

Marine (1899) Department.

G.O., No. 186 Marine

DATED 28th Feby: 1899.

[Despatch Abstract.]

S. S. Bancroft

Recording Correspondence regarding
the Claim of Messrs Burnett & Son, Dillcherry,
for refund of certain fees, levied from them as
agents of the ———.

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

Informing that since the fee
has been returned, Messrs.
Burnet & Lane are satisfied
and the matter calls for no
further action.

G.O.	No.	Department.	Date.
56	82	25-1-88	417 Mar. 17-11-92



Tellicherry. 10 Jan'y. 1899.

The Secretary to Government
of Madras
Marine Department
Madras.

Li.

We have the honor to beg for a ruling under the following circumstances.

The S. S. "Bancoora" arrived here from Badagara about noon on Sunday the 8th inst with free cargo - no passengers.

The Steamer has a General Pass.

As we did not intend to clear the Steamer till after office hours on Monday the 9th inst, we did not apply to either the Customs or Port Officer for permission to enter and clear the vessel, our action being based on Rule 14 of the General Pass Rules, which rule provides that 24 hours are allowed for entry of a General Pass vessel and production of Manifest etc.

The landing of Free Goods commenced at once under the provisions of Rule 16 of General Pass Rules, viz: that "free cargo" may be discharged "as soon as the vessel drops anchor" "at any time" "day or night without special permission or supervision."

The consignees whose cargo was landed made their entries at the Customs and paid their usual holiday fees. I must have shipped some cargo on the

Some merchants shipped some cargo on the Sunday having made the necessary entries at the Customs and presumably paid their fees.

We, as Agents, neither shipped nor landed any cargo on Sunday.

any cargo on Sunday. On the evening of Sunday, the Post officer claimed that we were out of order in not having sent

sent a requisition for his services, when we pointed out the above facts. He then said he would refer the matter to superior authorities and left.

Yesterday he wrote to us as follows:-

"I have the honor to draw your attention to the irregularity committed, yesterday being Sunday and the Port office closed, by the detention of the ships' papers until this morning although the s.s. 'Bancoora' arrived about noon and transacted business all the afternoon."

x x x x

5. "G. O. Marine no. 417 of 17 Nov. 1892 distinctly says "No vessel.... nor merchant will be allowed to transact business relating to the discharge or shipping of cargo out of office hours or on Sundays and Close holidays unless a written requisition to that effect is first submitted to the Marine Department." (should be the "Customs collector" &c.)

6 In the above quotation no mention is made of papers relating to cargo with which as Port Officer I have no connection."

and the Port Officer went on to intimate that he would not grant clearance yesterday afternoon to the s.s. 'Bancoora' unless we paid his fee of Rs 20/-

This we paid under Protest as we could not detain the Steamer.

We would however point out that the Port Officer did not correctly quote the G. O. referred to omitting an important part.

It runs as follows:-

"No vessel will be allowed to enter or clear, nor will any Merchant be allowed to transact business relating to the discharge or shipping of cargo, out of office hours, or on Sundays and Close holidays unless a written requisition to that effect is first submitted to the Customs Collector by the owner, Agent or master of

of such vessel or by the merchant concerned. Such requisition must specify the dates on which the service of the Customs ^(or Marine) establishment will be required, otherwise it will not be attended to, and the fees must be paid in at the same time." and this rule is we believe applicable to the Port Officer -

Now we did not wish to enter or clear the steamer on Sunday as we had 24 hours in which to do this, so did not require his services.

We did not as Merchants transact any business with the vessel on Sunday, relating to the shipping or landing of cargo.

That as we have already pointed out was done by others who made their Custom entries and paid the fees.

The Port Officer's chief ground of grievance seemed to be that he did not know of the steamer's presence in the Roads, and so could not exercise due supervision. But his ^{non} staff who are paid by the public should have advised him, and as the cargo was free cargo no extra supervision was necessary, more than goes on by the subordinate native staff any day.

The Port Officer also stated that we as Agents were bound to deliver to him certain papers immediately on the steamer's arrival such as passengers list etc. and therefore required his services to receive them but we find no such necessity stated for General Pass Ships.

Section 31 of Port office rules refers to ships having no General Pass.

We respectfully beg favorable consideration of this petition and a refund of the fee of Rs 22-7-6 paid by us.

We have the honor to be,
Sir,

Your most obedient servants
Burnell & Son.

Agents.
B. J. S. N. Co. Ltd.

G 87

Marine (1897) Department.

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CURRENT No. 67



No. 56 E d 25 Jan 99

Order

Referred to the
Presidency Port officer for
Remarks.

From

The Agents.
B. I. S. & Co. Ltd.

L. H. Martin
Secretary to Government.

No.

Dated 10-1-99

Received 7/6-1-99

Enclosures

Spare copies

Li

To

The Presidency Port officer
in original, to be returned.

No. 474.
68 4

SUBJECT.

I enquired into
this matter during my
recent visit to Tellicherry
in consequence of letters
I had received on the subject
from the Port officer as well
as from Messrs. Burnet & Son
and as it seemed to me
that the question was
entirely

Informing that the S. S.
Bancora arrived here from
Badagosa about noon on
Sunday with free cargo and
that the Port Officer claimed
that they were out of order
in not having sent a
requisition for his services

41/24068

BACK PAPERS.

[illegible]

FURTHER PAPERS.

entirely one for the Customs Authority at the port to deal with, I so informed the Port Officer, and directed him to return to Messrs. Burnett & Son a fee he had demanded from them. The presence of a Port Officer at his office on a Sunday is unnecessary in the case of a General Pass Vessel when cargo is being landed, unless he happens to be a Customs Officer as well, and then he is guided by such instructions, as the Collector of the District may issue regarding the landing of cargo. It was unnecessary for Messrs. Burnett & Son to ask for the Port Officer's services on the occasion in question unless they desired to have the vessel entered or cleared on Sunday. As the case stands they did not so desire, and under the Customs Rules 24 hours can elapse before the vessel need be entered.

2. The Port-officer pointed out that vessels under a General Pass, are permitted to

to commence work on arrival and that such vessels frequently commenced work before office hours, so that more than 24 hours elapse before entry can be made during office hours the following day. This is a matter for the Customs and not for the Port Officer and I told him so. The question would never have arisen had it not been for Mr. Simpson's (the Port Officer) fussiness, and ~~He~~ ^{he} ~~was~~ ^{was} after a fee. He complained that he was often verbally asked to open his office to enter or clear a vessel at short notice, but I pointed out that it was within his power to refuse to do so unless a requisition in writing was handed in during office hours the previous day. Now that the fee has been returned, Messrs. Burnett & Son, I believe, are satisfied and the matter calls for no further attention.

A. A. Theet

To the Secretary to Govt,
Marine Department,
(Unofficially) 10th Feb 1899

Commander, R.N.M.
Green Port Officer.
17 February 1899