR.
THE HON'BLE SIR HENRY BLISS, K.C.I.E.
~~THE HON'BLE MR. GROSE, C.I.E.~~

SUBJECT.

The Ports Conservancy Board at Coconada—

FOR ORDERS.

Mr. de Winton proposes ~~that~~ this Bd. should be abolished, & a new one constituted. But, he suggests a new constitution for the Bd., if it is ~~not to be abolished~~ decided to have a Board.

In these days of self government,

(Flag - N)

and in a case such as that of Coconada where there exists an intelligent and energetic body of European merchants, willing and anxious and able to look after their own affairs, I cannot help thinking it would be well to avail ourselves of this condition of ~~affairs~~ things.

I would re-constitute the Bd., on the lines proposed by Mr. de Winton.

The present Bd. should cease, ~~being~~ having become functus officio.

I am clearly of opinion that the dues per [illegible] should be at once abolished, and [illegible]

P. W. 48.
500-27-1-48.

The circumstances which led up to the constitution of the Godavari Conservancy Board on its present footing are accurately stated in His Excellency's note of 5th March 1898 on current No. 1184 of 1897; but the intentions of Government were frustrated by the mistakes made in drafting G.O. 196 Marine dated 21st May 1890.

2. In the first place the last words of para 1 "and levy dues on this account under Act III of 1885" shows that the drafting officer was unacquainted with the provisions of Act III of 1885, section 7 of which lays down that only a Government officer can levy and receive landing and shipping fees under the Act. The Act says nothing about the spending of these fees, and no power to spend them is given to the Board in the G.O.

constituting it.

3. In the second place, the notification attached to the G.O., only authorises the Board to keep the accounts of the District Port Fund under section 36(2) of Act X of 1889, and does not authorise it to receive and spend Port Dues under section 36(1) of the Act. This restriction of the Board's powers appears to have been intentional, but it none the less made it practically powerless as far as Port Funds were concerned. The Advocate General has pointed out that, as, since the constitution of the Board, Port Funds have been amalgamated into groups, the Board is now "functus officio" as regards the notification appointing it.

4. Under the G.O. appointing it, the Board can therefore neither receive nor spend anything. In practice, however, it claims the power of spending both landing and shipping dues and Port funds, as will be seen by the several minutes of its Proceedings in the linked files attached, and does so in rather strong language. It claims the power of spending the landing and shipping dues, because the enhancement thereof, sanctioned in G.O. No. 247 Marine dated 5th July 1890, to meet the cost of dredging was first proposed

D

in the manner suggested

Mr. De Winton.

A.S.H
17.3.98

I thought, when I saw in the papers the report of H.E.'s speech, ~~that there~~ had been some mistake. It now appears ~~that~~ this was due to the fact that the draft which was passed by me on 24/9/97 & by the Hon'ble Mr. Grose on 28/9/97, which I had ordered to be circulated, was not seen by H.E. until 5/3/98 - It was sent to H.E. on 29/9/97, so that it was kept back from him by some one, presumably the Private Secretary, for more than 5 months! It is for H.E. to deal with the matter & no doubt he will do so.

I agree to the proposed reconstitution of the Bd., subject to the remarks below.

21/3/98

Seen.
A.S.H
1.4.98

(Flag - O)

No copy available now
JHM
29 July 58

proposed by the local mercantile community, and it claims the power of spending Port Funds because it has misunderstood its position under section 36(2) of Act X, and apparently considers that it has been given powers under the whole section.

It also denies that Government has the right to devote the landing and shipping dues to any other purpose than the purchase of a dredger.

5. It is quite clear, from a perusal of all the papers connected with this case, that the Board has entirely misunderstood its position, but was to some extent justified in doing so by the inaccuracy and vagueness of G.O. 196 Marine dated 21st May 1890. Its contention, however, that Government had no right to spend the landing and shipping dues on any other object than dredging was absurd, and it has only itself to thank for the anomalous position it now considers itself to be placed in.

If I had known all I do now of this question I should certainly have never suggested to His Excellency the necessity for any conciliatory treatment of the Board.

6. It now remains to be decided

what is to be done to place matters on a footing about which there can be no possibility of further misapprehension. My own opinion is that the Board had better be abolished altogether for the following reasons:-

(1). Section 7(1) of Act X of 1889, under which the Board was constituted, says "The Local Government shall appoint some officer or body of persons to be conservator of every port subject to the Act", and section 7(2) says "subject to any direction by the Local Government to the contrary (a) in ports where there is a Port Officer, the Port Officer shall be the conservator". The evident intention of the Act is, therefore, that the Port Officer shall usually be Port Conservator, and it is not quite clear why Government departed from the usual course and converted the Cocanada Groynes Committee into a Board of Conservators.

(2). The "Groynes Committee" was originally formed, I presume, to superintend the construction of the groynes. These groynes are now completed, and it is unlikely that any further expenditure will be incurred in extending them, and even if there is, it should be controlled by the P.W.D., and not by a body composed principally of merchants. The Board of Conservati~~on~~ors has, therefore, no longer any 'raison d'etre'

as

as far as groynes are concerned.

(3) The only expenditure now contemplated in connection with the Port of Cocanada is the purchase of a Dredger. The selection of this Dredger should be settled by Government with the Secretary of State, and the working thereof placed under the Port Officer. The Board has, therefore, no raison d 'etre in this matter neither.

(4) The Port Officer or the P.W.D. can be safely entrusted with the expenditure of the money allotted to Cocanada Port, and the intervention of the Board seems unnecessary. The local Chamber of Commerce can always bring the views of the mercantile community on the subject of this expenditure to the notice of Government.

7. If, however, it is considered necessary to maintain the Board, I think its constitution requires alteration.

The Chairman is now the Collector of the District for the time being. He is frequently and unavoidably absent from Cocanada, and his duties mainly devolve on the "Vice Chairman" who is also Chairman of the European Chamber of Commerce. The present Vice-Chairman is Mr.

Highton

92

Highton Agent of the ~~[illegible]~~ Local Bank of Madras, and a gentleman not remarkable, apparently, for either tact or courtesy. It is owing to his leadership that the Board has taken ~~in~~ up its present mistaken position. Again, the Port Officer's position in connection with the Board is most anomalous and disagreeable. A glance at para 4 of G.O. No- 196 Marine of 21st May 1890 will show how this has come about. In some matters he is subordinate to the Board, in others ~~[illegible]~~ he is independent of it, and the result is friction and unpleasantness. He was called to book, the other day, because he had not applied to the Vice Chairman for some casual leave he took, although he had written to the Collector and Chairman, who ~~[illegible]~~ was absent, to ask for it. Judging from remarks in the Collectors letter published at page 4 of G.O. ~~[illegible]~~ 196 Marine of 21 May 1890. It was originally suggested that the Port Officer should be Chairman of the Board, but this suggestion does not appear to have commended itself to the local mercantile community. I most certainly think he should be either Chairman or Vice Chairman. In view of the frequent absences of the Collector, it would be well to make him Chairman. On the other hand the official element on the Board certainly wants strengthening, and, on this account, it would be best to make him Vice Chairman. I think also that the Suptg.

Engineer

Capt Street told me about this. Mr Highton behaved, according to what I was told, in a most improper & irritating way HS

Yes - Vice Chairman - We must leave the Collr. at the head of affairs, even though the Port Officer may, as he will, do most of the work - HS

93

Engineer I Circle and the Ex. Engr. in charge of Godavari Eastern Division should be ex-officio members of the Board, that they may have a voice in all matters that may arise in connection with port improvements (I-e groynes, dredging, &c.)

Yes HS

8. Constituted as above, the Board might be given authority, subject to the control of Government, to

(1) expend the Landing and shipping dues and keep the accounts thereof.

(2) expend that portion of the Port Funds of the Eastern Group, which are annually allotted by Govt. to Cocanada and keep the accounts of the same under section 36, Act X of 1889.

If this was done, the Board would frame the annual budget of the Landing and Shipping Dues and allotted Port Funds, and submit it to Govt. for approval and incorporation in the general budget, and would thereafter have a consulatative voice in and general control over the expenditure of the money sanctioned in the budget. The Board should not of course be given power to make any alterations in the budget grants without sanction of Govt., and the

Port

No!

I don't see how this can be worked. It is not, and so far as I can see cannot be, in contemplation to make annual allotments from Port Funds to particular ports. The very object of the recent changes has been otherwise, to hold the whole of the Port Funds of the group at the disposal of Govt. for expenditure on such objects as may be most pressing, and to make allotments to particular ports would defeat that object & throw us back into the old impracticable groove. Of course we can ask the local Comm.ee to inform the P.P.O. beforehand, before the Budget is prepared, what they most want, & with demands so put forward we will comply as far as we can - But I don't see how we can go further, especially as almost every available anna is locked up & practically already appropriated for years to come for lighthouse construction.

HS

Port Officer should not be made subordinate to the Board, because it makes his position anomalous and disagreeable.

In practice the Port Officer or the P.W.D. would be entrusted with the immediate supervision of the expenditure on the ~~ssmm~~ sanctioned budget and the Board would only act as a sort of check on both. This seems unnecessary and it is for this reason principally that I propose the abolition of the Board.

9 8. I think also it would be well, in view of the frequent absence of the Collector, to make the Port Officer Collector of Landing and Shipppping Dues under Act III of 1885 and place the present collecting staff under his control.

10 9. With regard to the dredger it is, no doubt, essential to the proper maintenance of the port, and I think it should be supplied with the least possible delay. Its estimated cost is 2 lakhs, and in the Port Funds Budget for next year a grant of Rs. 50,000 is provided for the purpose, the balance being provided as follows-in the forecast of expenditure under Port Funds in the next 5 years-1 lakh in 1899-1900 and ½ lakh in ~~1900-01~~ 1900-1901. It seems, however, a most unsuitable arrangement to spread the cost

It would also be very difficult to limit its powers of interference with the Executive, & the situation might become grew more strained than at present.

The Collection work had much better be left with the Collr. who has a suitable agency in the Customs Estt. for the purpose. I have noted on this point already in connection with the Masm. [illegible] case

I fully concur.

A.S.K.
17.3.98

I quite agree that the expenditure on the dredger must not be spread over 3 years as proposed. But it will play havoc with all our arrangements for lighthouse construction to follow the course proposed in this note, because neither alter our lighthouse programme on which we have entered, nor can we starve all the other ports in the Eastern group, for the sake of Cocanada. The proper course will be to ask India for a loan of 1½ lakhs, which we can repay according to our programme, viz, 1 lakh in 1899-00 & ½ a

interest probably, under this arrangement. But it will be much better to pay this sum, which no doubt we can scrape together, ~~than~~ than upset all our other arrangements & send Mr. Ashpitel back to where he was — — For this is what the proposal in the note comes to

of a dredger, which can be obtained in 6 months, over a period of 3 years, and, by postponing most of the proposed expenditure on the Eastern group of ports in 1898-99, a lakh can be provided for the Cocanada dredger in that year. This, coupled with the Rs. 75,000 which I understand to be the present balance at credit of Landing & Shipping dues at Cocanada, would enable the dredger to be purchased at once, as by the time it arrived the Landing & Shipping dues would probably have made up the -- deficiency, or if not, a small grant could be temporarily given from Provincial funds.

Quite out of the question, I should say

10. I therefore recommend that sanction be given to the immediate purchase of a dredger, and that, after consultation with the local authorities as to the form it is to take, an indent for it be sent Home to the Secretary of State.

Yes — if India will lend us the money

The Cocanada Board want to get it themselves in consultation with a Mr. Cockburn who is described as an 'expert' in the matter. I am advised however that his knowledge of the port was obtained some years -- ago and is not extensive, & I think the ordinary course above proposed is best.

11 3 98

Marine Dept

96

Port Conservancy Board.
Coconada –

Note for the Hon: Sir Henry Bliss,
K.C.I.E.

With reference to Hon'ble Member's remarks on para 8 (2) of the Note dated 11 March 1898, I beg to point out he has misunderstood my meaning. By 'that portion of the Port Funds of the Eastern Group which is annually allotted by Govt. to Cocanada' I meant the Budget allotment for any specified work at Cocanada, e.g. the Rs. 50,000 which is provided in next year's Budget for that Port. I did not contemplate any annual allotment of funds for general purposes as opposed to specific works. All I propose is that the Board should have a voice in the preparation of the annual budget and should supervise the expenditure of the grant that may be given. The Hon'ble Member & I really mean the same thing, and my object will be equally well attained

They can't supervise so much of the expenditure as is carried out by the P.W.D. – There'd be a pretty mess if they interfered with that
HS

Issue orders accordingly
28.3.98

28 March 98

if the Board is authorised to inform the Presidency Port Officer before the Budget is prepared of their most pressing wants.

Very well
[illegible]

2. With regard to para 9, it is certainly advisable, in view of what has happened at Masulipatam, to leave collection work with the Collector.

3. With reference to the purchase of the dredger it is submitted that as a lakh is provided for its purchase in 1899-1900, in the Port Funds forecast of expenditure, the requirements of other ports are only postponed for a year if the proposed addition of ½ lakh to the grant for the dredger is made in 1898-99, and the Light House programme need not be interfered with in any way.

What we ought to do is to push on with the business of getting the dredger built in 1898-99, if we can — In order to do so, we must, I think, borrow — we are much more likely to get a loan from India for a definite object, than because port funds generally have run short.

[illegible]
25/3/98

The concentration of most of our available Port Funds on Cocanada next year seems a more expeditious and economical course than borrowing from India.

LBel 23.3.98

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urgent

Marine DEPARTMENT.

Papers to be real in Proceedings :—

Current No. 320 dated 5th March 1897 from the Revenue Dept.
~~Again G.O., dated~~ 420 ,, 20th -do- the P.P.O.
~~Again G.O., dated~~ 903 ,, 30th June 1897 189 , No. the Collr. of Godavary
Current No. 937 of 1897, dated 5th July 1897, from - do -
1168 ,, 1897, ,, 27th Aug. 1897, ,, the P.P.O.
1184 ,, 1897, ,, 2nd Sep. 1897 , ,, - do -

Conservancy Board Cocanada

ORDER. No 255 Mar 4-4-98

~~H. E. the Governor~~

A.G.H
7.4.98

To
The Secy. to Govt.,
Revenue Dept.
for favour of counter-initials

Returned
2/4/98

The correspondence read above relates to the powers and responsibilities of the Godavari District Ports Conservancy Board, in regard to which there has been some misapprehension.

2. The position seems to be as follows. The Board is constitued under section 7(1) of Act X of 1889, and its principal functions are described in sections 8 to 16 of that Act. It is not legally entitled to the control or management of any port fund, for its duties as regards such funds are limited to keeping the accounts under section 36(2) and publishing annual abstracts thereof in the Fort St. George and Godavari District Gazettes, as will be seen on reference to the notification recorded with G.O. 196 Marine dated 21st May 1890. In respect to Port Fund concerns generally, it is laid down (para 4 of the G.O.) that the Board

P. [illegible]
500—27-1-98.

99

Board is in administrative subordination to the Presidency Port Officer.

3. As regards fees under Act III of 1885, it will be seen from the notification recorded with G.O. 247 Marine dated 5th July 1890 that the Collector of the Godavari District is the officer appointed to levy and receive the fees and to keep the accounts.

4. The district grouping of ports for which the Board was appointed conservator has been superseded by the new grouping notified in the Fort St. George Gazette of the 18th May 1897, and it thus seems probable that ~~it~~ the Board has in consequence become functus officio. This, as well as other considerations, renders it desirable that a new Board should be constituted with clearly defined responsibilities and powers adapted to the duties which it is required to perform under existing conditions.

5. After a careful consideration, His Excellency the Governor in Council has arrived at the conclusion that the Board should be constituted under section 7(1) of Act X of 1889 as conservator of the port of Cocanada, and should be composed as follows:-

Chairman

The Collector of the District.

Vice-Chairman.

The Port Officer of the Port.

Members.

5400

Note
x These are the numbers on the existing Board.

Members.

The Suptg. Engineer of the Circle.

The Executive Engineer of the Division.

x 3 members of the European Chamber of Commerce to be elected annually.

x 2 members of the Native Chamber of Commerce to be elected annually.

6. Constituted as above the Board will exercise all the powers vested in a Port Conservator by Act X of 1889, and will, in addition, subject to the control of Government exercised through the Presidency Port Officer, supervise all work such as maintenance and dredging, carried out either from Landing & shipping dues or Port funds not specially entrusted to the P. W. Department. The supervision of landing and shipping dues ~~af-~~ affairs ~~expenditure~~ ~~fairs~~ will also be entrusted to the Board, but the duty of collecting fees and keeping accounts is by law & vested in an officer of Government, and has been entrusted * to the Collector of the District.

& See 7 of Act III of 1885

* G.O. 247 Mar. dated 5th July '90.
(Flag O)

7. The Board will further be authorised to inform the Presidency Port Officer, before the annual budget is prepared, of the most pressing wants of the port, and these will be provided for with due regard to the requirements of other ports of the Eastern Group.

8. The Collector will now submit

the names of the non-official gentlemen to be placed on the new Board when their appointment will be formally sanctioned. Meanwhile the following notification will be published:- Notification

"The Godavari District Ports Conservancy Board appointed in the notification published on page 357 Part I of the Fort St. George Gazette of 27th May 1890 having ~~been~~ become functus officio, His Excellency the Governor in Council is pleased, in exercise of the powers conferred on him by section 7(1) of Act X of 1889, the Indian Ports Act, to appoint the following persons to be conservator of the port of Coacanada under the said section:-

Chairman.

The Collector of the District.

Vice-Chairman.

The Port Officer of the Port.

Members.

The Suptg. Engineer of the Circle.

The Executive Engineer of the Division.

3 members of the European Chamber of Commerce to be elected annually.

2 members of the Native Chamber of Commerce to be elected annually."

9. The most pressing need of the port is a dredger, and the Government will do what is possible to obtain the money requisite for its purchase. The cost will be included in the statement which is being

submitted to the Government of India in view to a special grant of Imperial Funds being made for Port Works. Meanwhile the Suptg. Engineer will, after consultation with the Conservancy Board as to the most suitable form of dredger, submit an indent through the regular channel on the Secretary of State for its supply.

R.S.

30.2.98

2/4/98

To the P.P.O.
,, Collector, Godavari District.
,, Revenue Department.
,, P.W. Department.
,, Supdt. Govt. Press.

D 15/4/98

I Reminder to Collr. Godavari for para 8
8.8.98

Today 100/I

fol 100/6

11 Apr 98

No. 255, Marine, 4th April 1898.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

Read—the following papers:—

From the Revenue Department,	dated 26th Eeb. 1897,	No. 1186 Mis.
" the Presidency Port Officer,	" 18th March "	" 48/97 G.
" the Collector of Gódávari,	" 23rd June "	" A/Acc.
" " "	" 1st July "	" 963/Acc. 97.
" the Presidency Port Officer,	" 23rd August "	" 48/312 G.
" " "	" 30th " "	" 48/318 G.

Order—No. 255, Marine, dated 4th April 1898.

The correspondence read above relates to the powers and responsibilities of the Gódávari District Ports Conservancy Board, in regard to which there has been some misapprehension.

2. The position seems to be as follows. The Board is constituted under section 7 (1) of Act X of 1889, and its principal functions are described in sections 8 to 16 of that Act. It is not legally entitled to the control or management of any Port Fund, for its duties as regards such funds are limited to keeping the accounts under section 36 (2) and publishing annual abstracts thereof in the Fort St. George and Gódávari District Gazettes, as will be seen on reference to the notification recorded with G.O., No. 196, Marine, dated 21st May 1890. In respect to Port Fund concerns generally, it is laid down (paragraph 4 of the Government Order) that the Board is in administrative subordination to the Presidency Port Officer.

3. As regards fees under Act III of 1885, it will be seen from the notification recorded with G.O., No. 247, Marine, dated 5th July 1890, that the Collector of the Gódávari district is the officer appointed to levy and receive the fees and to keep the accounts.

4. The district grouping of ports for which the Board was appointed Conservator has been superseded by the new grouping notified in the *Fort St. George Gazette* of the 18th May 1897, and it thus seems probable that the Board has in consequence become *functus officio*. This, as well as other considerations, renders it desirable that a new Board should be constituted with clearly defined responsibilities and powers adapted to the duties which it is required to perform under existing conditions.

5. After a careful consideration, His Excellency the Governor in Council has arrived at the conclusion that the Board should be constituted under section 7 (1) of Act X of 1889 as conservator of the port of Cocanada, and should be composed as follows:—

Chairman.

The Collector of the District.

Vice-Chairman.

The Port Officer of the Port.

Members.

The Superintending Engineer of the Circle.
The Executive Engineer of the Division.
Three members of the European Chamber of Commerce to be elected annually.
Two members of the Native Chamber of Commerce to be elected annually.

6. Constituted as above the Board will exercise all the powers vested in a Port Conservator by Act X of 1889, and will, in addition, subject to the control of Government exercised through the Presidency Port Officer, supervise all work such as maintenance and dredging, carried out either from Landing and Shipping Dues or Port

Funds not specially entrusted to the Public Works Department. The supervision of Landing and Shipping Dues affairs will also be entrusted to the Board, but the duty of collecting fees and keeping accounts is by law * vested in an officer of Government, and has been entrusted † to the Collector of the district.

* Section 7 of Act III of 1885.

† G.O., No. 247, Marine, dated 5th July 1890.

7. The Board will further be authorised to inform the Presidency Port Officer, before the annual budget is prepared, of the most pressing wants of the port, and these will be provided for with due regard to the requirements of other ports of the eastern group.

8. The Collector will now submit the names of the non-official gentlemen to be placed on the new Board when their appointment will be formally sanctioned. Meanwhile the following notification will be published :—

NOTIFICATION.

The Gódávari District Ports Conservancy Board appointed in the notification published on page 357, Part I of the *Fort St. George Gazette* of 27th May 1890, having become *functus officio*, His Excellency the Governor in Council is pleased, in exercise of the powers conferred on him by section 7 (1) of Act X of 1889, the Indian Ports Act, to appoint the following persons to be Conservator of the port of Cocanada under the said section :—

Chairman.

The Collector of the District.

Vice-Chairman.

The Port Officer of the Port.

Members.

The Superintending Engineer of the Circle.
The Executive Engineer of the Division.
Three members of the European Chamber of Commerce to the elected annually.
Two members of the Native Chamber of Commerce to be elected annually.

9. The most pressing need of the port is a dredger, and the Government will do what is possible to obtain the money requisite for its purchase. The cost will be included in the statement which is being submitted to the Government of India in view to a special grant of Imperial funds being made for port works. Meanwhile the Superintending Engineer will, after consultation with the Conservancy Board as to the most suitable form of dredger, submit an indent through the regular channel on the Secretary of State for its supply.

(True Extract.)

Under Secretary to Government.

To the Presidency Port Officer.
„ Collector, Gódávari District.
„ Revenue Department.
„ Public Works Department.
„ Superintendent, Government Press.

Exd. W. D'Moss.

Port of Cocanada

Directing, with remarks, that a notification be published appointing certain persons to be Conservator of the — under section 7 (1) of the Indian Ports Act X of 1889, and calling on the Superintending Engineer, I Circle, to submit, after consultation with the Conservancy Board, an indent for a dredger for the port.

W

8

H. E. & the H[illegible]

[illegible] [illegible]

(1) [illegible]

(2) Dredger [illegible] purchased for [illegible]

3/[illegible]

CAm

(1) Papers submitted here with

(2). Papers are in circulation with H.E. with Cirs. 1184 & 1255 ~~[illegible]~~ (Sent on the 29th September (89))

Cir. 1184 Landing & shipping dues Coconada. Forwarding with remarks a copy of an extract from the minutes of a meeting of the members of the Godavari Dt. Port Conservancy Board refusing to allow the — to be used for the purpose of paying off the expenditure on the groyne [illegible] ks

ward in the G/O

ting it

Cir. 1255 Informing that Port-dues are collected by Customs officers and that account of such & other Collections are kept by Port-officers in accordance with G.O 220. Mar. dy 25.5.80 & 848 Fin'l 22-7-1897

4 Nov 97

Telephone

480 8/24.7.97 Chy 903

[illegible]

12

Vd. 9/7/97

H.E. & the

ard in the G/O

ting it

Telephone

From

The Budget Supdt.
P.W. & Marine Depts.

To

The Manager
P.P. Office

Please telephone what Contribution from Provincial funds will be required to meet the estimated Cost of the groynes at Coconada, and furnish details for the figure that may be arrived at.

12

9/7/17

Cocanada Port. ~~[illegible]~~

Your reply that Rs 28000 will be enough for the current year leads me to suppose that there will be further demands next year. Please give me a definite reply.

May
12/7/97

Despd. KP.
12.30 noon 13/7/97

From.
The Manager P.P.O.

To
The Budget Supdt.
P.W. & Marine
Depts.

A provincial contribution of Rs 28,000 is enough to meet charges on account of Cocanada Groynes in addition to the balance of the shipping and landing dues.

Recd. KP.
12.45 P.m. 14/7/97

C.A.M Marine C Nos 786 and 788.

Groynes at Cocoanada

Amount of estimate	Rs 74,400
Grant for 1896-97 or the probable outlay during that year	Rs 38,000
Grant for 1897-98	Rs 36,400
Total grant	Rs 74,400

2 A sum of Rs 30,000 was in the first instance provided by the Financial Dept. from Port Funds vide G.O. No 3572 W dated 12th December 1896. This amount was supplemented by an additional grant of Rs 8,000 from the same funds at the disposal of the P.W.D. vide G.O. No 548 W d/ 25th February 1897.

3 The sum of Rs 9,310 required for percentage charges was provided from the same source as the grant for the work was made. vide G.O. No 908 W d/30th March 1897.

4 The Financial Department has been invariably providing allotments from Port Funds even if the works had to be carried out from Pilotage Funds or Landing and Shipping Dues. The expenditure has however been adjusted by the Presidency Port Officer against the Fund concerned irrespective of

the order in the Financial department. The same procedure has been followed by the Financial Dept in the present Case also and I have ascertained that the out-lay during 1896-97 against the grant of Rs38.000 from Port Funds for the groynes has been debited in the Civil Accounts to the Landing and Shipping Dues.

5. There is no objection to the exhibition in the P.W. budgets of the grants from Marine Funds separately viz Port Funds, Landing and Shipping Dues and Pilotage Funds instead of all Funds being shown under one head viz Port Funds as at present.

6 In regard to the inquiry whether Provincial Contribution for the groynes should, if sanctioned, appear in the Excluded Local and Provincial budgets or in the latter only, it is submitted that the proper Course would be that the Financial Dept should sanction the Contribution from Provincial Funds as an addition to the Landing and Shipping Dues of the Cocoanada Port, that this transaction should appear only in the Civil and not the P.W. Accounts and that the entire grant and expenditure on the groynes should be accounted for in the P.W.D

under

under Excluded Local Funds only. This procedure would be quite in conformity with the provisions of paras 42 and 43, Chapter IV. Vol II of the P.W. Code.

7 The amount of contribution required from Provincial Funds is Rs 28.000 as reported by the Manager of the Presidency Port Office. Vide telephone messages attached. A provision of Rs 95.000 inclusive of percentage charges has been made under Landing and Shipping Dues in the Marine Budget Estimates for 1896-97 and ~~for~~ 1897-98 for the Cocoanada groynes. This provision covers the whole estimate of Rs 74.400 and the percentage charges thereon and reduces the ~~col~~ closing balance of the Cocoanada Port on the 31st March 1898 to – Rs 27.801 or Rs – 28,000 in round figures. Vide Column 31 Page 22 of G.O. No 190 Marine d/ 3rd March 1897. If this deficit is made good by a Provincial contribution of Rs 28.000, the Cocoanada Port will be set free from any liabilities.

8. The long delay in submitting this reply is regretted; but it was unavoidable and occurred in getting up papers put up with other Currents, discussing with the Accountants in the C.S Office and obtaining information from the Presidency Port Office.

14/7/97

under the existing Local Funds [illegible]
These fees which would be [illegible] in the
property as to the provisions of paras 42
and 43 Chapter IV Vol II of the P.W. Code.

7 The amount of contribution
required from Provincial Funds is
Rs 25,000 as reported by the Manager of
the Pondicherry Port (vide 2nd [illegible]
Memorandum attached. Approximately
Rs 95,000 inclusive of percentage charges
has been made under Harbour and
Shipping Dues in the Provincial Budget
Estimates for 1896-97 and 1897-98
for the Cocanada purposes. This
[illegible] leaves the whole estimated
Rs 7[illegible] [illegible] percentage charges
[illegible]
[illegible]
[illegible] Rs 27,801
or Rs 28,000 in round figures
[illegible]
[illegible]
[illegible]
[illegible] Cocanada
Port will be [illegible]

8 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

L.D. 91

? 17

The memo referred to
in the draft-order is
yet in Circulation &
has not issued.

9 Oct 97

Awaiting H.E.'s
return
9 Oct 97

The draft order on this
paper is still detained
for the previous papers
which have been a long
time with H. E.

The proceedings
of a subsequent meeting
of the Board (C. No 1427)
have meanwhile come in.

11 Nov 97

R.K.

& currents

There was a memo written at Ootacamund in which the powers of the board were clearly brought out. It was in connection with the expenditure on the Cocanada groynes. Put up file

C. S.

12 Jan 98

{1240
1184
1255}

C No. 45, 46, & 51 of 1898

C.A.M.

The P. O. forwarded an extract of the minutes of Proceedings of the Godavari district Ports Conservancy Board refusing to allow the Landing & Shipping Dues Cocanada to be used for paying off the Expenditure on groynes works. (C No. 1184). This was circulated to the Hon Sir Henry Bliss & he asked for information as to who makes collections of Port Dues at Outports. (590 E.G. 20-9-97) In his telegram of the 21st Sept 97 (C No. 1255) the P. O. replied that Port Dues are collected by Customs Officers but accounts there for are kept by the Port authorities. The memo referred to by C.A.M. was written after this, and was sent in circulation to the Hon: Members on the 23rd Sept 97 and returned on 29-9-97. On the latter date they were circulated to H. E. the Governor and they are still with him. (vide Copy of List of Papers detained in Circulation put up Flag P)

J.W.S.
15/1/98

C. No 45
46
51.

M

These papers receive the question of the position and powers of the Godavari District Ports Conservancy Board. The matter has already been thoroughly gone into by this office, and the following conclusions were arrived at.

(1) The Board has no power of control over the Landing & Shipping Dues.

(2) It has no power over Port Funds raised under Act X of 1889.

(3) It is now functus officio; the district group of ports for which it was appointed having since been merged with the Eastern group.

The papers on the subject were circulated to H E on the 29 Sep 97, and have not yet been returned. A reminder was issued on 2-12-97.

A memo was sent to

C. No. 251

W

It does not seem possible to deal with this matter or with the question of the loan for the purchase of a dredger for Cocanada until H. E. returns the file on the subject now with him. The last reminder was sent on the 17 Jany.

C. S.
26 Feb 98.

W on return
S.M.
28/2/98

This matter was fully discussed at Cocanada, & we shall probably receive the file back from him at once. Keep till then

5 - 3 - 98

C. S.

5 Mar 98

C.C.W.
Submitted for orders. Mar: C. No. 1184 of 9.97 having returned from circulation this morning.
7.3.98

H.E. &

W/

H.E.'s note of 5-3-98 on the Godavari Conservancy Board.

The circumstances which led up to the constitution of the Board in its present footing seem to be accurately stated — but the intentions of the Govt. seem to have been frustrated by the drafting officer of the former Marine Dept., who not only did not give effect to them in the notification drafted under Act X of 1889, but he seems to have been unacquainted with the provisions of Act III of 1885, the Landing and Shipping Fees Act. No private body can ~~[illegible]~~ levy and recover fees under this Act. An "officer of Govt." must do that under Section 7.

As regards the future position of the Board, there seems great difficulty under the existing

Secy

H.E.

law to give them anything but a delegated authority over either Landing & Shipping fees, or Port funds. They were appointed a "Board of Port Conservancy for the Ganjam district." But since then, the district grouping of ports has been abolished, and the Board is thus at the present moment *functus officio*.

The Govt. might undertake to give the Board a potential voice in the spending of the landing and shipping dues; but it would be most inconvenient and a retrograde step to allow them any control over *Port funds*. These now ~~form~~ merged into the general fund for Eastern group of ports, & the Govt. has taken to itself power to spend the money in the best interests of the ports generally.

R. S.
7 Mar. 98

H. E. & [illegible]

P. A.'s

1. I want Act X, please
2. How would it do to

(1) make the Port Officer, instead of the Collector, collector of L & S dues, giving him the present collecting staff

(2) make the Port Officer Chairman of the Board, instead of the Collector.

(3) Give ~~the Board~~ ~~him~~ the Board the spending of L & S fees, subject to Govt. control

(4) Give the Board the spending of that portion of the Conservancy [illegible]

Funds allotted annually by Govt to Cocanada —

This will get rid of the Collector who is a very bad officer for both duties, owing to his frequent absence from Cocanada, and will place the P. O in his proper position

8. W. L.
10 2 90

- H. E. & Hon

W.

1. Copy of Act submitted

2. (1) There would be no objection to this.

(2) Nor to this. The "Board" in this case would, it is assumed, be the Landing and Shipping Dues Committee of Cocanada, and not the "District Ports Conservancy Board" which has ceased to exist as a legal body.

(3) This might also be done.

(4) There are, I think, serious objections to giving a Committee of the proposed description any control over Port Funds which are everywhere else administered directly by Govt. They might claim to be appointed under Section 36 (1) of Act X of 1889. The Govt. has all along hesitated to confer on the Committee the powers provided in this Section. There would not be the same objection to the Landing and Shipping Dues. This

are entirely local, and ~~are~~ may be regarded as voluntary taxation to some extent. The port dues are quite different. The Committee's functions should, it is thought, be confined to advising. They should have no ~~taxation~~ powers of spending money. There is nothing to prevent their advice being asked and, mostly, taken in regard to port improvements. The correspondence in the present file shows how unmanageable the Committee is likely to become if real power is conferred on it.

C.S.
10 Mar 98

Note for orders. H.E. & ~~for~~ H. [illegible]

1. The circumstances which led up to the constitution of the ~~Board~~ Godavari Conservancy Board in its present form are accurately stated in Hd's note of ~~5-3-98~~ of 5-3-98 in Current No 1108 of 1897. But the intentions of Govt. were frustrated by the mistake made in drafting G.O. No 196 Marine dated 21st May 1890.

Flag N.

2. In the first place the last ~~sentence~~ words of Para 1 "and levy dues within account under Act III of 1885" show that the drafting officer was ~~ignorant~~ unacquainted with the provisions of Act III of 1885. Section 7 of which lays down that if a Govt. officer can levy a license landing & shipping fees under the Act. The Act says nothing about the spending of these fees, and so power to spend them is given to the Board in the G.O. constituting it

3. In the second place the Notification attached to the G.O. only authorises the Board to keep the ~~District~~ accounts of the District Port fund under Section 36 (4) of Act X of 1889 and does not authorise it to receive & spend Port dues under Section 36 (1) of the Act. This restriction of the Board's powers appears to have been intentional, but it nevertheless made it practically powerless as far as Port funds were concerned. — ^

^ The advocate, has pointed out as since the constitution of the Board, Port funds have been amalgamated into [illegible], the Board is now 'functus officio' as regards the Notification appointing it

4. Under the G.O. appointing it the Board can therefore neither receive nor spend anything. In practice however, it claims the power of spending both landing & shipping dues, & Port funds, as will be seen by the several minutes of its proceedings in the [illegible] files ^attached. In latter shipping [illegible] & dues ~~to~~ in

It claims the power of spending the L & S dues ~~[illegible]~~ because ~~it~~ the ^enhancement ~~[illegible]~~ levied ^to meet the cost of dredging was first proposed by the local mercantile community, and it claims the power of spending Port Funds because it has misunderstood its position under Sec 36 (2) of Act X & apparently considers that it has been given powers under the whole section. It also denies that Govt has the right to devote the L & S dues to any other purpose than the purchase of a dredger.

^ Gazetted in G.O. No 1474 of 5 July 1890

Flag O

5. It is quite clear from a perusal of all the papers connected with this case that the Board has entirely misunderstood its position, but it was to some extent misled in doing so by the inaccuracy & vagueness of G.O. No. 196 Marine of 12 May 1890.

The contention, however, that Govt

had no right to spend the Port dues ~~without consulting it~~ in any other respect than dredging was absurd & it was infinitely to thank to the anomalous position it now considers itself to be placed in - If I had known all I do now of this position I should certainly have never supported the [illegible] necessary for any conciliatory treatment of the Board.

6. It now remains to be decided what is the one to ~~define~~ ~~the position of the Board~~ were clearly. Place matters on a footing that which there can be no possibility of further misapprehension in my opinion is that the Board should better be abolished & to [illegible] better be [illegible] the following course.

(1) Sec 7(1) of Act X of 1889 under which the Board was constituted says 'The Local Govt shall appoint one officer or body of persons to be Conservator of

2.

every port subject to this Act' & 7(2) says 'subject to any direction by the Local Govt. to the contrary (a) in ports where there is a Port Officer, the Port Officer shall be the Conservator'. The evident intention of the Act is therefore, that the Port Officer should normally be Port Conservator and it is not quite clear why Govt. departed from the usual course & converted the Cocanada Groyne Committee into a Board of Conservators.

(2) The 'Groyne Committee' was originally formed to superintend the construction of the groynes. These groynes are now completed & it is unlikely that any further expenditure will be incurred in extending them, & even if there is it should be controlled by the P.W.D. rather than by a body composed principally of merchants

The Board of conservation has
therefore no longer any raison
d'être as far as its proper are
concerned.

(2) The only expenditure now contemplated
in connection with the Port of
Cocanada is the purchase of a
Dredger. The ~~choose~~ selection of this Dredger by Govt
should be settled with
the Sec of State, & the working
therefore placed under the
Port Officer. The Board has

6 therefore no raison d'être
in this matter either.

(4) The Port Officer & the D.W.D. can be safely entrusted with the expenditure of the money allotted to Cocanada Port, & the intervention of the Board seems unnecessary. The local Chamber of Commerce can always bring the views of the mer-cantile community on the subject of this expenditure to the notice of Govt.

7. If however, it is considered
necessary to maintain the
Board, I think its constitution
requires alteration. The Collector
is now the
Chairman for the time being
of the District.
He is frequently & unavoidably
absent from Cocanada & his
duties naturally devolve on the
Vice Chairman, who is also Chairman
of the European Chamber of Commerce.

The present Vice Chairman is
Mr Lyfton, Agent of the Bank
of Madras, a gentleman not
remarkable, apparently, for either
tact or courtesy. It is
owing principally to his leader-
ship that the Board has taken
up its present mistaken position.

Again, the Port Officer's position
in connection with the Board
is most anomalous & disagreeable.
A glance at para 4 of G.O. No.
of 2 May 1890 will
show how this has come about.
In some matters he is subordinate
to the Board, in others he is
independent of it & the result
is friction & unpleasantness.
He was called to book the other
day because he had not at the
request of the Vice Chairman for some
Canal lease he took, although
he had written to the Collector
& Chairman, who was absent.

ents for it. – ~~[illegible]~~
so that the official element wants
greater representation on the Board.
Judging from remarks in the
Collector's letter published at page
~~[illegible]~~ of G.O. 196 M. of 21.8.90,
it was originally suggested that
the Port Officer should be
Chairman of the Board, but this
suggestion does not appear to have
commended itself to the
local mercantile community.
I most certainly think he should
be either Chairman or Vice
Chairman. In view of the frequent
absences of the Collector, it would
be ~~best. I think~~ right, to make him
Chairman – on the other hand
the official element on the Board certainly
wants strengthening, & in this
account, it would be best to
make him Vice Chairman.
I think also that the Supdg. Engr. of No I Circle & the Ex. Engr.
in charge of Godavari Eastern Div.

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Government of Madras.

DEPARTMENT.

I

MEMORANDUM.

Dated Madras, 189

elements are of course members of the
Board, that they ~~ought~~ may have a voice in
all matters that may arise in connection
with Port improvements (as groynes,
dredging &c.).

8 Constituted as above, the Board
ought to be given authority, subject to
the control of Govt., to
(1) Expend the L. & S. Dues, & keep the
accounts thereof.
(2) Expend that portion of the Port Fun
of the Eastern group, which ~~ought~~ are
~~be~~ annually allotted by Govt. to
Cocanada ~~l~~ & keep the accounts of
the same under Sec 26 Act X of 18
If this was done, the Board would prepare
the annual budget of L. & S. Dues &
allotted Port Funds, & submit it to Gov
for approval & incorporation in the
General Budget, & would thereafter h
a consultative voice in a general c
over the expenditure of the m
sanctioned in the Budget. The Board

P. W. 41²
1,000—14-7-97

should not, of course, be given power
to make any alterations in the
budget grants without sanction of Govt.
& the Port Officer should not be
made subordinate to the Board
because it makes his position
anomalous & disagreeable –
In practice, the Port Officer & the Board
~~will be~~ would be entrusted with the immediate
supervision of the expenditure on the sanctioned budget grants
& the Board ~~will~~ would only act as a sort
of check on both. This seems unnecessary
& it is for this reason principally that I propose
the abolition of the Board.
I think also it would be well, in view of
the present absence of the Collector, to
make the Port Officer Collector of L & S
Dues under Act III of 1885, & place the
present Collecting staff under his control.

9. With regard to the dredger, it is no
doubt essential to the proper maintenance
of the Port & I think it should be
supplied with the least possible delay.
estimated cost Rs 2 lakhs
In the Port Funds Budget for next year a
grant of Rs 50,000 is provided for the
purpose – the balance being provided as follows
in the forecast of expenditure under Port Funds
in the next 5 years 1 lakh in 1899-1900, & 1/2
lakh in ~~1890~~ 1900-1901. It seems however a
most unsuitable arrangement to spread the cost

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DEPARTMENT.

MEMORANDUM.

4 Dated Madras, 189

of a dredger, which can be obtained
in 6 months, over a period of 3
years, & by postponing most of the
proposed expenditure on the Eastern
group of ports in 1898-99, a lakh
can be provided for the Cocanada dredger
in that year. This coupled with the
Rs 75,000 which I understand to
be the present balance at credit of
L & S Dues at Cocanada, would
enable the dredger to be purchased at
once as by the time it arrives
the L & S Dues wd. probably have
made up the deficiency, or if not
a small grant could be temporarily
given from Provincial funds as a

10. I therefore recommend that sanction
be given to the immediate purchase
of a dredger & that, after consultation with the local authorities
as to the form it is to take an
indent for it be sent home
Nilgiris 4 Sept.

P. W. 41a
1,000—14-7-97

The Cocanada Board want to get it themselves in consultation with a Mr. Cochrane, who is described as an expert in the matter. I am advised however that his knowledge of the subject was obtained some years ago & is not extensive. & I think the ordinary course above proposed is best.

11. 2 98

The statements [illegible] in the note on the [illegible]ocanada Conservancy Board are quite accurate, and the note has been typed. There would be no legal objection to vesting in the Board the proposed powers of spending money; but the administrative objections are, I think, very cogent. It would be difficult to limit the Board's power of interference with the Executive – in this case the Executive Engineer and the ~~[illegible]~~ Port officer. The overruling power of the Govt. would be rarely exercised, and the position might become more strained than it is at present.

The only parallel for this is the Harbour Trust Board at Madras; and here, the Executive ~~is~~ Establishments are servants of the Board. [illegible] [illegible]ada, they would

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Government of Madras.

DEPARTMENT.

be servants of Govt; and
therefore, will ^not^ be amenable
to foreign interference ...

N.
11 Mar. 98

I have added a
little to the above
effect

11.3.98

H.C.
Exe
N
11 Mar 8

Ports

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DEPARTMENT.

MEMORANDUM.

Dated Madras, 189

1. With respect to his remarks on Para 8
14 of the Note dated 11.3.98, I beg to point
out that he has misunderstood my meaning.
By 'that portion of the Port Funds of the
Eastern group which is annually allotted
by Govt. to Cocanada', I meant the Govt.
allotment for any special work at
Cocanada. e.g. the Rs 50,000 which is
provided in next year's Budget for the
Port. I did not contemplate any
allotment of funds for general pur-
-poses as opposed to specific works.
What I propose is that the Board should
have a voice in the preparation of the
annual budget & ~~should~~ ^check^ ~~control~~ ^supervise^ the
expenditure of the grant that may be
given. ~~as no~~ The Hon & I really
mean the same thing, & my object will
be equally well attained if the Bd is
authorised to inform the P.W.D. Dept.
^the Budget is prepared^ ~~[illegible]~~ of their most pressing wants.

2. With regard to Para 9, it is certainly
admissible, in view of

P. W. 41
,000—14-7-97

d Masulipatam, to lease Collection work with the Collector

With respect to the purchase of the Dredger it is submitted that as a lakh is provided for ~~the purpose~~ its purchase in 1899-1900, in the Port Funds precast of expenditure, the requirements ~~to~~ ~~that extent~~ of other ports are only postponed for a year if the proposed addition of 1/2 lakh to the grant for the dredger is made in 1898-99. & the Lighthouse programme need not be interfered with in any way.

The concentration of most of our available Port Funds ~~on~~ on Cocanada work seems a more expeditious & economical course than borrowing from India

22.5.98

Porte

22-5-06
13-4-07
14-10-07
15-5-08
8-[illegible]-10
4-5-11
4-10-12
29-8-13
9-4-15
24-10-19

7.9.13

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191 .

Current No.

Enclosures to C. No.

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Letter of Government.

Statement with ditto.

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