Marine Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

From the Public Works Department, dated 14th September 1883 No. 364 E.

Telegram from the Chairman of the Harbour Committee, dated 18th September 1883.

Letter from the Chairman, dated 20th September 1883. No. 39.

Letter from the Chairman, dated 25th September 1883. No. 45.

Order thereon 17th November 1883 No. 537 Mar.

Recorded, pending receipt of the views of the home authorities in regard to the reconstruction of the harbour.

The harbour dues act will not till then be introduced.

/True Extract/

Chief Secretary.

Copy/ To The Public Works Department

L.D.

Govt. of {188 } Madras.

No 3378 h d/ 26 Nov'83

Recorded.

CJ.

20/11

26-11-83.

To

Re 1011 2

Rec'd 19/11/83

Proceedings, dated 17/11 1883.
No. 537 Rev

Subject.

B No 326 h. 29.1.79
" 1369 h 11.6.80
Legis. No 19 - 28.4.80
B No 2804 h. 6.12.80
Mar. 607 - 8.10.80
A No 2011 h 16.8.81
Dep. 51/2012 h 17.8.81
A No 2512 h 14.10.81
" - 1382 h 6.6.82
Dep. 26/1499 h 16.6.82
B No 1663 h 1.7.82
A No 2241 h 31.8.82
" - 2569 h 3.8.82
B - 2956 h 9.11.82
" - 3147 h 8.12.82
No 91 C 11.1.83
B No 412 h 6.2.83
A " 1855/1856 h 4.7.83
No 627 C 14.3.83
" 727 C 24.83
" 364 C 14.9.83

Etc

Reconstruction of Harbour works

Jor 26/11

with order.

STATEMENT OF OBJECTS AND REASONS.

The approaching completion of the Madras Harbour renders it necessary that there should be in existence a body of persons, well acquainted with the affairs of the Harbour, to whose judgment and experience the carrying out of the scheme may be entrusted, and who may be armed with adequate powers as to deciding between rival proposals, sanctioning works, superintending their completion and maintenance, making contracts, effecting loans, levying tolls, issuing bye-laws, &c., &c.

This object can, in the opinion of the Government, be best obtained by the creation of Harbour Trustees. Similar bodies have already been called into existence in Calcutta and Bombay, and the present Bill is to a large extent modelled on the Acts in force as to this subject in those cities.

Provision is made in the Bill for the appointment of the Trustees; for the regulation of their proceedings; for the establishment which they will be authorized to maintain; for the property to be vested in them and the mode of its employment; for the power of the Trustees to levy tolls and enforce payment thereof, to execute works, make contracts, and frame bye-laws.

H. E. SULLIVAN.

OOTACAMUND,
4th July 1881.

Government of Fort St. George.

LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

A Bill to provide Trustees for the Harbour of Madras.

(Statement of Objects and Reasons.)

From R. G. ORR, Esq., Chairman, Madras Trades Association, to the Chief Secretary to Government, dated Madras, 19th August 1881.

I have the honor to acknowledge receipt of Proceedings of Government of 4th July transmitting, for the information of the Trades Association, several papers respecting the levy of Harbour Dues, wherewith to meet current charges and the interest upon capital expended upon the Madras Harbour now approaching completion.

2. The Association have carefully considered the papers under acknowledgment, and, as regards the formation of a "Port Trust," I am desired to express the concurrence of the Association in the view stated by Mr. C. S. Crole, Acting Collector of Sea Customs, in his letter to Government of 20th October 1880, where (at paragraph 4) he is of opinion that "the introduction of a complete Port Trust Act must, almost of necessity, be postponed for a considerable time, and the working of a simple enactment, such as I suggest, would, while providing for all present necessities, supply a sure groundwork on which to base a complete Port Trust Act, when legislation in that direction may seem desirable."

3. The Association apprehend that until the new arrangement for Custom House purposes, which the completion of the harbour renders necessary, shall have been effected and matured, and until the success of the harbour in its working and protective aspects has been fully proved, there can be no reasonable *raison d'être* for a Port Trust. For some time to come Government will probably have to expend considerable sums in effecting the new arrangements, and the control of such expenditure should be in the hands of Government alone; judging from the very satisfactory manner in which the harbour operations have hitherto been conducted, such a course would seem to be both just and natural. It is not as if a large fund had been formed, say, jointly by the Government, the Municipality, and the Mercantile community for harbour purposes; in such a case the necessity for a Port Trust, composed of several representative members, would be obvious, but the actual circumstances point directly to an opposite conclusion; and the Association venture to think that the constitution of a Port Trust would probably hamper, rather than improve, the management of harbour affairs, and for all present necessities would be altogether premature. Moreover, the Association would ask what it is that is to be put in trust? Surely not some 20 or 30 buoys and one tug?

4. As regards the important question of ways and means, the Association do not desire to offer any very definite opinion as to the rate per ton that should be levied upon shipping entering the Madras Port. The Association, however, cannot perceive that the proposed rate of six annas per ton can be considered so crushing as has been represented when the surrounding circumstances are considered. The fact should be borne in mind that ships and steamers from London obtain decidedly *higher* rates of freight to Madras than to Calcutta, notwithstanding the fact that shipping to the latter port incur (comparatively with Madras) very heavy expenses for pilotage, towage, and other charges, which are said to amount to 15 shillings per ton. As regards coasting steamers, the freight from Madras to Coast Ports is most exorbitant, exceeding in most cases the rates from London to Madras; indeed, it is the case that it is less expensive to ship freight from Bombay to Vizagapatam than from the Port of Madras. The Association need not indicate the legitimate conclusions that may be drawn from these facts. This unsatisfactory nature of the coast trade, the Association would observe, is probably due to the enormous subsidy of seven-and-a-half lakhs of rupees paid by the Government of India which enables the British India Steam Navigation Company to defy all competition.

5. The Association, as concerns the rates to be levied on shipping, are satisfied that the true interests of the harbour will be perfectly safe, under the orders of Government, in the hands of Captain Taylor, the Master Attendant, who has had a life-long experience of the sea-borne trade and an intimate knowledge of the wants of the Madras and other Coast Ports, probably far exceeding that of any other gentleman

now in Madras. The Association cannot believe that an experienced officer of Captain Taylor's attainments, sound judgment, and common sense could possibly advocate the imposition of rates which would "frighten" shipping from a port that can now offer the facilities of smooth water and prompt discharge.

6. In respect of another source of revenue to meet the cost of the harbour, the Trades Association would very strongly urge upon Government the importance of undertaking departmentally the landing, shipping, and porterage of all cargo. For many years importers have suffered grievously from a compulsory system of goods being landed by Ships' Agents which, practically, they had not the means of resisting; it is notorious that "landing charges" have been the source of perpetual friction and annoyance; while a maximum amount of boat-hire has been always charged, a boat-load would contain a minimum quantity of cargo. As one of a thousand instances in point, I may be permitted to cite a case in which a bill for *boat-hire* was presented for 100 cases of whiskey from Calcutta at the rate of six annas per case, while the freight from London to Calcutta was under one shilling per case. Even at the present moment, when the steamers lie close in shore, inside the harbour, the rate for boat-hire is Rs. 2 per boat, although the authorized rate under a recent Government Order is only Rs. 1-8-0; and there is reason to believe that the boatmen get about a third of the former sum.

Again, the rate for landing a cargo of rice is three annas per bag, although 25 bags have hitherto formed a boat-load, and now 30 bags are allowed to be carried within the harbour.

7. The Association are convinced that a very large and legitimate revenue may be confidently relied upon from a carefully-organized boat establishment, and through which it should become possible that the importer may receive his goods at the export gate at a fixed and well-defined charge, to cover, in one sum, all landing and porterage dues.

8. In order that a complete schedule of charges be framed, the Association would submit that a Committee be formed comprising, in addition to the Port officials, such members of the mercantile and trading community as are best acquainted with the details of the import and export trade, upon whom it would devolve to determine and recommend to Government the rates to be levied upon all classes of goods.

9. Trusting that the Government will accord favorable consideration to the opinions held by the Trades Association upon these important questions, and to which I have now given expression, I have the honor to be, &c.

Exd. T. O'Connor.

Government of Fort St. George.

LEGISLATIVE DEPARTMENT.

PAPER

(No. 1.)

RELATIVE TO

A Bill to provide Trustees for the Harbour of Madras.

Letter from the Madras Trades Association, dated 19th August 1881.

No. 3 OF 1881.

A

BILL

TO

Provide Trustees for the Harbour of Madras.

WHEREAS it is expedient to make provision for the regulation, conservancy and improvement of the said Harbour, it is enacted as follows:— Preamble.

I. PRELIMINARY.

1. This Act may be called the Madras Harbour Trust Act, 1881. Short Title.

2. It shall come into operation from such date as may be fixed by the Governor in Council by Notification in the *Fort St. George Gazette*. Commencement.

3. In this Act, unless there be something repugnant in the subject or context, Interpretation Section.

(1) The word "rates" includes any toll, due, rent, rate or charge, leviable under this Act. "Rates."

(2) "Port" means the port of Madras within such limits as may from time to time be defined by Government for the purposes of this Act by Notification in the *Fort St. George Gazette*, and until a notification is so issued, within such limits as may have been defined by Government under the provisions of Act XII of 1875 (The Indian Ports Act). "Port."

(3) "Harbour" means the artificial harbour at Madras consisting of the enclosing groynes and the enclosed space and the corresponding foreshore east of the beach road which is vested in the Municipality under Act V of 1878, and all buildings, structures, or appliances provided by Government or the Trust Board for the purposes of the Harbour and of the shipping, &c., using it together with the moorings therein laid down by Government or the trustees; "Harbour."

(4) "Vessel" denotes anything made for the conveyance by water of human beings or of property; "Vessel."

(5) "Master," when used in relation to any vessel, means any person having for the time being the charge or control of such vessel;

"Master."

(6) "Owner" when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading of such goods; and when used in relation to any vessel, includes any part-owner, charterer, consignee, or mortgagee in possession thereof;

"Owner."

(7) "Land" includes the bed of the sea below high water-mark;

"Land."

(8) "Wharf" includes any part of the foreshore that may be used for loading or unloading goods, and any wall enclosing or adjoining the same;

"Wharf."

(9) "Dock" includes basins, locks, cuts, entrances, graving docks, graving blocks, inclined planes, patent slips, gridirons, quays, warehouses, and other works and things appertaining to any dock;

"Dock."

(10) "Pier" includes any stage, stairs, landing-place, hard, jetty, landing-stage, floating barge, or pontoon, and any bridges or other works connected therewith;

"Pier."

(11) The word "goods" includes wares and merchandise of every description.

"Goods."

II.—Of the Board of Trustees.

Constitution of Board.

Act to be carried out by Trustees.

4. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board, to be called "The Trustees of the Harbour of Madras;" and such Board, hereinafter referred to as "the Board," shall be a body corporate and have a perpetual succession and a common seal and shall sue and be sued by the name first aforesaid.

Power to appoint Trustees.

5. The Governor in Council may, by order, published in the *Fort St. George Gazette*, appoint not less than nine, nor more than twelve, persons to be Trustees of the Harbour of Madras, one of whom shall be appointed to be the Chairman of the Board. Three at least of such Trustees shall be selected from the Members of the Chamber of Commerce for the time being, and three at least of such Trustees shall be natives of India.

Term of Office.

6. The term of office of the first Chairman and Trustees shall commence on such date as shall be notified by the Governor in Council and the said Chairman and Trustees shall, unless they become in the mean time disqualified, hold office up to and inclusive of the 31st of March next succeeding. Every person thereafter appointed to be such Trustee or Chairman shall, subject to the provisions hereinafter contained, hold office for the term of two years; but the Government may at any time accept the resignation of any such Trustee or Chairman.

Trustees re-eligible.

7. Any person ceasing to be a Trustee shall, unless disqualified under Section 10, be eligible for reappointment.

Power to remove Chairman or Trustee.

8. The Governor in Council may for good and sufficient cause, by an order under the hand of one of the Secretaries to Government, direct that any Chairman or Trustee named in such order shall cease to be Chairman or Trustee, and the person so named shall cease to be such Chairman or Trustee accordingly.

Appointment of Successors.

9. The Governor in Council shall within one month after any such Chairman or Trustee has died, or ceased to be such Chairman or Trustee, by an order published in the *Fort St. George Gazette*, appoint a Chairman or Trustee, as the case may be, to the place of the person so dying or ceasing to be a Chairman or Trustee. Such appointment shall be subject to the provisions of Section 5.

If, exclusive of the person so dying or ceasing to be a Trustee, the number of the Trustees is not less than nine, and the conditions of Section 5 remain fulfilled, it shall be lawful for the Governor in Council not to appoint a Trustee to the place of the person so dying or ceasing to be a Trustee.

Disqualification of Trustees.

Disqualifications for office of Trustee.

10. No person shall be qualified to be a Trustee during such time as he

(*a*) is an uncertificated bankrupt or insolvent, or

(*b*) holds any office or place of profit under the Board, or

(*c*) has, directly or indirectly, any share or interest in any work done by order of the Board, or in any contract, or employment with, by, or on behalf of, the Board;

and any Trustee who

(*d*) becomes disqualified for any of the aforesaid reasons, or

(*e*) is absent from the meetings of the Board for a period exceeding twelve consecutive months, or, without the permission of the Board, from six consecutive meetings of the Board, or

(*f*) is sentenced to imprisonment,

shall cease to be a Trustee, and his office shall thereupon become vacant:

Proviso. Provided always that no Trustee shall vacate his office by reason only of his

(*g*) having a share in any Joint Stock Company which shall contract with or be employed by, or on behalf of, the Board, or

(*h*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted, or

(*i*) being interested in any loan of money to the Board.

Salary of Chairman. 11. The Governor in Council may from time to time determine whether any and what salary and allowances shall be paid to the Chairman, and may declare any conditions and restrictions, upon and under which such salary and allowances, respectively, shall be payable. Such salary and allowances, if any, shall be a charge on the General Fund of the Board.

Proceedings of Board.

Provisions concerning the Board's proceedings. 12. The following provisions shall be observed with respect to the proceedings of the Board, (viz.):—

(1) During any vacancy in the Board the continuing Trustees may act as if no vacancy had occurred;

Casual vacancy not to affect Board's proceedings.

(2) The Board shall meet together and shall from time to time make such arrangements not inconsistent with this Act with respect to the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as it thinks fit, subject to the following conditions, (viz.):—

Board to meet together and arrange for transactions of business as they think fit, but

(*a*) that a meeting shall be held once at least in every fortnight;

there must be a meeting once a fortnight, or

(*b*) that the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting;

whenever necessary upon an emergency, and

(*c*) that no business shall be transacted at any meeting unless at least five Trustees are present throughout such meeting;

five Trustees shall make a quorum, and

(*d*) that every meeting shall be presided over by the Chairman, if he is present at the time appointed for holding the same, and if he is absent, by such one of the Trustees present as may be chosen by the meeting;

every meeting must be presided over by the Chairman, and

(*e*) that all questions shall be decided by a majority of votes of the Trustees present, the President having a second or casting vote in all cases of equality of votes; provided that whenever any measure is passed or question is decided at a meeting at which the number present is less than half the number of Trustees on the Board, the Proceedings of such meeting shall be subject to confirmation by the Board at the next meeting;

all questions must be decided by a majority of votes, and

(*f*) that if a poll be demanded, the names of the Trustees voting and the nature of their votes shall be recorded by the President;

(*g*) that minutes shall be kept by the Secretary of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed, at the close of the meeting by the President of such meeting, and shall be open to inspection by any Trustee during office hours.

minutes of proceedings must be kept, and

(*h*) The Chairman may, with the consent of any meeting, adjourn it.

adjournment of meetings.

(*i*) A copy of the minutes of every meeting of the Board shall, as soon as conveniently may be, be transmitted to such Secretary of the Local Government as shall from time to time be appointed to receive the same, and shall be published in the *Fort St. George Gazette;* and any other returns or information which the Governor in Council, from time to time, calls for, shall be forthwith supplied by the Trustees.

Copy of minutes to be sent to Government, and any returns called for by Government to be furnished.

Publication in Gazette.

(3) The Board may, from time to time, appoint Committees consisting of not less than five of their number for carrying into effect any part of the provisions of this Act, with such powers and under such instructions, directions, or limitations as shall be defined by the Board. Three members of any such Committee shall be a quorum; and the Board shall have power at any time to alter or discontinue any such Committee.

Board may appoint Committees.

(4) A Committee may elect a Chairman of their meetings, and if no such Chairman is elected, or, if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of such meeting.

Committee's meeting to be presided over by a Chairman.

(5) Committees may meet and adjourn as they think proper, but the Chairman of the Board may whenever he thinks fit and shall, upon the written request of not less than two members of a Committee, call a special meeting of such Committee.

Committees when to meet.

(6) Questions at any meeting of a Committee shall be decided by a majority of votes of the members present and in case of an equal division of votes, the Chairman shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the Committee are present from the beginning to the end thereof.

Questions how to be decided at Committee's Meetings.

13. The Board may, by resolution in writing, with the sanction of the Governor in Council, prescribe which of the powers, and duties by this Act conferred or imposed upon the Board, may be exercised and performed by the Chairman;

Board may delegate powers to Chairman.

The Board may, from time to time, with the like sanction, alter or cancel any such resolution.

14. No act or proceeding of the Board shall be invalid in consequence only of there being a vacancy in the number of the Trustees at the time when such act or proceeding was had or done; and all proceedings of the Trustees, or of any person acting as a Trustee in the *bonâ fide* belief that he was duly appointed, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of such Trustee or person, be as valid as if such person had been duly appointed to be a Trustee.

Proceedings not to be invalidated by a vacancy or informality of appointment.

15. The Chairman shall

Duties of Chairman.

(1) attend every meeting of the Board unless prevented by sickness or other reasonable cause;

(2) with the approval of an actual majority of the Trustees appoint, promote, dismiss, suspend, reduce, and grant leave, retiring pensions, gratuities, or compassionate allowances to all the

officers and servants of the Board other than those named in Section 18; and generally dispose of all questions relating to the service of the said officers and servants, and their pay, privileges, and allowances;

(3) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board.

Appointment of Acting Trustee during absence of Trustee.

16. When any Trustee departs from Madras with the intention of being absent for a longer period than three months, the Governor in Council may appoint some other person to act in the place of such absent Trustee until he returns to Madras, or ceases to be a Trustee. The person so appointed shall be subject to all the restrictions, to which the Trustee for whom he is acting was subject.

Leave of absence may be granted to the Chairman.

17. The Government may from time to time grant to the Chairman such leave of absence as it may deem fit, and any person appointed by the Government to act for the Chairman during any such absence on leave shall, while so acting, be deemed for all the purposes of this Act to be the Chairman.

Leave and acting allowances to be defrayed out of the General Fund.

The allowance, if any, which Government direct to be paid to the Chairman during his absence on leave, and the salary which Government direct to be paid to the person appointed to act for him, shall be a charge on the General Fund of the Board.

III.—Of the Officers and Servants of the Board.

Chief Executive Officers to be appointed, &c., by Government, and

18. The Secretary, Engineer, Traffic Manager, and Chief Accountant to the Board, and also the Harbour Master and Deputy Harbour Master of the Port shall be appointed by Government on such remuneration as to Government shall seem fit, and such remuneration shall be a charge on the General Fund of the Board.

to be removeable from office by Government, and

The Government may, if it shall think fit, at any time, of its own motion, and shall, on the recommendation

of not less than nine Trustees present at a meeting of the Board specially convened to consider the propriety of such recommendation, remove any of the said officers from office.

to be granted leave by Government

The Government may also from time to time grant leave of absence to any of the said officers, and fix the allowances, if any, to be paid to them whilst on leave, and may appoint persons to act for the said officers during their absence, and determine the remuneration to be paid to the persons so appointed.

Such absentee allowances and remuneration to the acting officer shall be chargeable to the General Fund of the Board.

Schedule of other officers and servants and of their pay and allowances to be prepared and sanctioned by the Board.

19. The Board shall, from time to time, prepare and sanction a schedule of the staff of officers (other than those mentioned in the last preceding section) and of servants whom the Board shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees, and allowances which the Board sanctions for each such officer or servant.

Board to frame regulations.

20. The Board shall, from time to time, frame regulations—

(1) For regulating leave.

(1) for regulating the grant of leave to the officers (other than the officers named in Sections 17 and 18 and in the proviso to this section) and servants of the Board;

(2) For settling absentee allowances.

(2) for authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

(3) For fixing acting allowances.

(3) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;

(4) For regulating length of service.

(4) for regulating the period of service of all such officers and servants;

(5) for determining the conditions under which such officers and servants or any of them shall be entitled, on retirement, to pensions, gratuities, or compassionate allowances, and the amount of such pensions, gratuities, or compassionate allowances;

(5) For fixing pensions, &c.

(6) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any Provident Fund, which may, with their approval, be established by the officers and servants appointed under this Act.

(6) For authorizing contributions to Provident Fund.

All pensions, contributions, and allowances mentioned in this section shall be chargeable to the General Fund of the Board.

Provided always that artizans, porters, and laborers, and the supplier of porters and laborers shall not be deemed to be officers or servants within the meaning of this section.

Proviso.

IV.—Of the Property and Liabilities of the Board.

Property vested in the Board.

21. The property hereafter mentioned shall vest in the Board—

(1) The several properties specified in Schedule A to this Act annexed.

(2) All the rents, tolls and dues which may at any time become payable to the Board under this Act or any Act of the Governor-General in Council or of the Governor of Fort St. George in Council.

(3) All sums which are hereafter borrowed by the Board under the provisions of Act XI of 1879, or any other Act for the time being in force as to loans for public works.

Income of the property how to be employed.

22. The Board shall employ the income of the property so vested in them and the proceeds of all such rents, tolls and dues in—

(1) payment of any interest which is from time to time owing by the Board to the Local Government or other creditor;

(2) the execution and maintenance of works undertaken, and the payment of officers and servants employed by the Board under this Act;

(3) in payment of the interest, or such portion thereof as may be declared by the Local Government, due to the Government of India on the capital cost of the Harbour and of the works described in Schedule A.

(4) and generally for the purposes of the Act.

Power to hold and acquire property.

23. The Board may, with the sanction of Government, acquire and hold moveable or immoveable property, within the limits of the port or Town of Madras, either by purchase, or on lease, or otherwise; and they may lease, sell or otherwise alienate any moveable or immoveable property, vested in or acquired by them. No such sale, lease or alienation of any immoveable property shall be valid without the sanction of the Governor in Council.

Procedure to be observed when Board are unable to acquire, by agreement, any land or building.

24. When the Board are unable to acquire, by private contract, any land or building required for the purposes of this Act, the Governor in Council may, in his discretion, declare that such land or building is required for a public purpose, and may order proceedings to be taken for obtaining possession of the same according to the law for the time being in force for the acquisition of land for public purposes.

Such land or building, when so acquired, shall be conveyed to the Board on their paying the compensation awarded, and all costs connected with its acquirement.

Compensation to be paid by the Board.

25. If and so long as the Harbour or the Strand east of the beach road and in Harbour limits shall be included by Government within Municipal limits there shall be paid annually by the Board to the Municipal Commissioners of the City of Madras a lump sum which shall be calculated at such rate as the Governor in Council shall from time to time determine, and which shall be in lieu of the rates leviable by the said Commissioners and to which the property hereby vested in the Board or some portion of the same would otherwise be liable to be assessed.

Payment to Municipality in lieu of rates.

26. In consideration of the said payment the Municipal Commissioners shall be bound to light and cleanse the said premises and to perform in respect thereof all the Municipal services contemplated in Madras Act V of 1878.

Municipality bound to light and cleanse.

V.—Of Revenue and Expenditure.

27. The Chairman shall, at a special meeting to be held within two months after the date on which Trustees have been appointed under this Act, lay before the Board a separate estimate of the expenditure and income of the Board for the period from such date up to the 1st day of April then next ensuing; and shall, at a special meeting to be held in the month of February in each year, lay before the Board a like estimate of such income and expenditure for the twelve months commencing on the 1st day of April then next ensuing. Every such estimate shall be in such form as the Governor in Council shall, by an order, published in the *Fort St. George Gazette*, direct.

Chairman to submit annual estimate of income and expenditure.

28. Such estimate shall be completed and printed, and a copy thereof sent by post or otherwise to each Trustee, not less than ten clear days at least prior to the day appointed for the meeting before which the estimate is to be laid.

Copy of estimate to be sent to each Trustee.

29. It shall be in the discretion of the Board, at such meeting, to pass or to reject, or to modify or alter such estimate, and to pass such estimate so modified or altered.

Revision and passing of estimates.

30. Every such estimate, when so passed by the Board, shall be submitted to the Governor in Council; and the Governor in Council may either approve such estimate, or may return the same with remarks thereupon; and the Board shall forthwith proceed to reconsider such estimate in reference to such remarks, and, if necessary, to modify or alter the same and resubmit such estimate to the Governor in Council.

Estimate to be approved by Government.

The Board shall not expend on any item any greater sum than shall have been allotted for such item in the estimate and approved by the Governor in Council.

31. The Board may, in the course of any year for which an estimate has been approved by the Governor in Council, cause a supplemental estimate for the residue of such year to be prepared and laid before themselves; and thereupon such proceedings shall be had as by Sections 28, 29 and 30 are directed to be had with respect to the estimate therein mentioned.

Power to make supplemental estimates.

32. The Board shall not, save in cases of pressing emergency, expend any sum for any purpose not approved in some estimate for the time being in force; nor shall they expend for any purpose not so approved any sum exceeding two thousand rupees without the assent of the Governor in Council.

Expenditure to be made in pursuance of estimate.

33. The accounts of the receipts and expenditure of the Board shall, twice in every year, be laid before the Governor in Council, and shall be audited and examined by such auditors as shall, from time to time, be appointed by the Governor in Council. For the purposes of any such audit and examination of accounts, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers and all other documents and papers which they deem necessary; and may require any person holding or accountable for any such books, deeds, contracts, vouchers, documents, or papers to appear before them at any such audit and examination or adjournment thereof, and to answer all questions which may be put to him with respect to the same, or to prepare and submit any further statement which such auditors may consider necessary in explanation thereof.

Accounts to be audited and examined.

Auditors to have power to call for books, &c.

34. Before each audit and examination of accounts under this Act, the Chairman shall give ten days' notice of the time and place at which the same will be made, by advertisement, in the *Fort St. George Gazette* and in at least two of the daily English Newspapers published in Madras. A copy of the accounts to be audited and examined shall be deposited in the office of the Board, and be there open, during office hours, to inspection on

Notice of audit to be given and accounts to be open to inspection by public.

payment of a fee of one rupee on each occasion of inspection, for seven days before the audit and examination. All persons so inspecting may take copies of or extracts from the same without further payment.

Auditor's remuneration.

The auditors shall be paid by the Board such remuneration as Government shall determine, the amount being debited to the General Fund.

Audit report to be published.

Within fourteen days after the audit and examination has been completed, the auditors shall report upon the accounts audited and examined, and shall deliver such report to the Board, and the Board shall cause the same to be deposited in their office and to be published in the *Fort St. George Gazette* and in some one or more of the said newspapers.

Levy of tolls.

35. The Board shall frame a scale of tolls, dues, rents, rates, and charges to be levied for each or any of the following matters, viz., :—

(*a*) for the landing, shipping, wharfage, cranage, storage, or demurrage of goods at,

(*b*) for permission for vessels or boats to approach or be alongside ;

(*c*) and for animals or vehicles carrying goods and merchandise to or from or entering upon or plying for hire at or on

any bunder, wharf, pier or dock in the possession or occupation of the Board. Such scale of tolls, dues, rents, rates, and charges shall be determined by the Board, and shall be submitted to the

Sanction of Government.

Governor in Council for sanction, and after receiving such sanction shall be published in the *Fort St. George Gazette* ; and such tolls, dues, rents, rates, and charges shall thereupon be leviable. The said scale may, from time to time, subject to the like sanction and publication, be altered, diminished, or increased, by the Board.

Power to increase tolls to provide for estimated deficiency of revenue.

36. If, on the preparation of the estimate of any year, it appears that the estimated income of the Board for such year, after deducting therefrom the estimated expenditure of such year, will be insufficient for the payment of the interest which will be payable by the Board during such year to the

Local Government or to any other creditor ;

or if, at any time in the course of a year, it appears that the income of such portion of the year as has then elapsed, and the estimated income of the residue of such year, after deducting therefrom the actual expenditure of such past portion and the estimated expenditure of such residue, will be insufficient ;

the Board may, and, upon the requisition of the Governor in Council shall,

increase the tolls, dues, rates, and charges for the time being in force to such extent as will render the income of the year sufficient, as nearly as may be, for the payment of the said interest in full.

Such additional tolls, dues, rates, and charges shall be fixed by the Board, and shall be submitted to the Governor in Council, and, if approved by the Governor in Council, shall be published in the *Fort St. George Gazette*, and shall become leviable after the expiration of three months from the date of such publication, and continue leviable until altered by the Board with the sanction of the Governor in Council.

On failure of Board, Government to impose tolls, &c.

37. If the Board shall, for fifteen days after the receipt by them of any such requisition from the Governor in Council, neglect or refuse so to increase such tolls, dues, rates, and charges, the Governor in Council may, by order, published in the *Fort St. George Gazette*, increase such tolls, dues, rates, and charges as he thinks fit ; and the tolls, dues, rates, and charges mentioned in such order shall have such and the same effect as if they had been duly fixed by the Board.

VI.—Of the Powers and Functions of the Board.

Lien for tolls and charges.

38. For the amount of all tolls, dues, rents, rates, and charges, leviable under this Act in respect of any goods, the Board shall have a lien on such goods, and may seize and detain the same until such tolls, dues, rates, and charges are fully paid.

Tolls, &c., on goods when payable.

39. Tolls, dues, rates, and charges in respect of goods to be landed shall be payable immediately on the landing of the goods,

in respect of goods to be removed from the premises of the Board, or to be shipped for export shall be payable before the goods are removed or shipped.

Priority of lien of Board over all other liens.

40. The lien for such tolls, rates, and dues shall have priority over all other liens and claims, except for general average and for the ship-owner's lien for freight upon the said goods, where such lien exists and has been preserved in the manner provided in Section 42, and for primage, and for money payable to Her Majesty or the Secretary of State in Council under any law for the time being in force.

Saving of power of Chief Officer of Customs under existing law.

41. Nothing in this Act shall affect any power vested in the Chief Officer of Customs under any law for the time being in force.

Lien for freight preserved after landing goods if notice of lien.

42. If the master or owner of any vessel or his agent, at or before the time of landing from such vessel any goods at any wharf, quay, stage, jetty or pier in the occupation of the Board, gives to the Board notice in writing that such goods are to remain subject to a lien for freight or other charges payable to the ship-owner to an amount to be mentioned in such notice, such goods shall continue liable to such lien to such amount.

Retention of such goods until lien is discharged.

43. Such goods shall be retained in the warehouses and sheds of the Board or with the consent of the Chief Officer of Customs in the public Customs Warehouses, at the risk and expense of the owners of the said goods until such lien is discharged as hereinafter mentioned. And godown rent shall be payable by the party entitled to such goods for the time during which they may be so retained.

Discharge of ship-owners' lien for freight.

44. Upon the production to any officer appointed by the Board in that behalf of a document purporting to be a receipt for, or a release from, the amount of such lien, executed by the person by or on whose behalf such notice has been given, the Board may permit such goods to be removed without regard to such lien: provided they shall have used reasonable care in respect to the authenticity of such document.

If rates are not paid, or the lien for freight is not discharged, goods may be sold after the expiration of two months.

45. If the rates payable to the Board in respect of any goods are not paid, or if the lien of the ship-owner for freight or other charges when such notice as aforesaid has been given, is not discharged, the Board may, and in the latter event, if required by or on behalf of the person claiming such lien for freight, shall, at the expiration of two months from the time when the goods were placed in their custody, or if the goods are of a perishable nature, at such earlier period (being not less than twenty-four hours after the landing of the goods), as they shall think fit, sell by public auction the said goods, or so much as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale.

Before making such sale, ten days' notice of the same shall be given by publication thereof in the *Fort St. George Gazette*, unless the goods are of so perishable a nature as, in the opinion of the Board, to render their immediate sale necessary or advisable, in which event such notice shall be given as the urgency of the case admits of.

If the address of the owner of the goods has been stated on the manifest of the cargo or in any of the documents which have come into the hands of the Board, or is otherwise known, notice shall also be given to the owner of the goods by letter delivered at such address, or sent by post; but the title of a *bonâ fide* purchaser of such goods shall not be invalidated by reason of the omission to send the notice hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

Application of sale-proceeds.

46. The proceeds of every such sale shall be applied as follows:—

(*a*) in payment of the expenses of the sale;

(*b*) in payment, according to their respective priorities, of the liens and claims excepted in section forty from the priority of the lien of the Board;

(*c*) in payment of the tolls, dues, rates and charges of landing, removing, storing or warehousing the same, and of all other

charges due to the Board in respect thereof.

The surplus, if any, shall be paid to the importer, owner or consignee of the goods, or to his agents, on his applying for the same: provided such application be made within one year from the sale, or reason be shown to the satisfaction of the Board why such application was not so made; and, in case such application shall not be so made nor reason shown, such surplus shall be held by the Board upon trust for the purposes of this Act.

Recovery of tolls and charges by distraint of vessel.

47. If the master of any vessel in respect of which any tolls, dues, rates, charges or penalties are payable under this Act, or any rules or orders made in pursuance thereof, refuses or neglects to pay the same or any part thereof on demand, the Board may apply to the Collector of Customs of the port, and such Collector shall distrain or arrest such vessel and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount so due to the Board is paid;

and, in case any part of the said tolls, dues, rates, charges or penalties, or of the cost of the distress or arrestment, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrestment has been so made, the Collector of Customs may cause the vessel or other thing so distrained or arrested to be sold, and, with the proceeds of such sale, shall satisfy such tolls, dues, rates, charges or penalties and costs, including the costs of sale remaining unpaid, rendering the surplus (if any) to the master of such vessel on demand.

Port-clearance not to be granted till tolls, &c., are paid.

48. If the Board give to the officer of Government whose duty it is to grant the port-clearance of any vessel a notice stating that an amount therein specified is due in respect of tolls, dues, rates, charges or penalties chargeable under this Act, or any rules or orders made in pursuance thereof, against such vessel, or by the owner or master of such vessel, in respect thereof, or against or in respect of any goods on board such vessel, such officer shall not grant such port-clearance until the amount so chargeable has been paid.

Board not to lease fees, tolls, and rates without sanction of Government.

49. The Board shall not lease, farm, sell or alienate any power vested in them under this Act of levying tolls, fees, wharfage or rent, rates or charges, without the assent of the Governor in Council.

Power to enter into contracts.

50. The Board may enter into contracts for the execution, supply, repair or alteration of any works, labor, materials, machines, stores or for other matters necessary for carrying into effect the purposes of this Act.

Contracts above Rs. 50,000 not valid without sanction of Government.

But no such contract, under which a sum greater than fifty thousand rupees may, in any event, become payable by the Board, shall be valid without the assent of the Governor in Council.

Works to be sanctioned by Government.

51. No new work, the estimated cost of which exceeds two thousand rupees, shall be commenced by the Board, nor shall any contract be entered into by the Board in respect of any such new work until a plan and estimate of such work has been submitted to and approved by the Board; and, in case the estimated cost of any such new work shall exceed twenty-five thousand rupees, it shall not be commenced until such plan and estimate have been sanctioned by the Governor in Council.

Mode of executing contracts.

52. The Chairman may, for and on behalf of the Board, enter into any contract, whereof the value or amount shall not exceed one thousand rupees, in like manner and form as if such contract or agreement were on his own behalf; but every other contract by or on behalf of the Board shall be passed by the Board and shall be in writing, and signed by the Chairman and by two other Trustees, and shall be sealed with the common seal of the Board. No contract, executed otherwise than in compliance with the requirements of this section, shall be valid.

Power to compound or compromise claims.

53. The Board may compound or compromise any claim or demand arising out of any contract entered into by them, or any action or suit instituted by or against them.

Power to execute works.

54. The Board may execute such works as they determine to be necessary or expedient for the purposes of the said harbour.

General nature of works under this Act.

55. Such works may include—

(1) wharves, quays, docks, stages, jetties and piers within the harbour or on the foreshore of the harbour, with all necessary and convenient arches, drains, landing places, stairs, fences, roads, railways, and approaches;

(2) tramways, warehouses, sheds, engines and other appliances for conveying, receiving, and storing goods and merchandise landed, or to be shipped, or otherwise;

(3) laying down moorings for carrying out the purposes of this Act, and the erection of cranes, scales, and all other necessary means and appliances for loading and unloading vessels;

(4) reclaiming, excavating, enclosing and raising any part of the foreshore of the harbour which may be necessary for the execution of the works authorised by this Act, or otherwise for the purposes of this Act;

(5) the construction and application of dredges, and other machines for cleaning, deepening and improving any portion of the harbour or foreshore;

(6) the construction of such breakwaters and other works without the limits of the harbour as shall be expedient for the protection of the said harbour and all such other works and appliances as are, in the opinion of the Board, expedient for carrying out the purposes of this Act.

Government may order survey or examination of works.

56. The Governor in Council may, at any time, order a local survey or examination of any works of the Board, or the intended site thereof; the cost of such survey and examination shall be borne and paid by the Board out of the moneys in their hands by virtue of this Act.

Government may restore or complete works.

57. If at any time, the Board allow any work constructed by them under this Act to fall into disrepair;

or do not, within a reasonable period, complete any work commenced by them, or included in any estimate sanctioned by the Governor in Council;

or do not, after due notice in writing, proceed to carry out effectually any works or repairs which are necessary in the opinion of the Governor in Council for the purposes of this Act,

the Governor in Council may cause such work to be restored or completed, or such repair to be carried out; and the cost of any such restoration, completion or construction shall be paid by the Board; and if the Board do not within a reasonable time provide for such payment, the same shall be recoverable in the manner provided in Act XI of 1879 or any other Act for the time being in force as to the recovery by Government of public loans.

Government may take possession, and revoke powers of Board.

58. If, at any time, it appears to the Governor in Council that the works intended to be accomplished by the Board under this Act have not been, and are not likely to be, properly carried out or maintained by the Board, the Governor in Council may give six months' notice, by order published in the *Fort St. George Gazette*, that, unless, within that period, the Board take measures, to the satisfaction of the Governor in Council, for the carrying out or maintenance of the said works, the powers by this Act conferred on the Board will, at the end of such period, be cancelled. If, at the end of such period, the Board have not taken such measures, the Governor in Council may assume possession and management of the works already constructed, and may, by a like Notification, declare the powers of the Board to be cancelled; and upon publication of such Notification, and without the necessity of any conveyance or order of Court, all immoveable and moveable property, all rights of levying and recovering tolls, dues and rates, all benefit of contracts, and all rights of suit which at the time are vested in the Board, shall be transferred to and vested in the Secretary of State for India in Council; and the rights of all creditors of the Board under this Act shall continue as against the said Secretary of State in Council to

the extent of the property so transferred to and vested in him.

Government may confer on Board the powers of Harbour Master.

59. The Governor in Council may, at any time, by an order published in the *Fort St. George Gazette*, confer on the Board the powers of the Harbour Master of the port of Madras, and by a like order cancel such powers.

Port dues, &c., may be made payable to the Board.

60. Such order may direct that the port dues, or other fees payable under the provisions of any Act authorizing the levy or requiring payment of port dues, or other fees from or in respect of vessels entering or leaving the said port, or being or lying therein or using the said port, shall be received by the Board.

Board to exercise powers of Harbour Master.

61. Upon the publication of any such order, the Board shall have within the port all the rights and powers conferred by any Act for the time being in force on the Harbour Master of the port, and may exercise such rights and powers by any officer to be thereunto appointed by the Governor in Council.

Power to employ tugs.

62. The Board may procure such steam vessels as they think fit, and may employ the same or any of them in towing vessels into, out of, or in the port; and may make such charges for such towage as they think fit.

Power to frame bye-laws.

63. The Board may, from time to time, make bye-laws—

for the guidance of persons employed by them under this Act;

for the safe and convenient use of the wharves, quays, jetties, sheds, warehouses, tramways, and other works constructed by them under this Act;

for the use of the public landing places constructed by or belonging to them;

for the reception and removal of goods brought within the premises of the Board;

for keeping clean the harbour and basins and the works of the Board, and for preventing filth or rubbish being thrown therein or thereon;

for the mode of the payment of the tolls, dues, rates and charges leviable under this Act;

for regulating, declaring and defining

the wharves, quays, jetties, stages and piers vested in the Board on which goods shall be landed from vessels and shipped on board vessels;

for regulating, defining and declaring the places and stations on which vessels shall be fastened or moored, or shall be or remain;

and generally for carrying out the purposes of this Act.

Power to alter or cancel Rules.

64. The Board may, from time to time, vary, alter or revoke any such bye-laws.

Approval of bye-laws by Government.

65. No such bye-law, or alteration or revocation of a bye-law, shall have effect until the same has been approved by the Governor in Council, and has been published for three weeks successively in the *Fort St. George Gazette*.

Penalties for infringement of bye-laws.

66. The Board may in such bye-laws prescribe such penalties as they shall deem fit for the infringement of the same: Provided that no penalty for any one infringement of a bye-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

Bye-laws and scales of rates and charges to be exhibited.

67. The Board shall cause the said bye-laws and the scales of rates and charges leviable by the Board to be printed in the English, Telugu, Tamil, and Hindustani languages and to be hung up at the several wharves, docks and piers and other convenient places on the premises of the Board.

Government may annul bye-laws.

68. The Governor in Council may, by an order published in the *Fort St. George Gazette* at any time, annul any such bye-law.

Penalties.

For being interested in Contracts with the Board.

69. Any person who being a Trustee, or an officer or servant of the Board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the Board, shall be deemed to have committed the offence made punish-

able by Section 168 of the Indian Penal Code :

Provided that nothing in this section shall apply to a person—

(*a*) having a share in any Joint Stock Company which shall contract with, or be employed by, or on behalf of the Board ; or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted ; or

(*c*) interested in any loan of money to the Board.

For obtaining illegal gratification.

70. Any person employed under this Act, not being a public servant within the meaning of Section 21 of the Indian Penal Code, who shall accept or obtain, or agree to accept or attempt to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing or forbearing to do, any official act, or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person ; or for rendering or attempting to render, any service or dis-service to any person with the Board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided by the Indian Penal Code in the case of the like offence committed by a public servant.

For refusing or neglecting to appear before an Auditor of Accounts, &c.

71. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under Section 33, shall be punishable for every such neglect or refusal, with fine which may extend to one hundred rupees.

For depositing filth, &c., on the wharves or foreshore.

72. Any person who without license of competent authority wilfully deposits, or permits his servants to deposit any dust, dirt, dung, ashes, refuse or filth of any kind, or broken glass, earthenware, or rubbish, in or upon any wharf, dock or pier in the possession of the Board, or in or upon, any part of the foreshore of the Town of

Madras, shall be punishable with fine which may extend to ten rupees for each offence.

For setting up any erection below high-water mark in the Port.

73. Any person, other than the Board or the Conservator of the Port, who shall, without first obtaining the written consent of Government to his so doing, make, set up or fix, within harbour limits or below high-water mark within the port, any wharf, quay, pier, mooring or other erection whatsoever, shall be punishable with fine which may extend to one thousand rupees, and to a further fine which may extend to one hundred rupees for every day during which he shall permit such wharf, quay, pier, mooring or other erection, to remain after notice to remove the same has been given to him.

Any such wharf, quay, pier, mooring or other erection within harbour limits may be removed by the Board, and the person who made, set up, or fixed the same, shall also be liable to pay all expenses which may be incurred by the Board in the removal thereof.

For under-stating quantity or weight of goods, &c.

74. If it be found when goods are imported at, or exported from, any wharf, dock or pier in the possession of the Board, that the weight or quantity of such goods, or the tonnage of any vessel carrying such goods, has been under-stated in any document presented to any officer of the Board for the purpose of enabling him to determine the rates or charges payable in respect of the said goods or vessel, the consignee, in the case of goods imported, and the consignor in the case of goods exported, shall be liable to pay to the Board such sum not exceeding twice the proper rates or charges on the weight or quantity of goods or amount of tonnage so under-stated as may be determined by the Board, and the said sum shall on the application of the Board be recoverable under a Presidency Magistrate's warrant as if it were a fine inflicted by such Magistrate.

For evading tolls, &c.

75. Any person who removes or attempts to remove, or abets within the meaning of the Indian Penal Code the removal of any goods, vessel, animal or vehicle with the intention of evading payment of the rates or charges lawfully due in respect thereof to the Board shall

be punishable with fine which may extend to fifty rupees.

Recovery of value of damage to any property of the Board.

76. If, through the negligence of any person having the guidance or command of any vessel, or of any of the mariners or persons employed on such vessel, damage shall be caused to any wharf, dock, pier or other work, in the possession of the Board, the amount of such damage shall, on the application of the Board, be recoverable, together with the cost of such recovery, by distress and sale, under a Magistrate's warrant, of a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores belonging to such vessel: Provided that no such warrant shall issue until the master of such vessel has been duly summoned to appear, or, if he appears, until he has been heard; and provided also that no such warrant shall issue if the vessel was at the time under the orders of a duly-authorized officer in the service of the Board, or of the Master Attendant's Department.

Cognizance of offences against this Act.

77. Except as is otherwise provided in Section 74, all offences against this Act or against any bye-law published under Section 65 shall be cognizable by a Presidency Magistrate.

All fines and damages recovered from any offender, or by any distress under Section 76 shall be paid to the Board.

MISCELLANEOUS.

Provision when day appointed by this Act for any purpose falls on a Sunday or public Holiday.

78. Whenever any day by this Act appointed for any purpose shall happen to be a Sunday or a public holiday, the business appointed to be done on such day shall be done on the day next after such Sunday or public holiday.

Limitation of suits, &c.

79. No suit or other proceeding shall be commenced against any person for anything done or purporting to have been done, in pursuance of this Act without giving to such person one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding.

The Board shall not be responsible for any misfeasance, malfeasance, or non-feasance of any officer or servant appointed under this Act;

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to the Board, which may be used by such vessel;

nor shall the Board, or any of the said officers or servants, be liable in damages for any act *bonâ fide* done, or ordered to be done by them in pursuance of this Act.

SCHEDULE A.

The north and south arms of the Harbour with the area enclosed therein, and all the foreshore lying between the Municipal limits to the west and the Harbour to the east.

2. The Pier, the jetties constructed and the moorings laid down by Government and any line of railway constructed by Government for the purposes of the Harbour within the aforesaid limits.

Government of Fort St. George.

LEGISLATIVE DEPARTMENT.

A

BILL

TO

Provide Trustees for the Harbour of Madras.

(The Hon. H. E. Sullivan.)

Introduced 22nd August 1881.

[*Printed 7th July* 1881.]

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

1st June 1880, No. 227.

Madras Harbour.

Read the following paper:—

No. 1. *From J. H. TAYLOR, Esq., Lieut., R.N.R., Master Attendant, Madras, to the Chief Secretary to Government, dated Madras, 11th May* 1880, *No.* 3696.

Administrative Department.

I have the honor to represent, for consideration of His Grace the Governor in Council, that, having regard to the advance of the Harbour Works, some definite arrangements should be come to on the important subject of the interest to be paid on the capital amount and the efficient upkeep and establishment of the Harbour, which together will represent a very large sum. I would respectfully recommend that the "Harbour Committee be increased for the occasion by the Collector of Sea Customs, a Judicial officer like Mr. Davies, and Mr. Thorowgood," should be required to attend weekly meetings to discuss and adjust all preliminaries for the consideration of Government. I have prepared all the information regarding the Port Trusts of Calcutta and Bombay with their respective rates and charges, and I have drawn up several alternative measures that seem to me suited to the circumstances of Madras. But many unforeseen expenses and considerable uncertainty as to the popularity and efficiency of the Harbour must exist for a season, and I am therefore strongly of opinion that the first year's experiment should be conducted by a Marine Board such as I have mentioned, with general powers to submit improvements and alterations to Government, until the way is clear to the formation of a Port Trust, the immediate expense of which and the first difficulty of defining its powers will necessarily be very great.

2. One portion of work, in anticipation of all else, should, I respectfully advise, be commenced at once, viz., the levelling up the shore to a certain distance, and the erection of warehouses. If the Government place the whole working of the Harbour in the hands of its own officers, or a Port Trust as in Calcutta and Bombay, there can be no doubt of a financial success, without pressing any further than is done at present upon the shipping or general trading public. It must be considered that the ship-owner's duty to his cargo ends when his anchor is cast off Madras. The risk and expense of landing and delivering then rests upon the consignees and owners of goods, and it is the loss by accident and the dreadful expense that attends landing and receiving cargo upon the present system that has given Madras such a bad name as a port. The ships will have many little expenses of pilotage, warping, &c., and great risks of collision, and, as most of them only put in to discharge a very small portion of their cargoes, high port dues are inequitable. If at first starting the public receive their goods safely and satisfactorily and at a somewhat lower rate than they now pay for damaged and deficient cargoes, I consider they should be contented until a complete development of the facilities of the Harbour can be made.

3. The two railways might bring down the rubble to build up the shore. The quantity required would not be very great. The beach must be left for the safety of boats until the security offered by the Harbour is evident, but stone jetties for landing from lighters might be cheaply run out and a collection of dues commenced at an early date. The money to commence this work might be borrowed from the available

balance of Port Funds at the credit of Madras and adjusted when all the future arrangements are perfected. The western limits of the Harbour between the piers I would recommend should be fixed at the line drawn by the Committee assembled in February 1879 for this purpose presided over by Mr. Hudleston.

No. 2. ORDER THEREON, 1st June 1880, No. 227.

The Draft Bill for instituting a Port Trust has already been referred to the Chamber of Commerce and the Harbour Committee, and the Government await their remarks.

(True Extract.)

R. DAVIDSON,
Chief Secretary.

To the Master Attendant, Madras.
" Chamber of Commerce.
" Harbour Committee.
" Legislative Department.
Public Works Department.

Exd. A. Grubert.

Govt. of {1880} Madras

MARINE.

To THE MASTER ATTENDANT, *Madras*,
&c., &c., &c.

Dated June, 1*st*.

Issued

Read. *Encl*.

G.O., 1*st June* 1880, *No.* 227.

JUNE.
Nos. 1-2.

Madras Harbour.—The Master Attendant, Madras, informed that Government await the remarks of the Chamber of Commerce and the Harbour Committee, to whom the Draft Bill for instituting a Port Trust has already been referred.

Ins n. 1369 W 4 11 June 1880

Recorded

4/80

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

28th April 1880, No. 19.

Bill to enhance Port Dues at Madras.

Read the following papers :—

No. 1. *From R. H. HOLLINGBERY, Esq., Assistant Secretary to the Government of India, Financial Department, to the Chief Secretary to the Government of Fort St. George, dated Fort William, 20th February* 1879, *No.* 784.

Referring to Financial Resolution, No. 783, of this date, I am directed to state that, consequent on the representation made by the Government of Madras in their letter in the Legislative Department, dated 25th June 1875, leave was obtained on the 14th September 1876 for the introduction into His Excellency the Governor-General's Council for making Laws of a Bill "to enhance the rates of dues leviable on vessels entering the Port of Madras."

2. Afterwards the introduction of the Bill was delayed owing to doubts which had arisen of the practicability of constructing an efficient harbour at Madras upon the plan upon which the works now in progress are being constructed.

3. Now, it has been deemed expedient not to proceed with the Bill in His Excellency the Governor-General's Council, because it is thought that such a Bill cannot be satisfactorily dealt with except at Madras.

4. I am, therefore, to suggest that His Excellency the Governor in Council of Madras will now proceed immediately with the needful legislation for constituting a Port Trust and imposing Port taxation. The Governor-General in Council is prepared to amend any part of the Imperial laws which may interfere with the Provincial legislation now invited.

No. 2. *From A. O. HUME, Esq., C.B., Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce, to the Chief Secretary to the Government of Fort St. George, dated Simla, 16th April* 1879, *No.* 99.

Commerce and Trade (Ports).

In Mr. Carmichael's letter, No. 34, dated 25th June 1875, the request of the Secretary of State was recited to the effect that the Government of Madras might be desired to introduce Bills into the Legislature providing for the levy of dues, either on shipping or on goods, in the Port of Madras, upon the construction of a Harbour there, which would be sufficient to defray interest at four per cent. on a loan of £628,000 and a yearly expenditure of £6,000 in connection with the Madras Harbour Project. It was pointed out that under the provisions of the Indian Councils Act the local Legislature was precluded from amending the Indian Ports Act, 1875, and it was suggested that the desired legislation should be effected in the Council of the Governor-General.

2. In accordance with this suggestion a Bill was prepared in 1876 and would have been forwarded for the opinion of His Grace the Governor in Council at an earlier opportunity but for circumstances upon which it is here unnecessary to enter. This omission, however, I am now desired to supply, and at the same time to request that you will invite the attention of the Government of Madras to the Resolution of the Government of India in the Financial Department, No. 783, dated 20th ultimo,

which directs that the loan for the Madras Harbour Works shall bear interest at 4½ per cent. instead of at 4 per cent. as previously arranged. Under the terms of this Resolution the Government of Madras will make good to the Imperial Treasury the interest at the higher rate from Provincial resources, recovering on its part 4 per cent. from the Port Trust. It will be for His Grace the Governor in Council to consider whether in consequence of this arrangement the enclosed Bill* will or will not require any modification in its terms.

* A Bill to enhance the rate of dues leviable on vessels entering the Port of Madras.
Statement of Objects and Reasons.

3. Any further remarks in connection with the Bill which may suggest themselves to His Grace in Council should also be submitted in view to its final enactment. In particular I am to inquire whether the proviso to Section 57 of the Indian Ports Act which exempts from port dues vessels entering Madras ports and leaving the same within forty-eight hours without discharging or taking in any passengers or cargo should be retained as regards the Port of Madras, or whether such vessels, under the intended measure, should be rendered liable at Madras to the dues in question.

No. 3. *From C. G. MASTER, Esq., Acting Chief Secretary to the Government of Fort St. George, to the Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce, dated Ootacamund, 20th May* 1879, *No.* 56.

ABSTRACT.—Explaining inconsistency between letter from the Financial Department, dated 20th February last, No. 784, and the letter under reference on the subject of the Bill "to enhance the rate of Port dues leviable on vessels entering the Port of Madras."

No. 4. *From the Government of India, Department of Finance and Commerce, to the Acting Chief Secretary to the Government of Madras, dated* 19*th September* 1879, *No.* 2833.

* * *

Paragraph 2. Legislation for the levy of port dues at Madras will be undertaken in the Council of the Governor-General.

No. 5. ORDER THEREON, 28th April 1880, No. 19.

Ordered that the following letter be addressed to the Government of India.

(Signed) R. DAVIDSON,
Chief Secretary.

No. 6. *To the Secretary to the Government of India, Department of Finance and Commerce, dated Ootacamund, 28th April* 1880, *No.* 20.

With reference to your letter, dated 16th April 1879, No. 99, forwarding for remarks a draft Bill to increase the Port Dues at Madras under the Port Dues Act, and to paragraph 2 of your letter, dated 19th September 1879, No. 2833, intimating that legislation for the levy of Port Dues at Madras will be undertaken in the Council of the Governor-General, I am directed by His Grace the Governor in Council to state that this Government sees no objection to the Draft Bill, except that the statement in the preamble, that the loan for the construction of the Harbour was raised under Act XXIV of 1871, is scarcely consistent with fact.

2. With reference to Section 57 of the Ports Act, this Government does not require any addition to the Bill.

3. I am further to say that His Grace the Governor in Council objects to the addition of a half per cent. to the interest on the capital loan for the Harbour Works beyond what was originally agreed to, but will deal with that subject separately.

(Signed) R. DAVIDSON,
Chief Secretary.

Exd. J. W. Fischer.

Govt. of Madras.

LEGISLATIVE.

Dated April, 28*th*.

Issued

Read.

Encl.

G.O., 28*th April* 1880, *No.* 19.

APRIL.
Nos. 1—6.

Bill to enhance Port dues at Madras.—The Government of India informed of the approval of this Government to the Bill with remarks.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

22nd November 1880, No. 573.

Bills—Legislative.

Read the following papers :—

No. 17. *From C. S. CROLE, Esq., Acting Collector of Sea Customs, Madras, to the Chief Secretary to Government, dated 20th October* 1880, *No.* 2350.

I have the honor, as directed in G.O., Marine Department, dated 8th October 1880, No. 507, to submit my opinion on the Draft Bill to enhance the Port Dues leviable at Madras in order to defray part of the cost entailed by the construction of the Harbour.

2. The sum required is Rs. 2,51,200, being 4 per cent. on Rs. 62,80,000, *plus* Rs. 60,000 as a sinking fund, or Rs. 3,11,000 annually. I observe that in the Preamble, as well as in the Statement of Objects and Reasons, this 60,000 rupees is erroneously described as for maintenance. Mr. Parkes has pointed* out that no maintenance charges need be provided for. It is evident that after the first year the sum proposed to be raised will gradually provide for a larger sum for the interest portion than will be required to give 4 per cent. on the balance unpaid. It is presumed that it is intended to throw this surplus into the sinking fund.

* G.O., Public Works Department, 16th March 1877, No. 889.

3. It is impossible to give an opinion on the present Bill without incidentally considering the further expenditure required in order that the advantages of the harbour may be utilized to the full extent, the necessity for providing a surplus fund to meet accidents, and the proper share of the burden to be borne directly by goods landed in the port, together with the simplest and fairest method of collecting this share.

4. For this reason I should have suggested it to be preferable to have provided for the whole in one comprehensive Act, instead of merely taking powers to levy a part of the sum required by increasing the port dues levied on the shipping. This would appear to be all the more expedient, seeing that, owing to the absence of experience of conditions sufficiently similar and of reliable data, the introduction of a complete Port Trust Act must, almost of necessity, be postponed for some considerable time, and the working of a simple enactment, such as I suggest, would, while providing for all present necessities, supply a sure groundwork on which to base a complete Port Trust Act, when legislation in that direction may seem desirable.

5. The principle appears to be accepted that to levy the whole sum required for interest and sinking fund, viz., Rs. 3,11,000 by means of tonnage dues on vessels, would annihilate the calling trade of the port. I am aware that the Chamber of Commerce and the Master Attendant, for whose opinion on such a matter I desire to express the utmost deference, hold this view strongly.

6. At the first blush it would seem to be far the simplest plan to raise the whole sum required by an increase to the port dues, leaving the ship-owner to recover the charges from his freighter. It is objected, however, that the effect of competition would, in practice, be to prevent his being able to effect this, and that, he being so

unable, his ships would not call here. Now, I confess I cannot understand this. It is proposed to raise the dues to a possible *maximum* of a little less than three times their present amount Supposing coal, or machinery, or labor, were suddenly to rise permanently in the same proportion, can it in reason be supposed that rates would not so arrange themselves as to throw this increased charge on the freighter? Local prices of goods might rise, trade might thereby receive a check; but no one would think of asserting that steamers or ships would desert the port as long as traders continued willing to pay the increased freight necessary to cover the rise in the ship-owner's expenses. Moreover, it appears to be forgotten that the argument now advanced is, if its force is admitted at all, fatal to the present Bill for the levy of even a part of the cost of the harbour from the shipping.

7. As a matter of fact, however, the consignee will actually save in landing charges a sum at least equivalent to the amount now proposed to be raised. The days of the Masulah boat are numbered. The large lighter must take its place, and the general labor market, East Indian and Native, will be indented on for work which, owing to the absence of the surf, will no longer require that special skill, so long the mainstay of the monopoly which the boatman and dubash have turned to such good account, and which has always been a heavy drag on the prosperity of the port.

8. The consignee then having this large saving (equal to at least 1 rupee per ton landed) in hand, I ask is it likely that there will be any difficulty in the transfer of a portion of it to the ship-owner in the shape of increased freight? And is it not plain that the trade of the country, and not the ship-owner at all, must, in the long run, pay the sum required to be raised? If the harbour is in any way to realize the anticipations formed of it, this will be done without injury. There will be a considerable margin of gain owing to decreased landing charges, and the lessening of risk and damage to goods, which are now much complained of. In this connection, I must ask the Government to refer to the evidence taken by the Breakwater Committee, of which the late Colonel Carpendale, R.E., was President in 1869. It will there be found that the representatives of more than one of the leading Mercantile Houses, as well as well-known Commanders of Vessels, distinctly admitted the fairness of raising an amount more than double that now asked for by an increase to port dues and a toll on goods. More than one witness made quite light of Rs. 1-8-0 per ton—three times the now proposed *maximum*—and one witness pointedly compared this with the 15*s.* charged for port and river dues in Calcutta. Looking back on all this, what mean the doubts now expressed as to the stability of the harbour, the denials that it will confer benefit either on ships or commerce, and the forebodings of the extinction of the calling trade, if port dues be raised? These statements cannot be made seriously. It is quite clear that the Government is now committed to the construction of a harbour, which is in fact drawing near to successful completion; and it is quite safe for the shipping interest and the Mercantile community to try to secure as favorable terms as possible from the Government. The old maxim of the buyer, "*It is nought*," is evidently not forgotten in Madras. It is therefore a thousand pities that some official guarantee to accept the principle that the harbour must be paid for by the local trade was not obtained before the Government embarked in the project; for in that case we would not have heard anything about the claim for exemption from paying anything whatever, which is now being set up on the ground of the work being an Imperial undertaking, which should be met from the general resources of the country. The Empire has done quite enough in risking its resources on the chance of failure in execution, and this new view of Imperial liability was never advanced by the trade when the object was to induce Government to embark in the scheme.

9. The reason for which I lay stress on the propriety of laying the whole, or, at all events, a large proportion of the sum required for interest and sinking fund on the shipping interest primarily, is that it will be the first immediate gainer, if anticipations of the effect of the work be at all fulfilled. This is mainly that, owing to the creation of a sheet of smooth water, discharge and loading will be greatly facilitated, and the detention of vessels lessened. The saving to the ship in interest on

capital, rates of insurance, fuel, pay of officers and crew, maintenance of passengers in port, and general charges, will then be large.

10. There are, however, many improvements required to be done to the port in order that the advantages of the harbour may be utilized to the uttermost. These must be paid for. The proper source to have recourse to for this purpose is the consignee, and I submit that it would be advisable not to indent too largely at first upon this source of income in view of the necessity, which will almost immediately arise, for further resorting to it.

11. It is evident to any one who understands the present system of landing and shipping that the main advantage mentioned above as to be derived from the completion of the harbour will be to a large extent neutralized, unless provision is at once made for the construction of wharves, sheds, and jetties on the strand. The absence of surf will make the landing on the beach by means of Masulah boats impossible. The difficulty has already begun to be felt. If all goods are to be hoisted up the existing Pier, the traffic will become so congested, that I do not hesitate to say, it will take vessels even longer than it does at present to discharge and ship their cargo.

12. The Master Attendant has shown me a plan for providing against this by the erection of a quay along the whole length of the strand; a certain space—a sort of "hard"—would be left between the wall of the quay and the sea, on which boats could be hauled up. On the wharf thus created six large sheds or warehouses would be erected, which would be connected with as many miniatures of the existing Iron-pile Pier. These piers would require to be run out to about 120 feet into the sea, so as to secure the necessary depth of 5 feet at low water required for 12½-ton lighters. An iron railing all round this wharf would complete the project. I am distinctly of opinion, after consulting with the Master Attendant and the Harbour Engineer, that the plan is both feasible and necessary as the natural consequence of the construction of the harbour. The present Customs yard is not sufficient for even the existing trade and condition of the port, and I would strongly advocate the immediate undertaking of some plan such as that suggested by the Master Attendant.

13. To make this pay there must be a special landing charge on goods, and it is to provide for this that I would propose to make the tonnage dues pay for at least a large portion of the sum to be provided under the present Bill, reserving the bulk of a possible direct tax on goods to meet the cost of the above and such like improvements.

14. Now let us see what available income we have. The calculation of tonnage worked out by the late Mr. Webster and the Chamber of Commerce, and incidentally adopted by Mr. Hunter-Blair (*vide* papers printed in Government Orders*), is already somewhat out of date. The following are the exact figures for the twelve months ending 30th September 1880:—

* G.O., Public Works Department, dated 11th May 1874, No. 1271.
G.O., Public Works Department, dated 16th March 1877, No. 889.

	Tons.
Foreign Steamers	282,667
Coasting do.	224,733
Foreign Ships	71,703
Native Coasting Craft	40,598

15. The Bill, as drafted, provides—

(1) for taking Madras out of the eastern group of ports;
(2) it abolishes the exemptions allowed in Column 4 for the eastern group of ports by which practically the port dues at Madras were reduced to 1½ annas a ton, although nominally 3 annas; and
(3) it makes no distinction between a coasting and a foreign steamer. In regard to the last, I am inclined to think that it is proper that no distinction should be made; but in all previous discussions it has been assumed that a coasting steamer should pay only half the port dues of

a foreign steamer. It must not be forgotten, however, that coasters will derive very great advantage from the harbour, much more probably than any other class of vessel. They are now in competition with the Buckingham Canal and the Madras and South Indian Railways, in all of which Government is interested, and there are no special reasons for the grant of a concession which will tend to give them an undue advantage in this competition. Again, if a sailing ship, whose freight *per ton* from Europe is possibly considerably lower than that of a coasting steamer for a voyage from Madras to Calcutta, is to be charged at the same rate as a canal steamer, the coasting steamer should decidedly not be called on to pay less.

16. In the Bill, as drafted, the exemptions for the eastern group in Column 4, Schedule 1, Part III of the Indian Ports Act, are not reproduced. I would, however, advise that in Column 4 the same provision in favor of native coasters, as is made in the case of Calcutta, be entered, and that in Columns 2, 3, and 4 the entries regarding tug steamers be reproduced for Madras. In apportioning the sums to be paid by vessels and goods respectively, I would, for the reasons above set forth, and on the assumption that the principle that the former are to pay only a portion of the sum required has been finally decided on, raise in the mean time Rs. 1,48,599 from the shipping. According to the tonnage above given, this would require the port dues on all steamers and on foreign-going ships to be fixed at 4 annas per ton, and on country coasting vessels at 2 annas. The maximum allowed in the Bill is, therefore, amply sufficient.

17. It may be perhaps as well here to notice the question of the collection of the remaining Rs. 1,62,401 from goods landed. Among the many plans mooted for this purpose an *ad valorem* charge is, at first sight, the simplest. But, unfortunately, it could only be applied to foreign imports, which alone are appraised. In regard to the coasting trade, the exporter is bound to enter in his shipping bill the market value of his goods, and for imports the coasting manifest is accompanied by the Shipping Bills from the port of export; so we have apparently all the information ready to hand. But it must be remembered that there is no establishment for checking these entries, which the trade now know to be required for statistical purposes alone. Immediately we begin to use them for the collection of dues, the temptation to under-valuation would require to be checked by appraisement. This would involve an expensive establishment and other objections, which put the project out of the question.

18. It seems to me that the difficulty has been surmounted* by Mr. Hunter-Blair, the late Collector of Sea Customs, than whom no one has ever possessed a better acquaintance with the affairs of the Madras Port. He made a series of elaborate calculations, the correctness of which may be relied on, of the tonnage of goods landed, which he set down, after liberal deductions for possible error, at 300,000 tons *per annum*, and he proposed to collect harbour dues from registered boats and lighters, the daily number of trips made by each of which is accurately known. Hardly any extra establishment would be required for the collection of these dues, and I cannot help thinking that the present Bill might properly be made complete by the addition of a section empowering the levy of a fee not exceeding 1 rupee per ton from such boats for each trip, and giving the Governor in Council power to frame rules for the collection and management of the fund thus created. To make up the balance of Rs. 1,62,401 required for the purposes set forth in the Preamble of the present Bill, 9 annas per ton would suffice. Time and experience will show whether the increase to the revenue of the port, which is tolerably certain to follow on the completion of the harbour, will cover (1) expenditure on the improvements briefly alluded to in paragraph 12 above, (2) provision against accidents to the harbour walls, and (3) other expenses which can hardly fail to exist, or whether the proposed rate will be required to be raised. But there can

* G.O., Public Works Department, dated 16th March 1877, No. 889.

be no doubt of the fact, admitted by the Chamber of Commerce, that the consignee will save by the construction of the harbour at least 1 rupee on each ton of goods landed, and it therefore follows that, supposing he, directly and indirectly, makes good the whole sum now required (Rs. 3,11,000), the net charge for the construction of the Madras Harbour will, at the very outside, and supposing no increase of trade follows on its completion, really only amount at the worst to something like 7 pies for each ton of goods landed.

No. 18. *Proceedings of the Board of Revenue, dated 20th October* 1880, *No.* 1573.

Read G.O., dated 8th October 1880, No. 507, communicating, for early opinion, copies of a Bill to enhance the rate of Port dues leviable at the Port of Madras.

It is not clear on what point the Board's opinion is required. In reporting on the subject in 1874, the Board were at first disposed to think that the whole amount required should be raised by increasing port dues, the Chamber of Commerce, however, pointed out that such an enhancement as this proposal would entail would be the ruin of the calling trade, and proposed that a sum of about £20,000 should be raised by tonnage dues, leaving the balance to be recovered by some form of tax on the landing and shipping of goods to be determined thereafter. The Collector of Customs and Board accepted this recommendation, and the Bill now referred for opinion is in conformity therewith, except that the rate of port dues for coasting steamers is fixed at 8 annas per ton, instead of 4 annas as proposed by the Chamber in 1874. The Board certainly think that a portion only of the funds required should be levied by enhancement of port dues, but experience alone will show to what extent they can be raised without prejudicially affecting the trade of the port. The Board are not in a position to offer any opinion on this point, nor have they any information which would enable them to check the estimated receipts and charges.

Board's Proceedings, dated 27th January 1874, No. 144.

Proceedings, dated 30th March 1874, No. 718.

(True Extract.)

(Signed) C. A. GALTON,
Secretary.

No. 19. *From J. H. TAYLOR, Esq., Lieut., R.N.R., Master Attendant, Madras, to the Chief Secretary to Government, dated 20th October* 1880, *No.* 9280.

Administrative Department.

I have the honor to report, with reference to G.O., 8th October 1880, No. 507, that I have obtained all the information I can elicit from Agents of Steam Ship Companies at Madras, and I find everywhere a strongly expressed opinion that the port dues should not be increased, at all events until a well-recognized advantage is derived by the vessels frequenting the Port of Madras. An alarm appears to have been caused by the mention of 8 annas dues, which all consider ruinous to the interests of Madras, the general opinion appearing to be that the ships will benefit least of all concerned.

2. Messrs. Arbuthnot and Co. consider the Bill unnecessary, and the port dues already high enough. They observe that the Port Trust Bill provides in itself for the levy of all dues, tolls, rates on goods, &c.

3. Messrs. Binny and Co. consider the Bill unnecessary, if, as they understand, a Port Trust Bill is in preparation. They are opposed to any increase of port dues on shipping.

4. Messrs. Parry and Co. consider the Bill unnecessary if a Port Trust is formed. They consider the interests of all concerned would be best served by making

the working of the harbour a tentative measure under trustees, while as regards port dues ships should unquestionably be charged with reference to coasters, coast steamers, foreign steam or sailing vessels, which generally make Madras their terminal port. They think trade will be injured if a higher rate than now obtained be levied.

5. Messrs. Dymes and Co. generally disapprove of a pressure being put on ships as certain to make the harbour unpopular with owners and Captains, who might combine against it and work mischief.

6. The P. and O. Agent is the only gentleman who can be induced to use figures. He represents that his Directors already consider the port dues too high, and the Commanders have, as a body, given unfavorable opinion about the new harbour; but if legislation be adopted, he thinks that a rate of 3 annas is the highest that could be charged, if levied whenever a vessel enters, and 5 annas if the periods of exemption at present in use are continued.

7. The Honorable J. G. Coleman deprecates any pressure being put on the ships, as freights are very low; and it is absurd to suppose that a high rate of port dues abroad can be recognized or rectified in the freight markets in England.

8. Fees for buoys, Harbour Masters, towage, &c., may be a legitimate source of income to the harbour.

9. Messrs. Spencer and Co., Messrs. McDowell and Co., Messrs. Oakes and Co., Messrs. Orr and Co., and, in fact, all importers represent that they suffer now from the compulsory system of agency, which they have no means of resisting. They consider that if the Government under its own executive, or by a Port Trust, take all landing and shipping matters into their own hands, a surplus combined of fees in lieu of present agency charges and diminished boat-hire would raise a sum probably sufficient for all purposes contemplated by the Bill without any addition to existing burdens to the trade.

10. I have exerted every means in my power to discover native ship-owners, but it seems they are averse to come forward. Most of the native vessels frequenting the port are owned in Cocanada, Tuticorin, and other ports, and have only agents here. One of these agents, however, who has many vessels in charge, informed me that he thought they could stand 5 annas a ton.

11. This sums up the information I have been able to procure which amounts to this, that now the harbour is approaching completion and must be carried out, a reaction is taking place in the public spirit that had much to do with its commencement by Government. All seem to expect that no extra charges will be attempted, as their several branches of trade will not stand them without endangering the interests of Madras, there being so many other outlets for produce, &c.

12. My own opinion, I beg respectfully to offer, is that the Bill should be allowed to stand at a maximum of 8 annas, in case it should be proved that such a rate is justified by future favorable results or necessities, and the local Government empowered to charge at present only 4 annas a ton on all vessels *whenever* they enter the harbour. Thus, if we take the last year as the nearest and consequently most reliable, we have these results:—

—	Tonnage.	Dues.		Dues.		Dues.		Dues.	
		Rate.	Amount.	Rate.	Amount.	Rate.	Amount.	Rate.	Amount.
British Vessels	556,079	As. 1-6*	Rs. 51,361	As. †3	Rs. 1,04,265	As. †4	Rs. 1,39,020	As. †5	Rs. 1,73,775
Foreign do.	26,784	Pies. 11	1,512	3	5,022	4	6,696	5	8,370
Country do.	51,872	9	2,545	3	9,726	4	12,968	5	16,210
Total ..	..	..	55,418	..	1,19,013	..	1,58,68 4	..	1,98,355

* According to present exemptions calculating on the rate of 3 annas per ton.
† Full rate to be charged whenever vessels enter the Harbour.

13. As regards the levy on goods I find, by a fairly general agreement of the Merchants I have consulted, that it costs about 2 rupees and 8 annas a ton to land and ship goods at present time. Now with improved facilities, such as jetties and smooth water, the executive could easily land and ship at a rate of 1 rupee and 8 annas, including boat-hire (the present rate of course reduced) and Police charge and porterage, leaving 1 rupee a ton for port dues on goods, which, taking the estimated tonnage of goods for one year 285,341, *represents those figures in rupees.* If power was given in the same amendment Bill to levy a maximum of 1 rupee and 8 annas on goods, commencing with 1 rupee, the money required for all purposes might be easily raised:—

	Rs.
Port dues on shipping, at 4 annas a ton	1,58,684
Do. on goods, at 1 rupee a ton	2,85,341
Total ..	4,44,025

which would be sufficient if no accident to the harbour on a large scale occurred.

14. The expenses of establishment upkeep, which will have to include a Steam Tug, and most probably some dredging, will be very great.

15. I would respectfully urgently recommend that measures be at once adopted to make a broad hard causeway on all the portion of the beach not required for boat purposes, say fifty yards from high-water and up to the Municipal road, and jetties run out level with the large lighters' gunwhales, say four feet above mean sea level, and to four feet depth of water, at which boats can easily unload. The Pier process is too tedious, and the hoist of twenty feet renders quick work impossible. I submit herewith the plan formerly submitted to Government for warehouses and jetties with my letter, No. 1441, of 20th February 1878.

16. The jetties and causeway could be at once commenced with Port funds. The warehouses might take more consideration, as they should be substantial, and do all Custom House work. Boat-hire could then be reduced to 8 or at most 12 annas a ton, and if the Boat Pay Department was restored, all the worst evils of the present system would be relieved. Mr. Thorowgood cordially approves of this plan, and could lend his assistance to carry it out.

No. 20. *From the Hon. P. MACFADYEN, Chairman, Chamber of Commerce, to the Chief Secretary to Government, dated Madras, 4th November* 1880.

I have the honor to acknowledge receipt of the Proceedings of Government, Marine Department, 15th ultimo, in which the Chamber are referred to their letter of the 24th February 1874, to the address of Mr. McC. Webster, Acting Collector of Sea Customs, with regard to their remark in their letter of the 4th ultimo, that they had not finally assented to, or expressed, a strong opinion in favor of the levy of 8 annas per ton on shipping, which seemed to be indicated in the speech of the Introducer of the Madras Port Dues Bill in the Supreme Council.

2. I am desired to mention, for the information of Government, that the Chamber did not pledge themselves by their letter of the 24th February 1874 to a definite approval of so high a rate as 8 annas per ton on foreign steamers and ships and 4 annas per ton on coasting steamers and native craft; but, principally for the purpose of illustration, they assumed on that occasion that if it were necessary to impose such dues on shipping, a sum of £20,000 might be expected to be obtained from this source, leaving £16,000 per annum to be derived from other taxation. Subsequently, on the 31st December 1874, the Chamber addressed a letter to the Private Secretary to the Right Honorable the Governor (copy of which is enclosed), in which they deprecated a crushing burthen being imposed on shipping, or any tax sufficiently heavy to discourage ships from visiting this port. They saw no objection to an increase of 1 to 2 annas per ton on present port dues, and calculated that if 5 annas were levied on ships and foreign steamers, and 4 annas on coasting steamers and native craft, Rs. 1,32,265 would be obtained, leaving Rs. 2,30,000 to be raised by

dues from other sources. They did not then, nor do they now, doubt the ability of the commerce of the port to meet a charge as large as Rs. 2,30,000 without detriment.

3. The Chamber continue to be caused anxiety by the desire of the Government of India to pass the Madras Port Dues Bill, for it seems to them that such an enactment would be superfluous if the Port Trust Bill of the Government of Madras passes into law. The Chamber consider that the creation of a local body, conversant with the peculiar requirements of this port, is necessary to apportion the burden of the cost of the harbour between goods and shipping, and it seems to them that while this object should be attained by the Madras Bill, the Bill of the Supreme Government will enable the Government at any time, without reference to the advantages offered by the harbour, to levy dues up to the maximum of 8 annas. The Chamber submit that the Government should, in a matter of this nature, be favorably disposed to be guided by the Port Trustees. The enhancement of the dues on shipping may, it seems, be effected under the Government of India's measure by a stroke of the pen, without sufficient regard being paid to the serious danger to which such enhancement may expose the trade of the port. The whole question of dues on goods and shipping cannot be decided off-hand with regard chiefly to the collection of the interest on the harbour, but it will demand the careful consideration of the Port Trustees, whose duty it will be to determine, as far as they can, what apportionment of the charge will bear least onerously on commerce, and best secure the revenue that the Government demand.

4. The Chamber wish me to take advantage of the present opportunity to remind Government of one feature of the harbour question which they apprehend may be overlooked in the consideration of the provision of the ways and means for obtaining revenue to pay the interest on the expenditure. I allude to the Imperial character and benefits of the undertaking. So far back as the 31st July 1868, when the Breakwater project was mooted, the Chamber, in addressing the Government, referred to the absence of a Harbour of Refuge on any part of the Coromandel Coast, and indulged in the hope that the Government would agree with them that, even "if no returns were to be looked for on the capital sunk, money would be well and wisely expended that provided a Harbour of Refuge." The Chamber further alluded to "the incalculable benefit that such a harbour should confer on the fleets that frequent these seas." In July 1872 the Chamber, with reference again to the Breakwater project, observed that they were not aware if, in the opinion of the Madras Government, the expenditure on such a work should be met from Imperial Funds, and they said that some apprehension was felt "lest it should be determined to seek to recover interest on the sum so spent by the imposition of heavy port dues." "The one advantage," they added, "of Madras is its cheapness as a port, and were heavy port dues added to all its disadvantages, the trade of the port, which it is the obvious desire and interest of the Government to foster, would be seriously prejudiced." The Chamber expressed a hope that the Government would determine to regard it "as an Imperial work to be constructed and maintained out of Imperial Funds." On the 7th November 1873, when the Government had accepted Mr. Parkes' project of a closed harbour, in lieu of the scheme for a Breakwater, the Chamber were careful to say that they fully admitted that the trade of this port should bear a fair share of the cost, but they expressed the opinion that "the many considerable advantages which the Government itself would derive from the harbour—whether as a refuge for ships in distress, as an anchorage for men-of-war, as a secure port of landing at all times and seasons troops or military stores, or as a means of improving the defences of the port—are an undoubted claim for a portion of its cost being borne by Imperial Funds". To this opinion the Chamber still adhere. The harbour when completed will primarily remedy the inconveniences under which the port has hitherto labored, but secondarily it will supply the long-felt want of a Harbour of Refuge, on this great stretch of exposed coast. The Chamber contend, therefore, that although some portion of the expense connected with the structure should be borne by the shipping frequenting and the trade of this port, a not inconsiderable portion should be met from the Imperial revenue, since the

advantages that are likely to be derived from the harbour will be Imperial as well as local.

ENCLOSURE No. 1.

From the Hon. P. MACFADYEN, Chairman, Chamber of Commerce, to the Private Secretary to the Right Honorable the Governor of Fort St. George, dated Madras, 31st December 1874.

The warm personal interest that His Excellency Lord Hobart is known to take in the Madras Harbour Scheme, encourages the Chamber to request you to inform him that they have been advised by their late Chairman, who is now in England, that, appreciating justly the great importance of giving an impartial hearing to any proposal for removing the reproach attaching to the present exposed state of the whole Eastern Coast of India, the Secretary of State has taken the matter in hand himself in such a manner as to justify the Chamber's hope of his eventually deciding in favor of Mr. Parkes' project. But the Chamber regret to learn that that project has excited opposition not only in Calcutta but also in London, chiefly in connection with the apprehended necessity of requiring shipping to bear the bulk of the charge for interest on the proposed work. The powerful shipping interest of London especially has been alarmed at the alleged probability of having to choose between paying the greater part of the cost of the harbour and of giving this port a wide berth.

2. The Chamber can sympathise with the anxiety of ship-owners without shutting their own eyes to the justice of the argument that ships frequenting this port may be most fairly called upon to bear a portion at least of the expense entailed by the provision of the protection of the harbour; nor would the ship-owners themselves pretend to say that, in event of Mr. Parkes' scheme being carried out, the advantages accruing from it would not be worth paying for. The question is what proportion of the anticipated expenditure or interest and maintenance the shipping can be reasonably called upon to pay. Ship-owners in England are not as ready as the Chamber could wish to give the subject the attentive consideration it deserves at their hands; but this is hardly surprising since Madras is only one among a large number of ports with which they have commercial relations, and they may very fairly expect each port to accomplish its own improvement without external assistance. All they contend for is that any improvement which imposes a crushing burthen on their ships justifies *primâ facie* their opposition. Even the Suez Canal was projected, commenced, and carried to a triumphant completion without the British Ship-owners, to whom it was destined to be of paramount importance, manifesting any sustained interest in the scheme, yet immediately the canal was opened they vied with one another to reap its full advantages. The Chamber are satisfied that such ship-owners as have been familiarised by costly or anxious experience with the perils of our anchorage at certain seasons of the year would congratulate themselves on obtaining immunity from the risks that their ships at present run; but pending that desirable consummation they are incredulous of the possibility of the scheme being carried out, and they cannot afford the time requisite to master the details with the view of arriving at an unbiased judgment. Meanwhile, they are keenly alive to the importance of protecting themselves against being called upon to defray the chief portion of the cost of advantages in which others will largely participate. It would be fruitless, therefore, to expect ship-owners to take any trouble about the Madras Harbour project. While, therefore, on the one hand, the active support of the shipping interest cannot be safely expected, the powerful opposition of that interest must, on the other hand, be guarded against; and this can only be done by removing the cause for alarm. Whatever diversity of opinion may exist about the feasibility of the project, there is unanimity among ship-owners in their views of a tax on shipping. My predecessor has assured some of the principal ship-owners that the Madras Merchants would disapprove of any tax calculated to discourage ships from visiting this port; and a few of the owners have frankly admitted that since the port charges of Madras are low, a small additional charge for the benefit resulting from a really efficient harbour could not be justly resisted. The Chamber are quite of his opinion that there will be no necessity for a heavy tax on shipping, as the funds required, in addition to the contribution of ships, should be easily raised from other sources.

3. The Chamber do not forget that the Government are indisposed to concur with their opinion that some larger contribution than ordinary port dues should be made by the State towards the cost of a great public work that cannot be regarded as of only local importance. A harbour that would materially facilitate the protection of this coast from invasion may be regarded as an outwork of strategical importance from a military point of view; and the whole Presidency is interested in the additional defence of the public buildings of the capital.

4. It was justly observed by the Acting Collector of Sea Customs in his letter of the 3rd March last that "as there seems to be no doubt as to the financial success of the harbour, the question of the best method of collecting a revenue is one that does not appear to press for an early decision." All that seems at present desirable is to authoritatively disabuse the minds of

ship-owners of the idea that a heavy tax will be imposed upon shipping. My predecessor considers that no objection is likely to be raised to an increase of 1 to 2 annas per ton on present port dues. If the latter figure is partly adopted, the revenue derivable from the shipping may be estimated as follows, reference being had to Mr. McC. Webster's statistics of the 24th January last:—

—	Tons.	Present Port Dues		Proposed Dues	
			Rs.		Rs.
Foreign Steamers	223,596	at 3 As.	24,512	at 5 As.	69,873
Coasting do.	62,548	at	850	at 4 „	15,637
Ships	106,638	at 3 and 1½ As.	18,870	at 5 „	33,324
Native Craft	53,726	at 1½ As.	4,308	at 4 „	13,431
	..		48,542		1,32,265

5. This would leave Rs. 2,30,000 to be raised by dues from other sources, and the Chamber have no doubt about the ability of the commerce of the port to meet a charge as large as this without any detriment. The existence of the harbour would necessarily diminish the cost of boat-hire, and furnish merchants at once with a set-off against the new tax. They do not think, however, that the time is ripe for definitely deciding in what way the impost should be made, whether in the shape of a small percentage on the value of imports and exports, or of a scale of charge per package, or a rate per boat-load. The tax on the boat-load, as the Acting Collector of Sea Customs showed in his letter of the 30th March, has the merit of simplicity and economy in collection. Mr. Webster calculates that a tax of 12 annas a ton on the actual boat tonnage would yield Rs. 1,65,045. So 1 rupee per ton would yield Rs. 2,20,000 which, with the above mentioned Rs. 1,30,000 and passenger tolls, should more than meet the £36,000 that is required for interest and sinking fund. The Chamber would, however, prefer that the determination of the mode of raising the sum due in addition to the dues from shipping should not be determined hastily. When the ship-owners are satisfied that the chief burthen will not fall on their ships, they will waive the opposition that now imperils the whole project.

No. 21. ORDER THEREON, 22nd November 1880, No. 573.

The foregoing papers will be communicated to the Government of India.

2. His Grace the Governor in Council would maintain the principle approved in the correspondence held in the years 1874 and 1875 (ending in a letter, No. 34, dated 25th June 1875, to the Secretary to the Government of India, Marine Department) for distributing the taxation requisite for raising the necessary income for the Harbour between the shipping and the cargo or boat traffic—between, in fact, port dues under the Indian Ports Act, and harbour dues under the proposed Harbour Trust Enactment—and he would therefore recommend that the Bill be proceeded with. But, on further consideration, the proposed maximum seems unduly high, owing to the increase in the tonnage visiting the port. In the year 1874 the yearly tonnage was calculated at 446,508 tons, but it is now found that the actual tonnage of the year 1879-80 as given by the Master Attendant was Tons 634,735, and for twelve months ending September 1880, it is given by the Collector of Sea Customs at Tons 619,701. The sum required to be annually raised is Rs. 3,11,000 (Rs. 2,51,000 for interest, and Rs. 60,000 for maintenance), so that the proposed rate of 8 annas on the present tonnage of, say, Tons 620,000, would place the whole charges upon the shipping, which was never intended. Moreover, the entry of so high a rate, compared with that at other ports, would be directly calculated to deter vessels from calling at Madras, which is essentially a port of call, especially for small consignments.

3. In view of these altered circumstances, His Grace the Governor in Council considers that the maximum rate entered in the Act should not exceed 6 annas, that is double the present rate, which the above figures show would produce Rs. 2,32,500, leaving Rs. 78,500 only to be raised from harbour dues. The proposed rate would thus

be ample for the security of Government, and would not frighten ship-owners away from the port.

4. The Government understand that the Bill does not abolish the exemptions allowed in Column 4 of the Schedule of the Ports Act, as it is apparently considered to do by the Collector of Sea Customs in paragraph 15 of his letter, and they do not support the proposal of the Master Attendant in paragraph 12 of his letter to make every vessel pay port dues *whenever* it enters the port. The relaxations of dues now existing should not be interfered with.

(True Extract.)

R. DAVIDSON,
Chief Secretary.

To the Collector of Sea Customs.
„ Board of Revenue.
„ Master Attendant, Madras.
„ Chamber of Commerce.

Exd. T. O'Connor.

Govt. of {1880} Madras.

MARINE.

To

THE COLLECTOR OF SEA CUSTOMS,
&c., &c., &c.

Dated November, 22nd.

Issued

Recd. *Encl.*

G.O., 22nd November 1880, *No.* 573.

NOVEMBER.
Nos. 17—22.

Bills—Legislative.—Certain papers communicated to the Government of India, with the opinion of this Government on the Bill to enhance the rate of Port dues leviable at Madras.

No 2804 Mdy 6 Decr 80.

Recorded.

Dof J. P.
25

Supdt of Works.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

8th October 1880, No. 507.

Bills—Legislative.

Read the following paper:—

No. 25. *From D. FITZPATRICK, Esq., Secretary to the Government of India, Legislative Department, to the Chief Secretary to Government, dated Simla, 20th September* 1880, *No.* 996.

I am directed to forward, herewith, forty copies of the papers noted in the margin, and to request that His Excellency the Governor in Council will favor the Government of India with an expression of his opinion on the provisions of the Bill, and with the opinions of such officers and other persons as His Excellency in Council may think fit to consult on the subject.

Bill to enhance the rate of Port dues leviable at Madras.
Statement of Objects and Reasons of the above Bill.

2. I am also to request that the Bill and Statement may be published in the *Fort St. George Gazette* in English and in such other languages as His Excellency in Council may deem proper, and that the dates of such publication may be communicated in your reply.

3. The reply to this letter should be sent in by the 1st November 1880.

No. 26. ORDER THEREON, 8th October 1880, No. 507.

A copy of the Bill and Statement will be forwarded to the Board of Revenue, the Chamber of Commerce, and the Collector of Sea Customs, with reference to their previous consideration of the subject in the year 1874, for the favor of their opinions at the earliest possible date, as it will be observed that the Government of India require a reply by the 1st proximo.

2. The Master Attendant is also requested to consult the Agents of the Steam Ship Companies at Madras, and some of the leading native ship-owners, whose vessels frequent the port, and to communicate their opinions to Government as soon as possible.

3. The Bill was published in English as a Supplement to the *Fort St. George Gazette*, dated the 21st September last. Its publication in Tamil also is hereby ordered.

(True Extract.)

J. A. DAVIES,
Acting Under Secy. to Govt.

To the Board of Revenue,
„ Chamber of Commerce,
„ Collector of Sea Customs,
„ Master Attendant, Madras,
„ Tamil Translator to Government,
} with copy of Bill and Statement.

Exd. J. Wright.

Govt. of {1880} Madras.

MARINE.

To

THE BOARD OF REVENUE,
&c.,

&c.

Dated October, 8th.

Issued

Read.

Encl.

G. O., 8th October 1880, No. 507.

OCTOBER.
Nos. 25-26.

Bills—Legislative.—Communicating, for early opinion, copies of a Bill to enhance the rate of Port dues leviable at the Port of Madras.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

16th August 1881, No. 2,011 W.

Buildings and Roads.
Civil Works.

Read the following paper:—

No. 62. Despatch from the Most Honorable the Secretary of State for India.

Public Works.

No. 17.

INDIA OFFICE, LONDON,
23rd June 1881.

HEREWITH is forwarded, for the information of Your Excellency's Government, copy of a report * by Mr. Parkes on the progress made on the Madras Harbour Works for the quarter ending 31st March last.

* Dated 12th May 1881.

2. Mr. Parkes has further supplied this office with copies of three reports, which he submitted to your Government during his recent visit to Madras. These reports relate to a revised and slightly higher estimate of the cost of the works, changes of the coast line north of the harbour, and reclamation of the beach, and erection of boat jetties within harbour limits.

3. As the works connected with the Madras Harbour are now approaching their completion, I shall be glad to be furnished with an expression of the opinion of your Government on the several points raised by Mr. Parkes in his reports, and also to be made acquainted with any action which it appears probable to Your Excellency will be needed soon in respect to the administration, maintenance, and financial management of the harbour in the future.

4. With reference to these points, I observe, from the Proceedings of the Government of India, in their Department of Revenue, Agriculture, and Commerce, for April 1879, that communications were addressed to your Government by the Government of India, dated the 19th April 1879, requesting that the necessary steps might be taken for the constitution of a Port Trust for the management of the Madras Harbour, forwarding, at the same time, for the opinion of your Government, the draft of a bill by which it was proposed by the Government of India to make some necessary amendments in the Indian Ports Act of 1875, in order to meet the local and financial requirements of the harbour at Madras.

5. I request to be informed what steps have been taken by your Government to give practical effect to the suggestions of the Government of India in respect to the formation of a Port Trust. These suggestions were made more than two years ago, and, considering the approaching completion of the harbour, no delay should occur in creating the necessary machinery for its management.

I have, &c.,

His Excellency the Honorable
The Governor in Council, Fort St. George.

(Signed) HARTINGTON.

MADRAS HARBOUR.

REPORT of Progress for the Quarter ending 31st March 1881.

23, ABINGDON STREET,
12th May 1881.

I HAVE the honor to enclose herewith a plan, showing the state of the works on the 31st March, and a photograph taken 5th April. I also enclose copies of three reports made to the Government while I was at Madras. The first, dated 25th January, on the changes of the coast line north of the harbour, with two tracings attached. The second (printed with General Order, No. 712 W.,) dated 1st March, on the estimate and statements of expenditure. The third, dated 14th March, on the reclamation of the beach and the boat jetties proposed to be erected within the harbour, with a plan attached.

2. I was myself at Madras from the 6th January till the 5th March, and again for a day on the 14th, so that the greater portion of the work executed within the quarter was done under my own inspection.

3. The progress made was good, the north pier having advanced in the quarter 239 feet, and the south pier 496 feet, notwithstanding the work was much impeded in the month of January by frequent rough seas.

4. The shorter length of the north pier is due to its having been widened out to form the head. The actual amount of work done was equivalent to a length of nearly 400 feet of the normal section.

5. Its present termination is within a few feet of its extreme end, and some of the end blocks were actually set during the first four days of April, but, for the first time in the course of this work, a partial failure occurred. The tier of blocks which is to form the south-east corner of the pier head, being set upon the unconsolidated rubble foundation, proved unable to withstand the lateral pressure of the adjacent blocks which lean against it, and it was forced so much out the vertical in both directions that it was necessary to take it up. A different arrangement of the blocks will have to be made to prevent a repetition of this. This will be prepared for during the necessary suspension of the work for the anticipated rough weather of May, and I see no reason to doubt that the next attempt will be quite successful. If so, the remainder of the pier head will be easily finished in the following fine season.

6. The rubble base for the north pier is completed, with the exception of such small quantity as may be required for levelling the foundations for the blocks not yet in place.

7. The forms of the pier heads have been finally determined on in consultation with the Master Attendant. The north pier will require 5,813 cubic yards, and the south pier 4,581 cubic yards of concrete blocks additional to the quantity originally estimated for, involving a total extra cost of Rs. 1,12,255, but of this Rs. 40,000 is met by the reduction which the alteration renders possible in the estimate for the lighthouses, and the remainder is well within the amount already saved on the total original estimate for the piers.

8. The south pier was, on the 31st March, 320 feet from the extreme end, and some further progress will have been made before the ensuing rough season. What remains will, I hope, be finally completed before next north-east monsoon in November. The advance had been somewhat delayed by the difficulty of getting labor for the quarries, so that the rubble base did not advance so fast as the superstructure, and the latter had to be retarded, but the quantity of stone now remaining to be deposited (about 34,000 tons) is less than half that (71,396 tons) deposited in the last quarter, so there is little fear of any ultimate delay from this cause.

9. Unless, therefore, anything very unforeseen should occur, it may be expected that the two piers will be completed, and the establishment much reduced, if not entirely broken up, before November.

10. For several months past the harbour has been used by the great majority of the steamers frequenting the port, notwithstanding the incomplete state of the piers, and the want of fixed moorings. Native sailing craft also anchor in considerable numbers under shelter of the piers, both inside and outside the harbour. The larger class of sailing ships have not yet come inside ; the only exception being that of the "Czarewitch," the Indian Government troopship which has twice sailed in and out. It is considered, however, that there should be a steam tug provided for use when necessary before ordinary merchant sailing ships of large size can prudently use the harbour.

11. The advantage to the operation of landing and shipping cargo is found to be so great that the legal rate of boat hire has been reduced from $2\frac{1}{2}$ to $1\frac{1}{2}$ rupees per trip. This is equivalent to half a rupee per ton. Another half rupee might certainly be saved by the use of larger boats and more convenient jetties.

12. Up to the date of my leaving Madras, however, no arrangements had been made by which this saving was credited to the harbour revenue.

13. It may be anticipated that the addition which has been made to the south pier in the last quarter will have the effect of increasing the effective shelter of the harbour more than the same length of pier in any part previously built. Some disappointment appears to have been felt at the imperfect shelter afforded in the last south-west monsoon, and still more during the heavy seas from the east and south-west which prevailed in the middle of November, but at that time the length of the south pier was not sufficient to embay any considerable area of the harbour, and the north pier was rather injurious than otherwise, by reflecting the waves from its south face into the middle of the harbour. Every addition made since then, however, has covered a proportionate area in the width of the harbour, and I think in the ensuing south-west monsoon a great improvement will be perceptible. This will be further increased by the addition of 300 feet, as yet incomplete.

14. A reference to the plan will show that the annual addition to the shore south of the harbour continues as anticipated. The last year's addition looks rather large, but not to an extent beyond the range of variation from year to year that may be expected. The former vague fears of the local public as to the evil effects of this accumulation appear to have vanished, and to be replaced by a general desire, both in public and private interests, to occupy the ground gained from the sea for useful purposes.

15. The attention of the Government of Madras has been called to the question whether the annual value of this land be not a legitimate source of revenue to the harbour. The buildings shown in red upon the plan have recently been erected by the Commissariat Department as stables for horses and mules landed from ships.

16. With regard to the shore line within the harbour, I would remind you that, in my report on the quarter ending September 1880 (paragraphs 8—11), I pointed out the change that had taken place in the previous south-west monsoon was the opposite of that which had occurred in former monsoons. The north half was cut away and the south half advanced. The recent north-east monsoon has restored the line to nearly what it was in March 1880, but there is an advance of about 100 feet at the northern end. This is due to a deepening at a little distance from shore, which I mentioned in the same report. The additional width of beach is rather an advantage, especially as it is accompanied by a slightly increased depth of water abreast of it. Now that the beach is brought under more complete shelter of the piers, it is probable that there will be little more change.

17. The changes of the coast line north of the harbour form the subject of the appended report to the Government of Madras, dated 25th January, but I may here summarize my general conclusions.

18. A length of 1,100 yards of coast measured from the line of the north pier is now completely protected, the northern half of that length being faced with a rubble-stone revetment, and on this there is nothing to remark at the present time. Northward of this, however, for a length of 2,000 yards, which is shown on tracing No. 1 accompanying that report, the coast was cut away between 1876 and 1878 for a width of 150 feet near the southern end, gradually diminishing to nothing at the northern end.

19. From 1878 to 1880 there was found, on comparing the lines of beach at corresponding seasons of the several years, to have been no further loss on the whole. There were gains of land during the north-east and losses during the south-west monsoons, which nearly balance one another each year. Moreover, the northernmost 600 yards of the length of land lost in 1877 and 1878 was regained in 1880, leaving the line of shore in that year very nearly what it was in 1876.

20. There were, however, in the early part of November 1880, some heavy seas from the north-east, which made rather serious inroads, but these were subsequently made up by the more moderate seas which followed from the same quarter, showing that heavy and moderate seas from the same quarter have opposite effects.

21. Some claims for compensation have been made by the owners of land abutting on the coast, and the claimants have submitted in support of their claims plans which show that changes larger in amount than those which are attributed to the action of the harbour works had taken place at former times. This is very clearly seen in the case of the shaded area marked on the tracing No. 1, as now offered for sale.

22. The above facts seem to point to the following conclusions :—

1st That the erosive action due to the harbour works has, for the present at least, ceased.

2nd That causes of erosion other than the harbour works have been in former times, and still are, in existence, and the adjoining land has always been held subject to the risk of the changes due to these causes.

3rd That a recuperative action is also going on.

23. In view of these conclusions, I advised that the Government should abstain from taking action which would involve an admission of liability for damage due to other causes than the harbour works, and that, in accordance with this principle, any further costly protective works were for the present unadvisable. It might be desirable, with the view of simplifying the

question where claims for compensation were made, however, to purchase such land abutting on the shore as could be obtained at a reasonable rate.

24. I would beg to call attention to the plan appended to my report of 14th March, showing the intended improvements of the beach between the piers. The works for these are now in hand, the cost being temporarily met from a balance of Rs. 1,38,000 standing to the credit of Port Funds, independent of the harbour works grant. I think there is no doubt that the interest upon this will be more than covered by the revenue that may be derived from letting the land for trade purposes, but no permanent financial arrangements have, I believe, been as yet determined on. As soon as the new jetties are completed, the existing screw-pile pier will be for a time disused, but it will form the foundation of the next extension of accommodation that may be required. The piles are very strong, and suitable for carrying a new superstructure more adapted to the new system of landing and shipping. The present superstructure is not only inconvenient, but in a bad state of repair.

25. I have not yet received the statement of expendiure up to 31st March. When it comes to hand I will at once submit to you an abstract of it, compared with the estimate, as usual.

I have, &c.,
(Signed) W. PARKES.

The Secretary of State for India.

No. 63. ORDER THEREON, 16th August 1881, No. 2,011 W.

ORDERED that the Secretary of State be addressed.

2. Meanwhile the Honorable the Governor in Council considers it desirable, in view of the incomplete condition of the Harbour, that the question as to its immediate management pending the constitution of a Harbour Trust and as to the dues which may be fairly levied in present circumstances in the interests of all concerned should be considered by a carefully selected Committee.

3. The following gentlemen will therefore be requested to form themselves into a Committee for consideration and report on these points :—

The Honorable P. Macfadyen.
" " J. G. Coleman.
" Collector of Sea Customs.
" Master Attendant.
" Secretary of the Trades Association.
Major J. Pennycuick, R.E.
Mr. R. C. Walker.
Mr. Thorowgood.
The Government Solicitor.

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Marine Department.

Exd. C. Howarth.
Spare Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of {1881} Madras.

PUBLIC WORKS.

Dated August, 16*th*.

Recd. *Encl.*

G.O., 16th Aug. 1881, No. 2,011 W.

AUGUST.

Nos. 62-63.

Madras Harbour.—A Committee appointed to consider and report on certain points relating to the immediate management of the — pending the constitution of a Harbour Trust and as to the dues which may be fairly levied.

PUBLIC WORKS LETTER FROM OOTACAMUND,

Dated ~~16*th*~~ 17*a* *August* 1881, *No.* 51/2,012 W.

My Lord Marquis,—With reference to your Lordship's despatch, P. W. No. 17, dated 23rd June 1881, on the subject of the Madras Harbour Works, we desire to invite your Lordship's attention to the Resolutions of this Government noted in the margin which we think will show that Mr. Parkes' presence in Madras throughout the next cyclone season, if not till the completion of the work (probably about this time next year), is highly desirable.

G.O., 8th June 1881, No. 1,436 W.
G.O., 26th July ,, ,, 1,826 W.

2. As the result of a joint inspection of the Colombo Harbour Works by the Chief Engineer and Master Attendant early in last May it will be observed* that we have considered it necessary to draw Mr. Parkes' attention to the difference in the massiveness of the breakwater at that place and of those at Madras, as also to certain observed action on the rubble base of the latter work; and again that, in the Progress Report† of the Superintendent of the Works for June 1881, we have further deemed it advisable to call for Mr. Parkes' observations with reference to (1) what would seem to indicate an undue amount of settlement in the rubble base towards the end of the breakwater, and (2) to some further erosion which has been reported as observed beyond the completed portion of the revetment north of the harbour.

* See G.O., 8th June 1881, No. 1,436 W.

† See G.O., 26th July 1881, No. 1,826 W.

3. There is nothing in the facts thus brought to notice which need, in our opinion, give rise to any doubt as to the stability of this great work; but taking into account the exceptional immunity which the operations have enjoyed from anything in the form of a heavy storm since their commencement, and at the same time the effects produced by the cyclones which periodically visit the East Coast it behoves us to take notice of matters which might otherwise be deemed of even trivial moment.

4. As, moreover, admitted by Mr. Parkes in paragraph 13 of his letter accompanying your Lordship's despatch, some disappointment appears to have been felt as to the imperfect shelter afforded in the last south-west monsoon, and although, no doubt, as pointed out by him a marked improvement will in all probability be perceptible with the finished piers, we are still of opinion that more disturbance of the water will be experienced during easterly winds than was at first anticipated, owing probably to the depth of the harbour being insufficient to break up and disperse the seas before reaching the shore at the base of the harbour. The question may in fact present itself as to whether it may not eventually be deemed desirable to

undertake the construction of such additional works as may tend to counteract this effect.

5. On these grounds we desire to place before your Lordship the necessity for Mr. Parkes' presence in Madras from probably the 15th October next till at least the end of the spring cyclone season, say 15th May 1882, if not till the completion of the work which, in the opinion of the Superintendent, Mr. Thorowgood, can hardly be looked for before this time next year.

6. It will be apparent to your Lordship that, taking into consideration the foregoing remarks and the possibility of further expense having to be incurred, either with a view to increase the strength of the work to secure the shore north of the harbour from further erosion, or to give in a more perfect manner still water within the harbour itself, it would be premature to call into existence a trust for the management of an incomplete work.

7. In the meanwhile, however, we have taken steps, through the medium of a carefully selected Committee, whose report will in due course be transmitted to your Lordship, to evoke a thoroughly reliable representation as to the kind of management which may be considered as best adapted for the work in future, and as to the dues which may be fairly levied in the interests of all concerned. The Committee will be composed of nearly all the gentlemen who would probably be named as members of the Port Trust and full reliance may therefore be placed on the results of their opinion.

Exd. E. C. Shunker.

No 51/2012 W

17th August 1881

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

25th November 1881, No. 2956 W.

Buildings and Roads.
Civil Works.

Read the following paper :—

No. 121. Despatch from the Most Honorable the Secretary of State for India.

Public Works,
No. 35.

INDIA OFFICE, LONDON,
27th October 1881.

SIR,—Upon receipt of your Excellency's Public Works letter, No. 51, dated 17th August last, your suggestion that Mr. Parkes should be deputed to Madras to watch the effects of the next two cyclone seasons upon the Harbour Works was communicated to that gentleman.

2. In reply, I have received a letter from Mr. Parkes, in which, while stating his willingness to go out whenever his services could be usefully employed, he expresses an opinion that no good would result from his deputation at the present time. A copy of Mr. Parkes' letter is enclosed. Its tenor seems to me to be well founded, and I do not feel that I have before me any sufficient reason for calling upon him to proceed to India at this time.

Dated 28th September 1881.

3. As regards the comparisons that have been drawn between the sections of the Madras and the Colombo breakwaters to the disadvantage of the former, I will content myself with referring you to Mr. Parkes' letter of 4th August last, which was transmitted to you with my despatch, No. 26, of the 24th idem, and particularly to what is said by Mr. Parkes in paragraphs 12 and 13 of that letter.

4. Mr. Parkes has also addressed a letter to me, dated 28th September, in reference to the orders, which were issued by your Government (20th August 1881, No. 2077 W.) directing Mr. Thorowgood to suspend action on instructions which he had received by telegraph from Mr. Parkes on a detail of construction. It appears that Mr. Parkes' instruction had been carried out before your orders were received, but Mr. Parkes thinks that these orders were an interference with his proper responsibility, and I am disposed to agree with him.

5. I must further remark that the reasons which have induced you to defer the institution of a Port Trust or Local Board of some kind for the administration of the harbour, do not appear conclusive.

6. Although it be possible, or even probable, that additions will be required to the engineering work, the harbour is already used, and affords shelter. No dues can be levied except under the authority of some law, and the application of the law to the complicated and often conflicting interests of those by whom the charges will be borne should in my opinion be entrusted at the earliest possible time to a regularly constituted and thoroughly responsible Board of Management.

I have, &c.,

(Signed) HARTINGTON.

His Excellency the Honorable the Governor
in Council, Fort St. George.

From W. PARKES, Esq., M. INST. C. E., Engineer-in-Chief, Madras Harbour Works, to the Under Secretary of State for India, dated 23, Abingdon Street, 28th September 1881.

Madras Harbour.

I HAVE the honor to return, herewith, the papers forwarded to me, with your letter of 23rd instant, and I also beg to enclose for perusal, as having an important bearing on the same question, copies of a letter from myself to Captain Taylor, dated 10th June, and of a printed paper containing one from Captain Taylor to the Madras Government, a memorandum by Colonel Sankey, R.E., and the order thereon, dated 1st August.

2. The Government of Madras are of opinion that my presence in Madras is highly desirable from "probably the 15th October next till at least the end of the spring cyclone season, say, 15th May 1882."

3. The grounds for this opinion appear to be that questions have arisen, or may arise based on the following facts:—

1. That the Madras breakwaters are 10 feet narrower than that in course of construction at Colombo.
2. That the rubble base at Madras had been on one occasion acted on by the sea.
3. That some settlement had taken place near the end of one of the breakwaters.
4. That some further erosion had been observed in the shore beyond the completed portion of the revetment north of the harbour.
5. That some disappointment appears to have been felt as to the imperfect shelter afforded, and that the question may present itself whether it may not eventually be deemed desirable to undertake the construction of additional works.

4. It is satisfactory to find that the first four of these facts do not, in the opinion of the Government, "give rise to any doubt as to the stability of this great work," and, with regard to the fifth, the opinion of Captain Taylor, that the advantages of the harbour even in its present state "will richly repay the dues in the shape of landing and shipping charges and increased port dues," seems to be conclusive against any great urgency in the demand for supplementary works.

5. So far, therefore, I would submit that the statements made in the various papers do not very clearly indicate what particular questions of immediate urgency require my personal investigation on the spot.

6. I have not been satisfied, however, with this negative result, but have myself carefully reconsidered all the questions which still remain open, and have been unable to discover any of which my presence at Madras would materially facilitate the solution. I would most respectfully submit that I am the only competent judge of how far the voluminous information in the form of letters, returns, plans, measurements, &c., which come to me from Madras every week requires to be supplemented by personal observation. From time to time this is necessary, but I do not feel it to be so at present, and the papers under consideration suggest no new questions whatever.

7. The necessity of my being at Madras during the cyclone seasons is suggested, but I think the idea fails to take a practical form when more closely examined. The twelve cyclone seasons, of which the very competent executive staff has already had experience, in every one of which there was more or less rough weather, and sometimes very heavy seas, have only served to confirm our confidence in the work as executed to withstand even much heavier seas than those to which they have been exposed; and there has been definite evidence of the effect of these latter, although the actual breakwater works have never been damaged. Whenever the real test of a "first-class cyclone" is brought to bear it will show, what we do not at present know, whether there is any weak place in the work, and if there is, we may be sure that it will also suggest how the weak place may be strengthened.

8. But this knowledge cannot be obtained by the most experienced observer watching the sea breaking over the works, even if this much could be witnessed, which is doubtful. It must be based upon the careful surveys made during the subsequent calm. In the event of any serious damage to the works I need not say that I should be ready, at any personal sacrifice, to do what might appear to be best for determining on the mode of remedying it, and preventing its recurrence. But at present I cannot imagine that my presence at Madras would enable me to suggest anything to put the works in a better state to bear the test.

9. With regard to the five points put forward as grounds for my visiting Madras, I may remind you that I have already, on 4th August reported on the first, giving my reasons for the adoption of the 24-feet width of breakwater. I did not mention the second, the action on the rubble base, in that report, because my description of the occurrence had been quoted in full by Captain Taylor and Colonel Sankey in their memorandum, and I thought that the simple statement of facts might speak for itself. A hole was scoured out from the rubble base at a great depth, but in a position and under conditions which would be materially altered in the completed work. It was evidence of a great destructive force of sea, but at the same time of the ample provision made against its effects.

10. The third and fourth points were dealt with in my letter to you of 1st September, based on the telegraphic report of the proceedings at the Legislative Council, which appeared in the *Times*. On the fifth point Captain Taylor's testimony is all I can want, but I may mention that it is confirmed by Mr. Beardmore, who, at my request, made some special observations on the shelter afforded by the piers.

11. There is one other point which is not alluded to in the letter of the Government, but of which a good deal is made in the newspaper reports of the proceedings, viz., the supposed collection of sand or silt in the harbour. In my letter of 1st September I gave an emphatic denial to the assertion of its existence. To this denial I adhere in substance. But what I meant specially to negative was the supposition, which is deeply rooted in the minds of many persons, that sand finds its way into the harbour by the entrance. This would be the only legitimate application of the term "silting," and I am perfectly satisfied that no such action is going on. But, since I wrote that letter, I have been informed of some further changes of the shore line within the harbour, which have not as yet been satisfactorily explained, though I have no doubt they will be. If I had known of these changes I should have taken care to define the limits of my assertion that not a grain of sand had entered the harbour. It is quite certain, however, that, though these changes of the shore line may give a temporary handle to an adverse critic, they cannot be due to any serious deteriorating action.

12. On the whole, then, I feel bound to submit my conclusion that there is not sufficient justification for the cost of my visiting Madras at the present time. I should have no personal objection to it if sufficient reason existed, and if there existed in the minds of the authorities at Madras any serious misgivings as to the success of the works, which my explanations, after further local investigation, were likely to remove, that would be a sufficient reason, but the papers referred to me give no expression to such misgivings. On the contrary, Captain Taylor's letter is most reassuring upon the only point on which a doubt seemed to exist, viz., the sufficiency of the shelter for the present requirements of the trade. The suggestion that further works may be required fully to develope the advantages of the harbour is rather to the credit of the scheme than otherwise, but it would be premature to discuss the details of such further works till their want is felt. I would express a hope, therefore, that the Government of Madras will be satisfied to allow me to watch the progress of events as hitherto, and I pledge myself to allow no personal considerations to prevent my asking for the sanction of the Secretary of State to my visiting Madras whenever I think that my doing so will be advantageous to the work.

From W. PARKES, Esq., M. INST. C.E., Engineer-in-Chief, Madras Harbour Works, to the Master Attendant, Madras, dated 23, Abingdon Street, 10th June 1881.

IN his recent letters to me, Thorowgood has given me the results of his observations on the amount of shelter afforded by the nearly completed piers during the southerly and easterly seas lately prevalent. He expresses himself as somewhat disappointed in the effect produced, and signifies that a similar feeling is expressed in other quarters.

Too much importance must not be attached to such expressions of disappointment. The anticipations with which the still incomplete reality is compared were necessarily based on very indefinite grounds, and some disappointment is quite consistent with the fact of very important practical results having been attained.

But I think the existence of these feelings of disappointment makes it desirable that there should be some authoritative statement of the positive results which have been already obtained, and of the degree of further improvement which may be anticipated from the completion of the works.

To defer this till the tiers are complete would virtually be to defer it for a year, for it will not be till May 1882 that the seas will again be prevalent from the quarters which are most complained of. By that time the Harbour Works establishment will be broken up, and if any question should arise it would be discussed at a disadvantage. It cannot now be difficult to make allowance for the difference between the present opening of 750 feet and the ultimate one of 550 feet in admitting the swell.

What I would suggest, therefore, is that you should report to the Government how far, from your own observation, you think the number of ships which may be expected under ordinary conditions of trade to be in the harbour at one time can be berthed in water sufficiently calm to allow of cargoes being discharged and shipped at all ordinary times, and how far, at the same time, the landing jetties, or at least one of them, will be sufficiently under shelter to allow the cargo boats to lie alongside them. You would thus indicate the limits of the accommodation which the harbour will afford, and from this a judgment could be formed as to the best way of extending those limits immediately, if necessary, or at some future time if an increased trade should call for it.

If your opinion be that the works as now sanctioned will suffice for the immediate requirements of the trade, the immediate object for which the harbour has been constructed will have been attained, even though the results be not quite so much in excess of that immediate object as you or I, or others, may have pictured to ourselves.

I need not tell you that there are various ways of making the shelter more perfect by supplementary works, the cost of which would be small compared with the amount already expended, but it would be premature to discuss the relative merits of these until the necessity for them is shown to exist.

No. 121-A. ORDER THEREON, 25th November 1881, No. 2956 W.

No. 71, dated 15th November 1881.
„ 74, „ 23rd „ „

RECORDED, with reference to the Despatches to the Secretary of State quoted in the margin.

2. The subject of paragraphs 5 and 6 of the Despatch from the Secretary of State will be considered in connection with the report of the Committee to be submitted under G.O., No. 2512 W., dated 14th October 1881, and in the light of such further information as may be before the Government after the works shall have been inspected and reported on by the Engineer-in-Chief.

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Superintendent of the Madras Harbour Works.
„ Marine Department.

Exd. E. C. Shunker.
Spare Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of {1881} Madras.

PUBLIC WORKS.

To

THE SUPERINTENDENT OF THE
MADRAS HARBOUR WORKS,
&c., &c., &c.

Dated November, 25th.

Issued

Recd. *Encl.*

G.O., 25th November 1881, No. 2956 W.

NOVEMBER.

Nos. 121-121-A.

Madras Harbour Works.—Despatch from the Secretary of State for India regarding the necessity of Mr. Parkes' presence at Madras during the cyclone seasons from 15th October to 15th May 1882, recorded with remarks.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 21.

READ—the following letter from the Harbour Committee, to the Chief Secretary to Government, Marine Department, dated Madras, 5th April 1882:—

We have the honor to report that, acting under the instructions contained in G.O., 14th October 1881, No. 2512 W., we have reassembled to consider the points named by Government for our opinion. We would have sent in our report at a much earlier date, but we were under the impression that the damage caused to the Harbour by the cyclone of the 12th November last rendered it unnecessary to consider for the present the question of levying fresh dues. In obedience, however, to the expressed wish of Government, we have the honor to advise that we have considered what would be the best "arrangements for managing the Harbour and levying dues for its use, and for landing and shipping goods under the improved facilities afforded."

We have had the advantage of having before us a letter, dated December 1881, written to our President by Captain J. H. Taylor, and a copy of which is submitted for the information of Government. We have also ascertained from the principal trading and commercial firms what their landing and shipping goods costs them now that the shelter of the Harbour is partially available. The conclusion at which we have unanimously arrived is that it would be undesirable to have two rates for goods as suggested by Captain Taylor, and that if all goods pay Rs. 2-2-0 per ton (computed according to the Madras Chamber of Commerce tonnage scale) this would not be unduly burdensome on the trade, while it would give fully one rupee per ton to go towards the revenue of the Harbour. For the charge of Rs. 2-2-0 per ton the goods would be taken charge of, landed or shipped, as the case may be, a police guard provided, and the porterage to and from the Custom House or Beach defrayed.

Government will no doubt observe that, in recommending a consolidated rate for landing and shipping, it is contemplated that the whole control of the trade of the port should be undertaken by some department. Hitherto the various firms engaged in trade have made their own arrangements for landing and shipping, and we are not unaware of the objections that may be raised to the proposal we have indicated. But in our opinion the best arrangement for levying dues for the Harbour must include a consolidated rate for which everything will be done.

Captain Taylor, it will be seen, proposes that the work connected with the landing and shipping be undertaken by his department, and he estimates that for an extra Rs. (260) two hundred and sixty per mensem he could provide all the additional establishment required. We simply call attention to his figures, without assuming any responsibility for them. But it is our duty to point out to Government that if one of their departments is made to undertake the whole landing and shipping of the port, and to charge a consolidated rate for so doing, then of course Government is responsible for all loss and damage to goods while under their charge. It may be

that this is not a very serious responsibility, but it is one that Government will have to incur.

(Signed) P. MACFADYEN.
(„) R. J. MELVILLE.
(„) R. C. WALKER.
(„) R. G. ORR.
(„) J. H. TAYLOR.
(„) A. M. SAUNDERS.
(„) N. ST. B. BEARDMORE.
(„) H. L. PRENDERGAST, Col., R.E.

It has to be noticed that the Hon. Mr. Coleman's signature is wanting to the report, owing to that gentleman having left for England before the report was ready, but it may be mentioned that he fully concurred in Captain Taylor's views.

(Signed) J. H. TAYLOR,
Secretary.

ENCLOSURES.

From J. H. TAYLOR, Esq., Lieutenant, R.N.R., Master Attendant, Madras, to the President, Harbour Committee, dated December 1881.

I have now the honor to advance my opinion that the injury to the Harbour walls, though necessitating considerable delay in the completion of the work, does not and should not interfere with a thorough re-organisation of the Harbour arrangements, and the levy of a sufficient annual sum to justify the Government in prosecuting this important work. With this view I have drawn out a scheme which will provide for revenue, establishment, order and discipline; and, while removing many disabilities under which the port now labors, will not increase the burden now placed on trade, nor inequitably affect any branch of legitimate business.

2. For convenience I have expressed the terms of this scheme in tons, which, however, will also be shown in trips, the word that most generally obtains at present.

3. The import and export cargo from Europe is the most important item. This is almost entirely landed and shipped from the Pier. The duty of conducting this work falls upon the Pier Contractor, superintended by the Pier Master, Traffic Manager and staff, Peons, &c.

4. The present charge for this duty is 8 annas a trip, half of which is given to the contractor, the remaining half goes for establishment, upkeep, repairs, &c., of the Pier and its belongings.

5. The Pier Contractor delivers all free goods and machinery at the inner end of the Pier, and carries the remainder into the Custom House, and unloads it into sheds.

6. Before the Pier was constructed all this work was done by an individual called the Custom House Contractor, and by some extraordinary oversight he has been allowed since that period to continue in his position and make the same charges as before, although the main portion of the work is done for him and charged in its proper place. He has no contract, and apparently never had one, and no responsibility, except what he has taken upon himself with a view to keep things quiet. I had always been under the impression that he was paid by the Custom House out of revenue for the sole duty he exercises of arranging and giving out packages. His scale of charges is traceable on an old almost effaced card, but he has private separate arrangements with most of the great importers, which have been carried out under the supposition that the charge was one authorised by the Collector. Here at once is an instance where the trade directly suffers, and reform is demanded. I propose that all the duty be transferred to the Pier Contractor to be called Harbour Contractor, and that he conduct the small additional duty that will devolve upon him, receiving a small increase, say 5 annas in lieu of 4; and I would suggest that all goods intended for the Custom House be made to pass over the Pier as a safeguard against loss or damage until the new jetties are completed.

7. The charges connected with this branch of business I estimate as follows:—

		Per Ton. RS.	A.	P.
Nominal boat-hire to Pier is at present Rs. 1-8-0, but a deduction of 8 annas is made from it for Pier porterage.	Boat-hire	0	8	0
	Porterage	0	5	0
	Police..	0	2	0
	Tax for Harbour	1	0	0
		1	15	0

8. The present trip to consist of two tons.

9. The ordinary boat-hire may be reduced, when more shelter is given, to one rupee a trip, or 8 annas a ton, the sum thus saved being credited to the Government to cover additional capital required for the Harbour since the accident to its walls.

10. The establishment required for the work will be treated of in conclusion.

11. It is to be observed that these charges are simply for work done, and do not interfere with agency and commission at present ruling.

12. With regard to the Beach cargo or free goods, there is absolutely no choice, but for the Harbour management to take all duties upon itself and realise the greater portion of the present profits.

13. It will be manifestly impossible to levy a rupee a ton in excess of present rates, and there is very much in the existing arrangements that call for alteration in the interests of trade.

14. The profits at present made are not earned by any service. It is an astounding fact that with no responsibility, no expenses of landing or shipping, which falls on the boatman, large charges are sanctioned and paid, simply because the trade cannot look into matters, and are powerless to help themselves. Large importers assure me that so multifarious are the charges now obtaining that they really never know what they do pay under the head of porterage. I propose to land and separate all free goods through the medium of a responsible contractor to arrange the various cargoes, and enable every merchant to see that the terms of his Bill of Lading are complied with. The saving under this head alone to the trade will be enormous.

15. A sufficient space on either side of the iron Pier enclosing the new jetties should be handsomely palisaded, and large covered sheds placed to ensure a weather protection. The present charges for watching would be done away with, as the porterage and police charge will cover everything, by which another large saving to trade will be effected. A very sufficient style of shed is being erected within the Custom House, iron pillars and teak beams, circular in shape, covered with corrugated iron. A narrow covered way should lead also from the main shed to the inner end of the jetty for protection to Europeans.

16. The expense of these improvements can be met from Port Funds.

17. The charges would be almost identical with the bonded goods—

	Per Ton. RS.	A.	P.
Boat-hire	0	12	0
Porterage	0	5	0
Police	0	2	0
Harbour revenue	1	0	0
	2	3	0

Grain, which is now subject to much loss, would be greatly benefited at the same rate as now rules, *e.g.*, if we name 14 bags to a ton, the present rate of 2½ annas a bag exactly amounts to Rs. 2-3-0. Other goods in same proportions.

18. The same test may be applied to all other goods with almost same conclusions. It corresponds very nearly with the Bombay Port Trust rate on packages recommended by the Madras Chamber of Commerce.

19. *Boat-hire.*—With regard to this item it has been the practice hitherto to deduct 8 annas a trip for the facilities offered by the Pier, thus reducing the hire to one rupee a trip, while the Masulah boats landing on the Beach receive Rs. 1-8-0, the men unloading their own boats. It will be for the Committee to discuss this plan among others. I am myself in favor of doing all the Beach work by cooly contract, in which case, if one rupee a trip would rule both on Pier and Beach, a reduction of 4 annas a ton is thus at once reached, bringing the total charge to Rs. 1-15-0 a ton.

20. The crew of the Masulah boats working inside the Harbour might be reduced to six rowers, one tindal, and one boy, which would cause a reduction of expense.

21. I find on looking to old Almanacs that 50 years previous to 1873 the rate of boat-hire to vessels in the outer roads was only Rs. 1-8-0, and inner roads 15 annas, but it would appear that, owing to the competition of the lighters, which injured greatly the Masulah boat trade, an increase of 1 rupee was made, bringing it up to Rs. 2-8-0 a trip.

22. I find that in practice even now the dubashes charge the consignees Rs. 2 a trip, although the charge is only Rs. 1-8-0, and they also charge porterage, although that is met from the real hire of Rs. 1-8-0. All these matters demand consideration, and are clearly connected with the prosperity of the Harbour, and the levy of revenue without pressing too much on trade.

23. For the joint establishment of Pier and Beach, I recommend that the Pier Master's present pay be increased from—

	Increase. Rs.
Pier Master and General Superintendent, Rs. 225 to 275	50
Deputy to be Assistant Traffic Manager, Rs. 60 to 120	60
Present Head Clerk, giving security Rs. 500, combining Cash-keeper's duty, Rs. 25 to 40	15
Two Clerks, Rs. 20 and 17	37
One Head Conicopoly, security Rs. 500	16
Four Conicopolies, at Rs. 10	40
Six Peons, at Rs. 7	42
	260

24. This will be met from the porterage after paying the contractor.

25. Mr. Thorowgood's estimate for Harbour I enclose, but that may stand over for the present.

Report of Trades' Association through the Chairman.

1. I see no good grounds for delaying the consideration of Captain Taylor's proposals. In G.O., No. 2512, of 14th October, the Government stated that in appointing the Committee "the object of the Government was to obtain their advice as to the best arrangements for managing the Harbour and levying dues for its use," because "it is essential that a reasonable revenue should be raised."

2. The Government are fully entitled to some return for the monies already expended, and as Captain Taylor proposes a plain and practical scheme, and shows how funds can be obtained without, perhaps, *any* increase upon present rates, I consider that it should at once be discussed, if the Committee have any desire to assist Government with practical advice.

3. I do not see that Mr. Parkes' views at all affect the consideration of the real question before the Committee. Those views can have reference only to the construction and maintenance of the Harbour Works, and can scarcely relate to the question as to the dues that may be fairly levied upon goods shipped and imported.

4. As a whole I entirely approve of Captain Taylor's proposed scheme, and hope that, before long, it, or something similar, may be adopted.

(Signed) ROBERT G. ORR.

21*st December* 1881.

MINUTE of dissent by the Hon. P. MACFADYEN.

I am not in favor of Captain Taylor's proposal that the whole control of the trade of the port should be handed over to the Marine Department. To effect this fresh legislation will be necessary, and this being the case I beg respectfully to express my opinion that it would be better to proceed with the Port Trust Bill, whose provisions have met with the approval of the Chamber of Commerce, and which having been amended by and reported on by a select Committee could be passed in the Legislative Council without further prolonged discussion. The proposed consolidated rate for landing and shipping is a wide departure from the arrangements at present existing, and I feel confident that a body like the Port Trustees, in which all trading interests would be represented, is better adapted to inaugurate such a change than any Government Department however well intentioned.

(Signed) P. MACFADYEN.

MINUTE by A. M. SAUNDERS, Esq.

I agree with the remarks made above by the Hon. Mr. Macfadyen.

(Signed) A. M. SAUNDERS.

6*th April* 1882.

MINUTE by J. H. TAYLOR, Esq.

As the only member of the Committee, who has advanced any practical scheme for the levy of Harbour dues, I feel it necessary to add some remarks that have suggested themselves after the discussion of the scheme in Committee. It seemed to me to be thoroughly understood by the Committee that a consolidation of the various existing charges is the only method by which the sum required can be raised, and the necessary establishment supported. This therefore, or some almost identical plan, would be forced upon any Port Trust, Marine Board or Department. As many of the members of the Committee are not familiar with the subject before them, I may be allowed to point out what the nature of all existing Port Trusts is.

They all possess Harbours more or less secure, never exposed like Madras. They have advanced through all the phases of initial expense to their Governments, of assistance and support from them, until a period has arrived when they can stand alone with ample funds at command, with no prospect of any future State support being needed, and when the funds raised from port dues, from mercantile and shipping interests, can reasonably be administered by mercantile and shipping men. Nothing can be more equitable, and Government may well grant the necessary powers.

But the situation of Madras is entirely different, so much so that the title Port Trust would be inadmissible.

A debt of (60) sixty lakhs has been incurred, raised from the credit of the whole empire, which is responsible for it, and for its interest; that debt is rapidly advancing towards a million, and no one can say in the exposed position of Madras Harbour, and with walls erected on sand, when that debt may not be extended. A Port Trust could not go on raising money on its own resources, and guarantees it would not possess, for the sum it is now contemplated to raise will merely cover the interest of the present debt.

The mercantile community seek to secure the largest share in the administration, yet their interests would soon conflict with those of Government. The position would be anomalous and charged with grave and increasing difficulties.

Then as to the purely executive duties connected with the Harbour, I by no means wish them transferred to the Marine Department, or to my sole control. No one appreciates the value of technical experience and advice more than myself, and I have always respectfully recommended to Government that a Marine Board, as nearly as possible constituted as a Port Trust, should be the medium of communication between the Government, the public, and the Harbour authorities. The Chamber of Commerce might be invited to select two of their members to represent the Chamber, the Trade Association two, one of the boat-owners selected by themselves, the Collector, the Master Attendant, and his (Deputy, the Executive Officer of the Port), the District Engineer, and the Harbour Works' Engineer, Government Solicitor. Of this Board the non-official members should be entitled to a fee for attendance, which I would propose to be about Rs. (25) twenty-five. Meetings might be held monthly, at which all objects and references connected with the Harbour could be brought to notice. A paid Secretary would also be a desideratum at the same fee.

This would represent a sum of Rs. (150) one hundred and fifty monthly, (1,800) one thousand and eight hundred per annum. The Government would thus be kept at a small charge in direct communication with the best advice that can be available.

As to responsibility I may be allowed to point out that nothing in this arrangement will cause any increase in its present amount, while by consolidation under one controlling authority it will in all probability be materially reduced.

Government will have, moreover, the security of the zeal and intelligence of its own officers and establishment, while the contractor or contractors, if the Board select that course of proceeding, will be chosen for their solvency and give ample security. I cannot anticipate any difficulty on that head.

The responsibility at present sits very easily on the shoulders of those who bear it, and if the Board elect to do the work departmentally, the payment hitherto made as compensation for all causes of loss combined being calculated, any office would be glad to enter into an insurance that would remove even the shadow of loss.

Nine-tenths of the English import cargo and much of the export are already administered by the Pier Department, and the extension of the duty to the whole trade is a mere matter of detail, which a practical Board could easily dispose of satisfactorily.

(Signed) J. H TAYLOR.

30*th March* 1882.

MINUTE by R. J. MELVILLE, Esq.

I agree with Captain Taylor. I consider it premature to start a Port Trust when the only things to be entrusted to the Trustees are an incomplete Harbour and a debt of more than half a million of money. Anything that could be done by Port Trustees could be done as well by a Harbour Committee, on which, if considered advisable, the mercantile or trading community might be more fully represented than at present. I add this to meet one of the objections suggested in the Hon. Mr. Macfadyen's minute of dissent.

6th April 1882.

(Signed) R. J. MELVILLE.

MINUTE by R. G. ORR, Esq.

Captain Taylor's Minute accompanying this report appears to me conclusive as against a Port Trust in the present state of Harbour affairs. As stated in my dissent of 23rd August I still consider that a Committee or Board can afford Government all the practical advice Government may require, and will fully represent various local interests. To invest such a body with legal powers, as would be the case with a Port Trust, would be, I respectfully submit, inexpedient and entirely unnecessary.

5th April 1882.

(Signed) R. G. ORR.

MINUTE by R. C. WALKER, Esq.,

I concur in the views expressed in Mr. Macfadyen's minute. The objections raised by Captain Taylor to the formation of a Port Trust appear to me to be chimerical. In fact the Marine Board as proposed by him would be very similar in constitution to a Port Trust, only without the powers and organization of the latter body, than which it would, therefore, in my opinion, work far less satisfactorily both to Government and the mercantile community.

5th April 1882.

(Signed) R. C. WALKER.

No. 22.

ORDER—dated 5th June 1882, No. 1382 W., Public Works.

The Committee, reassembled under G.O., 14th October 1881, No. 2512 W., for the purpose of reporting on certain points connected with the management of the Madras Harbour, levying dues for its use, and landing and shipping goods, have unanimously recommended a consolidated charge of Rs. 2-2-0 per ton on all goods landed and shipped in the Harbour for which the goods would be taken charge of, landed or shipped, guarded, and the porterage to and from the Custom House defrayed.

2. His Excellency the Governor in Council therefore now directs the Master Attendant to place himself in communication with the Advocate-General in view to the draft of a short Bill being prepared to enable the Government to levy this charge, and to entrust the duty to such Government Officer or Department, or specially constituted body, as it may think fit, and to credit the proceeds :—

1*st*, to the expenses connected with the performance of the service ;
2*nd*, and any surplus towards—
1*st*, defraying the interest on the Capital cost of the Harbour,
2*nd*, and to form a Sinking Fund for reducing the Capital cost.

3. As regards the administrative agency to be employed with the above object, the Government, after very carefully weighing all that has been advanced in favor of the immediate creation of a Port Trust, are of opinion that under the existing circumstances of the Harbour Works such a measure would clearly be premature, though ultimately it might be both useful and advisable.

4. On the passing of the Bill above directed to be framed His Excellency in Council will nominate such executive agency as will in his opinion offer the best available guarantees for securing the highly important interests involved and satisfying the reasonable requirements of the trading community.

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Master Attendant, Madras.
„ R. C. Walker, Esq.
„ A. M. Saunders, Esq.
„ the Superintending Engineer, Fifth Circle.
„ the Superintendent, Madras Harbour Works.
„ the Chairman, Chamber of Commerce.
„ the „ Trades, Association.
„ the Marine Department.
„ the Revenue Department.
„ the Legislative Department.

Exd. C. Howarth.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1882} Madras.

PUBLIC WORKS.

Dated June, 5th.

Recd. *Encl.*

G.O., 5th June 1882, No. 1382 W.

JUNE.

Nos. 21-22.

Madras Harbour.

Passing orders on the report of the Committee appointed to report on the management of the — levying dues for its use and landing and shipping goods.

PUBLIC WORKS DEPARTMENT.

No. 26 / 1499 W.

LETTER—to

THE MOST HONORABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD MARQUIS,

In your Lordship's Despatch No. 1 Legislative dated 11th May 1882, we are requested to furnish a further statement of our reasons for considering the recent accident to the Madras Harbour Works a justification for the postponement of the formation of a Port Trust, as notwithstanding this accident the Harbour is to some extent now used for the purpose of trade and protection.

2. We have the honor to forward for your Lordship's information copy of our Proceedings No. 1382 W. dated 5th June 1882, (Public Works) dealing with the report of a special Committee appointed to consider certain points connected with the management of the Madras Harbour, levying dues for its use, and landing and shipping goods. The previous report of the Committee recorded with G.O. 2512 W. dated 14th October, 1881, is also appended for information with special advertence to para 5 of your Lordship's Despatch No. 17 P.W. dated 23rd June 1881.

3. It will be observed that the Committee unanimously recommend a consolidated charge of Rupees 2-2-0 per ton on all goods landed and shipped, in consideration of which charge the goods would be taken into safe keeping and proper arrangements made for their transit to and from the Custom House.

4. Instructions have accordingly been issued for the immediate preparation of a short draft Bill (which will be forwarded immediately for your Lordship's consideration) to enable the Government to levy this charge, the proceeds being used in the manner specified in paragraph 2 of our Proceedings of the 5th June 1882 No. 1382 W.

5. As regards the Agency to be employed, we have, as stated in these Proceedings, carefully weighed all that has been advanced in favor of the immediate creation of a Port Trust, and have arrived at the conclusion that, although such a measure will unquestionably be useful and indeed necessary ere long, there are weighty reasons for regarding it as premature under existing circumstances. We consider that it would be altogether undesirable to transfer to Trustees the responsibility for maintaining and working, as well as providing interest on the capital outlay of an incomplete and damaged work, of which the ultimate cost is uncertain; more especially since it is practicable as an intermediate arrangement to raise an income under Government administration by the short enactment above alluded to.

6. It is moreover of much importance that before the Harbour is handed over to Trustees, and before the Government divest themselves of immediate control, the method of realizing an income adequate to provide for the interest on the capital cost should be most carefully considered, due regard being had at once to the convenience of the classes more immediately connected with the shipping which frequents the Port and of the general public.

7. We trust, under these circumstances, that the action we propose to take in the matter will meet with your Lordship's approval.

We have the honor to be,
My Lord Marquis,
Your Lordship's most obedient, humble servants,

(Sig.) M. E. Grant Duff
(") Fred. Roberts.
(") David F. Carmichael
(") H. E. Sullivan.

OOTACAM
16th June 2.

OOTACAMUND.

PUBLIC WORKS (1882) *DEPARTMENT*

LETTER to the Most Honorable the Secretary of State for India.

No. 26
1499W.

Dated 16th June 1882.

EXPLAINING the reasons for delay in the formation of a Port Trust for the Madras Harbour.

Abstract of the Proceedings of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament, 24 and 25 Victoria, Cap. 67.

The Council met at the Council Chamber in Fort St. George on Friday, the 10th day of February 1882.

PRESENT:

THE RIGHT HONORABLE THE GOVERNOR OF MADRAS,—*Presiding.*
The Hon'ble W. HUDLESTON.
The Hon'ble D. F. CARMICHAEL.
The Hon'ble R. DAVIDSON, C.S.I.
The Hon'ble THE ADVOCATE-GENERAL.
The Hon'ble H. E. SULLIVAN.
The Hon'ble MIR HUMAYUN JAH BAHADUR.
The Hon'ble RAJA G. N GAJAPATI RAO.
The Hon'ble J. G. COLEMAN.
The Hon'ble P. MACFADYEN.
The Hon'ble T. RAMA RAO.

ACT NOT ASSENTED TO BY THE GOVERNOR-GENERAL.

HIS EXCELLENCY THE PRESIDENT announced that HIS EXCELLENCY THE VICEROY AND GOVERNOR-GENERAL withheld his assent to the Act "to make provision for the protection and conservation of Forests and Forest produce in the Madras Presidency," which was passed by this Council on the 20th November 1880.

SALT LAWS AMENDMENT BILL.

The HON'BLE H. E. SULLIVAN in presenting the Report of the Select Committee on the Bill "to make better provision for the protection of the Salt Revenue and for the detection and punishment of offences against the Laws relating thereto in the Presidency of Fort St. George," said the Committee had made several material and important modifications in the Bill; these were fully set forth in the report and he would not trespass on the time of the Council in going through them in detail.

Since the Committee sat, Mr. Bliss, the Salt Commissioner, had suggested that it would be more convenient that power should be taken to extend the Act to such districts as the Governor in Council should by notification direct. The department was newly organized and Mr. Bliss was not quite prepared to take action under the new legislation throughout the Presidency. He would at the proper time move an amendment of section 1 to give effect to this suggestion, and also offer a few remarks with reference to the Hon. Mr. Macfadyen's partial dissent from the report of the Select

of the damage sustained by it, to
some

Legislative Department.

Committee. He moved that the Bill as amended by the Select Committee be taken into consideration.

The motion was put and carried.

The Council then proceeded to consider the Bill and the following alterations were made:—

Section 1, line 3, for the figures 1881, the figures 1882 were substituted.

The Hon'ble H. E. Sullivan moved for the reasons already stated by him that the section be amended so as to allow the Act to come into operation in such local areas and from such dates as the Governor in Council should notify. After some discussion the following amendments were agreed to:—

Lines 4 and 5, the words "the whole of" to be omitted, and the words "such local areas within" to be inserted after the word "to:"

Line 6, after the word "force" the words "in such areas" to be inserted:

Line 7, for the word "date" the word "dates" to be substituted; and the words "of the said Presidency" to be omitted:

Line 8, after the word "may," the words "from time to time" to be inserted.

Section 3.—The Hon'ble D. F. Carmichael moved that in lines 8 and 9 the words "issue a warrant to search for such salt" be omitted, and the following words substituted "order the Police to investigate as in a cognizable offence, provided that any person arrested by the Police shall always be admitted to bail if sufficient bail be tendered for appearance before the Magistrate." He observed that if this amendment were carried, he would propose to leave out sections 4 and 5. He entirely objected to the domiciliary visits which the Bill put in the power of Police and Salt officers. The best mode of dealing with the matter was for the Magistrate to direct and control the operations of the Police; here the Salt officer directed them.

The Hon'ble the Advocate-General pointed out that the Opium Act I of 1878 contained a provision similar to that in the Bill.

After some further discussion the motion was put to the Council, and the amendment was negatived.

Section 4.—On the motion of the Hon'ble D. F. Carmichael, who objected to persons being dragged off to the Police Station, who could give bail, the following words were inserted after the word "therewith" in line 52, namely—"provided that any person arrested under this section shall be always admitted to bail by such officer if sufficient bail be tendered for appearance before an Inspector of the Salt Department or a Magistrate as hereinafter provided."

Section 5.—The following amendment was made; in line 16 after the word "superior," the words "who shall be bound to send a copy of such report to the Magistrate having jurisdiction."

Section 6.—The Hon'ble P. Macfadyen took exception to this section, which handed over powers of search and arrest without warrant to Heads of Villages. The original Bill had been so much improved in Committee that it would be a pity that this blot should remain. He understood there were some 30,000 or 40,000 persons who would acquire under this section authority, which from motives of spite and the like they might use in harrying the people under their charge. They were admittedly not of a very high class, and the Bill contemplated their being entrusted with powers which were deemed too wide for the Police. It is said they already had by law

similar powers in the case of criminal offences; but he would impress upon the Council that the offences under consideration here were not thefts and murders, but merely breaches of *fiscal* regulations. In the Inland Customs Act of the Government of India, there was no mention of Village Headmen. The Bombay Salt Act (VII of 1873), which had been referred to as a stringent measure, only imposed the duty of giving information under a penalty which might reach Rs. 500 (Section 23). If this was found enough in that Presidency, it should suffice here. He accordingly moved that after the word "forthwith" in line 6, the rest of the section be omitted, and that the following words be substituted: "give notice of the same to a Magistrate or to an officer in charge of a Police Station. Any Head of a Village who wilfully omits or delays to give such information shall, for every such offence, be liable to a fine not exceeding five hundred rupees."

The Hon'ble D. F. Carmichael remarked that he had no fear of the Head of a Village abusing his powers in the manner suggested. He collected all the Revenue and had considerable Magisterial functions. He was the *pater urbis* in every sense.

The Hon'ble H. E. Sullivan opposed the amendment. The maintenance of the monopoly being a fiscal necessity, every door against evasion of the law must be shut. If the Headman had to go and give information to a Magistrate every time he learned of the existence of illicit traffic in his village, every trace of the contraband would have disappeared before action could be taken. He however would not object to the power of arrest being omitted.

The Hon'ble Raja Gajapati Rao supported the amendment. He knew that the Heads of Villages sometimes stretched their powers too far, and to extend their authority in the manner contemplated would open a door to oppression.

On the motion being put that the words proposed to be left out stand part of the Bill, the amendment was negatived.

On the motion of the Hon'ble D. F. Carmichael, after the word "forthwith," at line 6, the words "in the presence of two or more respectable inhabitants of the locality" were inserted.

Line 14, on the motion of the Hon'ble the Advocate-General, the words "and shall arrest all persons found therein and concerned in dealing in any way with such salt," and in lines 18 and 19 the words "and all persons so arrested," were omitted.

On the motion of the Hon'ble D. F. Carmichael the following proviso was added to the section: "Provided that no dwelling house shall be searched under this section except between sunrise and sunset."

Section 8, line 5, after the word "shall," the words "unless bail shall have been accepted under the provisions of section 4" were inserted.

The Hon'ble H. E. Sullivan applied for the suspension of the Standing Orders in order that the Bill as amended be considered and passed.

His Excellency the President having suspended the Standing Orders, the Bill as amended was passed by the Council.

MADRAS HARBOUR TRUST BILL.

The Hon'ble H. E. Sullivan in presenting the report of the Select Committee on the Bill "to provide Trustees for the Harbour of Madras" said it was well known

of the damage sustained by it

to every member of the Council that recent events had occurred which rendered the Harbour unfit to be handed over to a Trust, and he therefore moved that the consideration of the report be deferred.

The Hon'ble P. Macfadyen said he did not intend to oppose the motion just made, but he wished to take the opportunity of expressing the earnest hope, both of himself and of the mercantile community, that Government would not be deterred by the unfortunate accident which had happened to the harbour from proceeding with the Bill later on. Even in its present dilapidated condition the harbour was of great use. Ship Captains who at one time were so sceptical about its advantages, were now grumbling at being kept outside. The fact was that one of the great evils with which they had formerly to contend, the strong current running along the coast, had now been abolished; and Masula boats could now ply with ease, and greater despatch was in consequence obtained. If it was possible to give Madras a harbour, the trade of the port would not object to paying its fair share of the cost. As soon as it should be finally resolved to go on with the harbour works, he trusted the Government would see their way to proceed with the Bill without further delay. He saw no reason why the Government should not avail themselves of the valuable advice they would receive from a Board of gentlemen of mercantile and engineering knowledge and skill.

The Motion was then put and carried.

BILL TO REPEAL MADRAS REGULATION XIV OF 1816.

The Hon'ble D. F. Carmichael in introducing this Bill, which had already been published under Rule XXV, said the intention of the Bill was explained in the Statement of Objects and Reasons. Three years ago the Government of India passed an Act entitled "the Legal Practitioners' Act" to amend and consolidate the law relating to the various classes of pleaders; it empowered each of the Local Governments to extend all or any of its provisions to the territories under its administration. This Government determined to introduce the judicial portion only. On a reference to the High Court regarding certain subsidiary rules to be framed before the enactment should take effect, they reported that the Government of India had omitted to repeal our Regulation XIV of 1816, so that there were two enactments on the Statute Book referring to the same matter. He would read the Registrar's letter:—

"In their Order, dated 26th August 1881, No. 1762, Government sanctioned the extension of the Legal Practitioners' Act, 1879, to the Madras Presidency with effect from the 1st January 1882, and requested the High Court to furnish a draft of the Rules they would recommend, to regulate the conduct of examinations for ascertaining the qualifications of Pleaders and Mukhtars admitted under Section 6 of the Act.

"In considering the several matters arising in connection with the introduction of the new enactment, it has come to the notice of the High Court that Madras Regulation XIV of 1816 has been, perhaps, through inadvertence, left unrepealed by Act XVIII of 1879. The former Pleaders' and Mukhtars' Act (Act XX of 1865, repealed by Act XVIII of 1879) contained in Section 48 a provision that, on the introduction of the Act into the territories subject to any Local Government, the provisions of all Regulations inconsistent with or repugnant to it should cease to have effect. The Legal Practitioners' Act (XVIII of 1879) contains no provision of this kind, and the consequence will be that if Act XVIII of 1879 comes into force on the 1st January next and Madras Regulation XIV of 1816 is unrepealed on that date, there will be two enactments on the Statute Book relating to the same matter, and much confusion will be created.

"To obviate this result it is desirable that steps should be at once taken to repeal Madras Regulation XIV of 1816, and I am accordingly to suggest that the required legislation may be undertaken without delay."

He applied for the suspension of the Standing Orders so as to allow of the Bill being considered and passed.

On His Excellency the President suspending the Standing Orders, the Hon'ble D. F. Carmichael moved that the Bill be taken into consideration and passed.

The Motion was put and agreed to; and the Bill was passed accordingly.

The Council then adjourned *sine die*.

(By order.)

G. S. FORBES,
Ag. Asst. Secy. to Govt.

10*th February* 1882.

MADRAS: PRINTED BY E. KEYS, AT THE GOVERNMENT PRESS, FORT ST. GEORGE.

of the damage sustained by it, to some

Dr. G.I.
419/84.

Legislative Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following ~~letter~~ Despatch from the Most Honorable the Secretary of State for India, dated 11th May 1882, No. 1, Legislative.

* * *

Para 3. With reference however, to the remarks made by the Honorable P. Mac-fadyen at the meeting of your Excellency's Council on the 10th February last, I should like to be furnished with a fuller statement of the reasons which have induced your Government to consider the recent accident a justifi-cation for the postponement of the formation of a Trust Bill, as I under-stand that the Harbour is, in spite of the damage sustained by it, to some

some extent used now for the purposes of trade and protection.

Order thereon, 22nd June 1882, No. 39

Ordered that the following reply be despatched to the Secretary of State.

2. Para 3, together with the Hon. Mr Hudleston's note thereon, will be com-municated to the Department of Public works for consideration.

(True Extract)

Edwinthuppan

Ag. Assistant Secretary

To

The Public Works Department

with note of the Hon'ble W Hudleston

Note of the Hon'ble W. Hudleston on

para. 3

The reasons were that it was consider-ed altogether unreasonable to propose to transfer to Trustees the responsibility for maintaining and working and providing interest on the capital cost of an incom-plete and damaged work of which the ultimate cost is altogether uncertain, while it was practicable to raise an income under Government administra-tion by a short enactment which is in course of preparation as an inter-mediate arrangement.

(Intd) W. H.

G.6. 1382 & 5-6-82.

Dev: Leg. 26/1499 & 16-6-82.

[6]

Govt. of {1882} Madras.

To

The Public Works Dept.

Proceedings, dated 22nd June 1882.

No. 39.

Subject.

Communicating for consideration para 3 of despatch from the Secy. of State for India regarding the postponement of the consideration of the Harbour Trust Bill

No. 1663 W dy 18th July 1882

Entd. in Receipt Regr.

B

No. 1663 W dy 18th July 1882

Recorded with reference to despatch to Secy of State No. 26/1499 W dy 16th June 1882

26/1499 W dy 16 June 82.

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28/6/82

Old. 65:6.

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31st August 1882, No. 2241 W., Public Works.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

No. 192.

Read—the following papers:—

G.O., dated 7th August 1882, No. 677, Marine.

Read—the following letter from J. H. TAYLOR, Esq., Lieut., R.N.R., Master Attendant, Administrative Department, to the Chief Secretary to Government, Marine Department, dated Madras, 5th August 1882, No. 6684:—

I have the honor to report, for the information of Government, that I have been in consultation with the Advocate-General on the subject of the short Bill for levying tolls in the Madras Harbour, and have also had communications with the Chamber of Commerce on the subject. The last letter from that body is forwarded with this, and it will be seen from it that the Chamber is of opinion that the Government in taking the whole charge of the Harbour might lay itself open to a great deal of inconvenience and difficulty, and even, as they allege, pecuniary loss. I am not aware that any of the test cases submitted by the Chamber have ever arisen or are likely to arise, but I have no doubt a great deal of obstruction and annoyance to Government might be caused by parties, who, for purposes of their own, might choose to distort and exaggerate even the most insignificant circumstances into complaint calling for redress and remedy. The letter from the Chamber may be considered to represent their views that as far as possible Government action should be restricted to collecting the toll, with the expenses of establishment and upkeep. And the language of the letter seems to support the idea that the arrangement will be satisfactory to the trade. Now, as any present arrangement must be of a temporary character, lasting only until the completion of the Harbour, its final cost, and the development of its capacity for shelter and its general facilities for trade, I beg respectfully to represent that it may perhaps seem to Government to be advisable to meet the Chamber on this basis, and change the character of the Bill into one simply dealing with the Harbour in much the same terms now used in the Pier Act.

2. The Advocate-General entirely concurs in this, and points out that a very short Bill would alone be necessary, and nothing in it would then interfere with the Pier Act, the Boat Act, and the Marine Police Act, all of which would retain their present positions.

3. The Pier Act simply states, clause 1, that tolls according to such rates as shall from time to time be settled and approved by the Governor of Madras in Council shall be levied, &c., but if it is considered necessary or advisable to name in the Bill a rate which will be sufficient for all purposes, then I would respectfully suggest the levy of one rupee (for the interest of money spent up to this time upon the Harbour, and four annas for all other purposes required for the performance of duties connected with the Port) upon every ton of goods entering or leaving the Port;

this would be collected on the pier and on the beach, and the mercantile public would be free to take their goods, and in all respects exercise their present freedom, which the Chamber declares to be their desire.

4. As the boat-hire has already been reduced one rupee a trip, or about 10 annas a ton, owing to the facilities offered by the Harbour, this arrangement ought to recommend itself as a very satisfactory one.

5. The simplicity of this method has much to recommend it, but the use of the Custom-house sheds is an imperative necessity for the Port until private accommodation of sufficient capacity is provided, which even then will never be so convenient as the present site into which the pier railway discharges all goods in security. How to provide for this shelter and the charges connected with it and the delivery of goods has to be considered; perhaps the Collector could give advice upon this point. The dues paid for warehousing would go some way towards expenses, if indeed they did not suffice entirely, but as the receipt and delivery of goods have always been an extra charge on the public, perhaps a somewhat similar arrangement to the one previously existing, under a responsible contractor, would meet the difficulty.

6. The incomplete condition of the Harbour is without doubt a grave consideration, when taking absolute charge over its working is contemplated, and though all parties agree that the facilities offered by it justify a levy of money to recoup the Government for its construction, yet the many accidents to which it may yet be subject might interfere with harmonious working under any department or body, if the present arrangements, which are considered vested interests by the parties concerned, are entirely set aside.

7 A very short notice would be all that was necessary to set the proposal in this letter in action, and only the small extension of staff mentioned in my letter recorded in G.O., Public Works Department, No. 1382 W., dated 5th June 1882. The Bill would require to provide for lien on goods until the tolls were paid, and penalties against any infringement of the law and order in the Harbour. The palisades and sheds would be a convenience to all parties, for business on the hot sand could not be safely conducted by unsheltered Europeans, and more protection to property would be a great desideratum.

Enclosure.

From CLEMENT SIMPSON, Esq., Chairman, Chamber of Commerce, to the Master Attendant, dated Madras, 10th July 1882.

The Chamber have had your letter of the 26th ultimo under consideration, and while thanking you for the details you have been good enough to furnish on various matters connected with the proposed future management of the Harbour, they desire me to state that your explanation does not afford them all the information sought for in my letter of the 21st ultimo.

The Chamber do not understand how the hire of boats is to be arranged for. Boat-hire is included in your consolidated rate, and it is therefore to be presumed that boats will be provided by you, but you state that this is not intended to interfere with the selection of boats by the parties directly interested any more than is done now.

You refer to boat-hire as an invariable item, for you recognise only the legal rate, but you must be aware that a hard and fast tariff is not suited to the exigencies of trade, and that as a matter of fact the legal rate of boat-hire is not recognised and that rates vary if circumstances warrant their doing so, and in the opinion of the Chamber it is perfectly fair and reasonable that emergent rates should be paid for emergent work.

Do you mean when you refer to a shipper's power of selection that he is to engage his own boats in any way he chooses, refer the boats to you for their legal hire and then pay them himself any extra hire that may have been agreed upon? Is he to take charge of his goods and ship them on his own responsibility in the boats he has selected? If so, it appears to the Chamber that although you nominally undertake the responsibility of shipment, and seek in your scheme as a consequence of such responsibility to make a profit for Government on shipping, you really contemplate that your department shall be relieved of responsibility at the point when shipment commences.

To enable you clearly to appreciate the difficulties which occur to the Chamber in the working of the scheme you have proposed to Government, assuming that it involves the shipping and landing of goods by your department and not by those interested, I am desired to submit, for your consideration, the following cases which, it is believed, would be common enough in practice, and to request that you will be good enough to explain in what way the department which is to have charge of the shipping and landing arrangements of the Port would deal with them :—

(1) What, for example, will be the effect of the new arrangement when a merchant has a chartered ship or steamer whose lay-days are just expiring, so that it is imperative to ship cargo as rapidly as possible to avoid going on demurrage? Under present arrangements the merchant would probably pay extra boat-hire to secure as many boats as possible and get the ship loaded before the lay-days run out. If he were compelled to get shipment effected through the proposed special department, he would probably be told that he could not have more than a fair proportion of the Port accommodation. He would be unable to offer any inducement to the boat-men and others concerned to exercise greater despatch, and he would be unable to prevent the ship going on demurrage. Here is a case where possibly the merchant could not establish a claim against the Government Department, but where undoubtedly he would incur loss which he could have avoided had trade been left to itself.

(2.) Or, again, take the case of a merchant who has sold produce in London for shipment by a certain date. The time is nearly run out before his ship comes in. Were it open to him to make his own arrangements he could probably get his produce shipped within the contract date. If he were only one of many shippers whose produce had been handed over to the special department proposed, very probably he could not complete shipment in time, and he might lose his market, or even have claims for damages brought against him.

(3.) Again, take the case of a merchant who has sold document bills for a certain mail date. His ship or steamer possibly arrives on the morning of the mail day. Were he left to himself he could most probably get his produce shipped and his documents ready in time, but a special department must follow its routine regulations, which means delay, or at least a want of special expedition, and it is just as likely as not that he would miss his mail which, with a rising exchange, means lose money. At any rate, he cannot by special personal exertion save his mail as he might under present circumstances.

Many similar cases of emergency could be cited to you, but the foregoing will suffice to show you the practical difficulties that occur to the Chamber, and in reference to shipping, I am only further to add that the Chamber will be much obliged if you will state in the closest detail the exact procedure, step by step, that will be followed from the time goods enter the gates of your palisade to the moment in which Mate's receipts are handed to the owner, and with whom the responsibilities attaching in the charge of goods during that period and their proper shipment in proper time will rest?

So far as landing is concerned, the Chamber feel that similar queries must be put to you. Will the power of selecting boats rest with steamer Agents? If so will not the discharge of the steamer and the landing of her cargo virtually rest with them as at present? In what way will your department interfere with the landing, and if not at all, on what grounds do you propose to make a profit for Government out of it?

If it is really your intention to relieve the Agents of ships and steamers from all the work and responsibility of landing, what assurance can you give the Chamber that the work will be more expeditiously done than is now the case with Government cargo, the discharge of which already rests with your department?

The Chamber approve of the arrangements you propose to make on the beach and the Custom-house buildings for the enclosure and protection of goods in course of shipment or landing, and they fully recognize the necessity of proper means of levying the Harbour dues on goods, but they so far fail to see the necessity for Government interference beyond the beach. I am desired by the Chamber to state that, in their opinion, it would be better to make your consolidated rate exclude the cost of boat-hire, the existing arrangements for the provision of which should not be interfered with.

Order—dated 7th August 1882, No. 677, Marine.

Transferred to the Public Works Department, with reference to G.O., No. 1382 W., dated 5th June 1882.

(Signed) C. G. MASTER,
Chief Secretary.

No. 192-A.

From R. J. MELVILLE, Esq., Collector of Sea Customs, to the Secretary to Government, Public Works Department, dated Madras, 16th August 1882, No. 2048.

I have the honor to reply to No. 563 E., dated 10th August 1882, Public Works Department, referring to me for an expression of my opinion a letter No. 6684, dated August 5th, from the Master Attandant, Administrative Department, together with a file of papers * connected with the subject under discussion, viz, the scheme for landing and shipping and levying dues for the Madras Harbour.

* Herewith returned.

2. In the letter of the Master Attendant a scheme is proposed in which, in deference to the rooted objections of the Chamber of Commerce to the whole business connected with the landing and shipping of goods being taken out of their hands, the action of Government is confined to providing shelter and guard for goods before being shipped and after being landed, and in the Act proposed to be passed to legalize the levy of a due for such service, the Master Attendant proposes to name a rate of one rupee. I would propose that as in the Pier Act no rate should be named, but that it should be left open to Government to fix the rate from time to time.

3. In paragraph 5 it is stated that the use of the Custom-house sheds is an "imperative necessity" "until private accommodation of sufficient capacity is provided." I have already in my letter No. 1212, dated May 11th, 1882, pointed out that half the sheds of the Custom-house could be spared for the shelter of free goods, but that the sheds must first be effectively separated from that part of the yard still required for dutiable goods.

4. The fees at present levied for godown rent, which I presume are those referred to by the Master Attendant as warehousing fees, vary in respect of different articles as shown in the accompanying list. These rates are not leviable for the first four days. The revenue derived from this source is shown under the head of Customs, and would not be available for any of the purposes suggested by the Master Attendant.

5. Whatever rate it may eventually be decided to levy in the proposed enclosure and sheds should be levied on goods in the Custom-house whether dutiable or free. The rate is a Harbour due and has nothing to do with Customs.

Enclosure.

RENTS FOR GODOWN RENT.

	Per Month. Rs.	A.	P.
Beer, whole pipes, butt, or puncheon	0	12	0
Do. half pipe or hogshead.	0	6	0
Do. quarter pipe	0	3	0
Large casks containing glass or earthen-ware	1	0	0
Tierce, do. do. or provisions	0	12	0
Large crates, 12 dozen bottles	0	6	0
Small do. 6 or 8 dozen, more or less.	0	4	0
Wines, butt or pipe	2	0	0
Do. half pipe or hogshead	1	0	0
Do. quarter pipe	0	8	0
Do. chests above 12 dozen size	0	8	0
Do. do. of 12 dozen or above 6 dozen.	0	6	0
Do. do. of 6 do. or 3 do.	0	3	0
Wines, quarter chest or 3 dozen	0	2	0
Do. all boxes under 3 dozen and above 1 dozen.	0	1	0
Do. one dozen boxes	0	0	9
Spirits, per pipe	2	0	0
Do. hogshead	1	0	0
Do. in bottle case of 1 dozen	0	1	0
Do. above 1 and under 3 dozen	0	1	6
Do. 3 dozen	0	2	0
Do about 3 and under 6 dozen	0	3	0
Do. 6 dozen	0	4	0
Do. for every dozen in excess of 6 dozen size	0	0	9

	Per Month. Rs.	A.	P.
British piece goods, per case above 12 dozen	0	8	0
Do. do. per case of 12 dozen or above 6 dozen	0	6	0
Do. do. per case of dozen or above 3 dozen	0	3	0
Do. do. 3 do. or less	0	2	0
Do. do. per bale of size of bale of Twist of 4 to 500 lbs.	0	6	0
Do. do. per bale of smaller size	0	4	0
Twist of all sorts, per bale of 4 or 500 lbs.	0	6	0
Do. do. do. of smaller size	0	4	0
Metals, per bazaar maund	0	0	6
Canvas, per bale	0	3	0
Silk, per bale	0	6	0
Silk piece goods, per case	0	6	0
Indigo, per chest	0	6	0
Opium	0	4	0
Cotton, Hemp, Jute and Safflower, per bale of 300 lbs.	2	8	0
Sugar, Rice, and Seeds, per 100 bazaar maunds	2	0	0
Cutch, per 100 bazaar maunds	0	4	0
Shell lac and lac dye, per chest	0	2	0
Vermillion, per box	0	3	0
Arsenic, do.	0	2	0
Brass leaf, per box	0	2	0
China paper, per case	0	3	0
China cases of Nankin, Cassia, Camphor, Silk, Aniseed, &c., per case	3	0	0
Ginger or Turmeric, per 100 bazaar maunds.	0	0	6
Betelnut, per bazaar maund	0	1	0
Cloves, do. do.	0	1	0
Coffee, Pepper, Cardamom, Cuminseed, Aniseed, in bags or bales, per bazaar maund	0	8	0
Sugar, spices or any other similar articles, per hogshead.	0	4	0
Do. do. do. do. do. per tierce	0	0	6
Sugar candy, per tub	0	2	0
Tea, per whole chest	0	1	0
Do. per smaller box	0	0	6
Paint, per keg of 56 lbs.	0	0	6
Salmon, Herrings, or other Fishes per keg	0	2	0
Turpentine, Linseed, or other vegetable oil, per jar.	0	1	0
All cordage, per cwt	0	1	0
Rosin or Dammer, per bazaar maund.	0	2	0
Tobacco, unmanufactured, per 1 maund bale	0	8	0
Gunnies, per large bale	0	6	0
Gunnies, per smaller bale	0	12	0
Cow Hides, per large bale	0	8	0
Do. do. per smaller bale	0	8	0
Goat skins, per bale	0	2	0
Quicksilver, per bazaar maund	0	0	6
Tin plates, per box	1	0	0
Bricks, per 1,000			

No. 192-B.

From the Collector of Sea Customs, Madras, dated 17th August 1882, No. 2050.

No. 193.

Order—dated 31st August 1882, No. 2241 W., Public Works.

In G.O., No. 1382 W., dated 5th June 1882, the preparation of a short Bill was directed to enable a consolidated charge of Rs. 2-2-0 per ton to be levied on all goods landed and shipped in the Madras Harbour.

2. The Master Attendant has now, after communication with the Advocate-General and the Chamber of Commerce, submitted proposals in modification of his original scheme, which contemplated the lading and landing of goods through the

agency of the Marine Department. It is now suggested, and in this the Chamber of Commerce are understood to concur, that the action of Government should be restricted to collecting the toll. A short Bill framed on this basis may now be drawn up for submission to the Legislative Council. No change would, it is stated, be needed in the Pier, Boat, and Marine Police Acts.

3. The suggestion of the Collector of Sea Customs, that the rate to be levied should not be specified in the Act, is approved, it being left open to Government to fix it from time to time as circumstances may require.

4. The arrangements in regard to the warehousing of goods at the Custom-house, the rate to be levied for such shelter, and the appropriation of the proceeds, have not been made clear to Government. Further information on these subjects should be submitted by the Collector of Sea Customs.

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Advocate-General.
" Master Attendant, Madras.
" Chairman of the Chamber of Commerce, Madras.
" Collector of Sea Customs, Madras.
" Chairman, Trades Association, Madras.
" Superintendent, Madras Harbour Works.
" Superintending Engineer, Fifth Circle,
" Marine, Revenue and Legislative Departments.

Exd. S. T. Austin.
Spare Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Gobt. of {1882} Madras.

PUBLIC WORKS.

Dated August, 31st.

Recd. *Encl.*

G.O., 31st Aug. 1882, No. 2241 W.

AUGUST.

Nos. 192-193.

Bill for the levy of Harbour Dues.

Directing the framing of a short — on the basis suggested by the Master Attendant, and calling for further information in connection with the arrangements in regard to the warehousing of goods at the Custom-house.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

No. 17.

READ—the following despatch from the Most Honorable the Secretary of State for India, to His Excellency the Right Honorable the Governor in Council, Fort St. George, dated India Office, London, 31st August 1882, No. 14, Public Works.

I have to acknowledge the receipt of your letter to this Department, No. 26/1499 W., dated the 16th June, in which, with reference to my Legislative Despatch, dated the 11th May, No. 1, you state that, having carefully weighed all that has been advanced in favor of the immediate creation of a Port Trust, you have arrived at the conclusion that, having reference to the incomplete state of the Madras Harbour, and to other circumstances, it would be premature to establish it at the present time.

2. You also explain that, as a preparatory measure, you have issued instructions for the immediate preparation of a short Bill, by which your Government would be enabled to carry out the recommendation of the Special Committee which was appointed to consider certain points connected with the management of the Harbour, to levy a consolidated charge of Rs. 2-2-0 per ton on all goods landed and shipped, which shall include the costs of custody and of transit to and from the Custom House.

3. I observe that you do not doubt the necessity of creating a Port Trust at an early period, and that you regard the measure now proposed as temporary and experimental, to enable you the better to form a judgment as to what the permanent arrangement should be.

4. On this understanding I approve your proceedings, and trust that no unnecessary delay will occur in coming to a conclusion in the matter.

No. 18.

ORDER—dated 3rd October 1882, No. 2569 W., Public Works.

Recorded.

(True Extract.)

(Signed) R. H. SANKEY, Col., R.E.,
Secretary to Govt., P.W.D.

To the Legislative Department.

Exd. S. T. Austin.
Spare Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of {1882} Madras.

PUBLIC WORKS.

Dated October, 3rd.

Recd. *Encl.*

G.O., 3rd Oct. 1882, No. 2569 W.

OCTOBER.

Nos. 17-18.

Port Trust, Madras Harbour.

Despatch from the Secretary of State for India approving the proceedings of this Government issuing instructions for the preparation of a short Bill preparatory to the creation of a —, for levying a consolidated charge of Rs. 2-2-0 per ton on all goods landed and shipped, recorded.

STATEMENT OF OBJECTS AND REASONS.

It being deemed desirable, in the advanced state of the Madras Harbour, to make definite arrangements for the collection of dues for covering, as far as possible, the interest to be paid on the capital outlay, and for meeting the current expenses for maintenance of the works, the question of creating a Port Trust was considered by Government. After a lengthened correspondence, in which the views of the Mercantile community and of Government officers were very fully elicited, it was deemed inexpedient to hand over the management of the Harbour in trust to an independent body pending its final completion, and while there existed no adequate guarantee of the probable ultimate cost of the works, or of a sufficient permanent income to meet the objects in view.

2. As, however, the Harbour has sufficiently advanced to be of considerable value to the trade of the port, it is necessary that *ad interim* arrangements should be made for the levy of dues, in consideration of the advantages and facilities which the Harbour in its present condition undoubtedly affords. It was at first held that the landing and lading of goods could best be managed through the agency of the Marine Department, but in deference to the expressed wishes of the Chamber of Commerce, it was subsequently decided that the action of Government might with advantage be restricted to the collection of a toll on all goods landed or shipped.

3. The present Bill accordingly provides for the levy, by an officer to be specially appointed by Government, of such toll as shall be fixed from time to time by notification in the Gazette, upon all goods landed from or shipped on board vessels within the Harbour limits.

4. The Bill neither cancels nor provides for any alteration of the existing Pier Act, Boat Act, or Marine Police Act.

OOTACAMUND,
October 1882.

H. E. SULLIVAN.

Government of Fort St. George.

LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

A Bill to provide for the levy of Harbour dues in the Harbour of Madras.

(Statement of Objects and Reasons.)

[Printed 26th October 1882.]

No. 7 OF 1882.

A

BILL

TO

Provide for the levy of Harbour Dues in the Harbour of Madras.

WHEREAS it is expedient to make rules and regulations for the levying of Harbour dues upon goods landed from, or shipped on board, vessels within the Port or Harbour of Madras; it is enacted as follows :— Preamble.

I. PRELIMINARY.

1. This Act may be called "The Madras Harbour Dues Act, 1882." Short title.

2. In this Act, unless there be something repugnant in the subject or context— Definitions.

(1) "Port" means the Port of Madras within such limits as may, from time to time, be defined by the Government for the purposes of this Act by notification in the *Fort St. George Gazette*, and until a notification is so issued within such limits as may have been defined by the Government under the provisions of Act XII of 1875 (The Indian Ports Act). Port.

(2) "Harbour" means the artificial Harbour at Madras and all the buildings, structures, moorings and appliances provided by the Government for the purposes of the said Harbour. Harbour.

(3) "Vessel" denotes anything made for the conveyance by water of human beings or property. Vessel.

(4) "Owner" when used in relation to goods includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading of such goods. Owner.

(5) The word "goods" includes wares and merchandise of every description.

Goods.

II. Of the Payment of Harbour Dues.

3. Harbour dues according to such rates as shall, from time to time, be settled or approved by the Governor of Fort St. George in Council, shall be levied upon all goods landed from, or shipped on board, vessels within the Port or Harbour of Madras. Such dues shall be payable in addition to all tolls and charges now lawfully levied within such Port or Harbour.

Levy of Harbour dues on goods.

Payment of such dues.

4. Such rates, when settled or approved of by the Governor in Council, shall be notified in the *Fort St. George Gazette* at least seven days before the date to be fixed in such notification for the payment thereof.

Rates to be notified.

5. The Governor in Council shall appoint an officer of Government to levy and receive all dues payable under this Act, and to pay the same into such treasury, and keep such accounts, as the Government may, from time to time, prescribe. The officer so appointed may, with the sanction of the Government, appoint such persons as he shall think fit to assist him in carrying out the provisions of this Act, all of whom shall wear a distinguishing badge of a kind to be prescribed by such officer.

Appointment of officers to levy and receive dues.

Power to make rules.

6. The Government may, from time to time, make rules—

(*a*) Appointing places where goods intended for shipment or landed from ships within the Port or Harbour of Madras are to be placed for the purpose of assessing the dues payable under this Act.

(*b*) Regulating the manner in which, and the time at which, and the person to whom, such dues shall be paid.

Such rules and any alteration or cancellation thereof shall be published in the *Fort St. George Gazette* and shall thereupon have the force of law.

7. The Governor in Council may also make rules fixing the rent to be paid for the use of the Customs godowns or other buildings belonging to the Government in which such goods may be stored or placed.

Power to make further rules fixing rent for the use of godowns.

8. It shall be lawful for the officer of Government appointed under this Act or any of his Assistants to detain any such goods until the lawful dues are paid, and in the event of such payment being refused or delayed for the space of one week if the owner or consignee of such goods shall be in Madras, or otherwise for the space of one calendar month, from the date on which such dues are payable, it shall be lawful for such officer of Government to sell or cause to be sold by public auction the said goods, and after paying the expenses of such detention and sale, and double the amount of the dues by way of a fine, to pay the surplus, if any, of the proceeds of the sale to the owner or consignee or other person entitled thereto.

Power to detain goods until the dues are paid.

Provided that if the goods are of a perishable nature the said officer of Government may sell the same or cause them to be sold at such earlier period, being not less than 24 hours after the landing of the goods, as he shall think fit.

Proviso.

III. Penalties.

9. Every person, other than the persons appointed under this Act, who shall demand or levy any dues, and every person who shall knowingly and unlawfully demand or take any other or higher dues than the dues payable under this Act, or under color of this Act seize, detain, or sell any property, knowing such seizure, detention, or sale to be unlawful, or who shall in any manner extort money or any valuable thing from any person under color of this Act, shall be deemed to have committed the offence of cheating as defined in the Indian Penal Code, and shall be liable to the punishment therein provided.

Penalty for demanding extra dues.

10. Whoever removes, or attempts to remove, or abets, within the meaning of the Indian Penal Code, the removal

Penalty for removing goods without payment of dues.

of any goods with the intention of evading payment of any dues payable under this Act, and whoever infringes or acts in contravention of any rule made under Section six, shall, on conviction, be punishable with fine which may extend to one hundred rupees, or in default of payment to simple or rigorous imprisonment as defined in the Indian Penal Code, which may extend to two months.

Cognizance of offences.

11. All offences against this Act shall be cognisable by a Presidency Magistrate.

Government of Fort St. George.

LEGISLATIVE DEPARTMENT.

A

BILL

TO

Provide for the levy of Harbour dues in the Harbour of Madras.

(THE HON'BLE H. E. SULLIVAN.)

Introduced November 1882.

[Printed 26th October 1882.]

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper:—

From the Hon. P. O'SULLIVAN, Advocate-General, to the Chief Secretary to Government, dated Madras, 19th September 1882.

With reference to the Orders of Government, dated the 5th June 1882, No. 1382-W., and 31st August 1882, No. 2241, Public Works, I have the honor to forward herewith a draft Bill to provide for the levy of Harbour dues upon goods landed or shipped from the Harbour of Madras.

2. In preparing the Bill I have reproduced most of the provisions contained in Madras Act V of 1863 for the levy of tolls at the Madras Pier. As the contemplated Act is not likely to remain in force for any considerable time, I have thought it advisable to submit a short Bill, and not to introduce any provision which did not appear to be necessary, in order to give effect to the direction of the Government contained in G.O., 31st August 1882, No. 2241-W., Public Works.

No. 992.

Transferred to the Public Works Department.

OOTACAMUND,
22*nd September* 1882.

(Signed) C. G. MASTER,
Chief Secretary.

No. 841-E.

Approved and transferred to the Legislative Department for disposal.

OOTACAMUND,
5*th October* 1882.

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Joint Secy. to Govt., P.W.D.

No. 1066.

MEMORANDUM.

The Department of Public Works is requested to prepare a draft Statement of Objects and Reasons, to be appended to the Harbour Dues Bill, approved by endorsement in that department, No. 841-E., dated 5th October.

OOTACAMUND,
6*th October* 1882.

(Signed) G. S. FORBES,
Acting Under Secretary.

No. 896-E.

Papers retransferred to the Legislative Department with a Statement of Objects and Reasons.

OOTACAMUND,
14*th October* 1882.

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Ag. Secy. to Govt., P.W.D.

ORDER—dated 19th October 1882, No. 109, Legislative.

The Right Honorable the Governor in Council approves the draft Bill to provide for the levy of Harbour dues in the Harbour of Madras, together with the Statement of Objects and Reasons.

2. The Right Honorable the Governor directs its publication in the *Fort St. George Gazette* under Rule 25 of the Rules for the conduct of business in the Local Council for making Laws and Regulations.

3. The Hon. H. E. Sullivan will be requested to take charge of the Bill.

(True Extract.)

For Acting Under Secretary.

To the Public Works Department,
" Marine Department,
" Hon. H. E. Sullivan,
} with draft Bill and Statement of Objects and Reasons.

Exd. A. F. Goodall.

A. Do 1382 R. 5-6-82.
" " 2241 R. 31-8-"

Mc No 7353

Govt. of [1882] Madras.

LEGISLATIVE.

No 2956 Wdt 9 Nov/82

Recorded

30.10.82

6-11-82.

Issued

Recd. 24/10/82 *Encl.* 2

G.O., 19th October 1882, No. 109.

OCTOBER.

3

Madras Harbour Dues Bill.

Approving the draft Bill to provide for the levy of Harbour dues in the Harbour of Madras, and directing its publication in the *Fort St. George Gazette*.

Leave
9/11

Suspd Rules & Orders

No 2956 Wdt 9.11.82

Suspd. in Receipt Regr.

only 31/10 Rs 2/11.

Jay 11/11

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—again G.O., dated 7th August 1882, No. 252, Marine.

READ—also the following paper :—

From R. J. MELVILLE, Esq., Collector of Sea Customs, J. H. TAYLOR, Esq., Lieut., R.N.R., Master Attendant, Madras, and the Hon. A. MACKENZIE, the Committee appointed under G.O., dated 7th August 1882, No. 252, Marine, to the Chief Secretary to Government, dated Madras, 8th September 1882, No. 2268.

As directed in G.O., No. 252, Marine, of 7th August 1882, we have inquired into the arrangements for clearing vessels outwards from the Ports of Calcutta, Bombay, and Madras, and we beg to report as follows.

2. The regulations for granting port-clearances to ships or steamers are prescribed by legislative enactment, and are not left to the individual judgment of the Heads of the Customs or Marine Departments. It would therefore appear at first sight that the practice at all Indian ports should be the same, for no divergence from the regulations prescribed by law should be possible.

3. In practice, however, it is often found that a too literal interpretation of the words of a legislative enactment would occasionally be productive of inconvenience; and for this reason both Marine and Customs Departments always endeavour to put as lenient a construction as possible on such words, where the interests or the convenience of the parties interested in the shipping trade of the country may reasonably require that the Act shall not be too rigidly construed.

4. Craft clearing outwards from Indian ports may be divided into two broad classes; first, those bound direct for foreign ports; second, those bound for Indian ports and chiefly engaged in coasting trade.

5. To the former class the provisions of the Merchant Shipping Act and Indian Ports Act are applicable.

6. The second class comes also under the provisions of the Native Passenger Ships Act in addition to the foregoing Acts.

7. The regulations for the final clearance of ships under the first two Acts are comparatively simple. Beyond the ordinary Board of Trade certificate of sea worthiness, &c., it is only necessary that the master shall have a certificate that the vessel has her full complement of officers and crew; and, if any seamen are left behind from sickness or other causes, that all the regulations of the Act as regards their support in hospital, wages, &c., have been duly complied with.

8. The Collector of Sea Customs is prohibited from granting a port-clearance until both these certificates have been produced; but in cases where the master has reasonable ground for requesting his port-clearance before he is actually ready for sea, it is usual to grant him such port-clearance on a letter of guarantee from his agents that they will be responsible, after the vessel's departure, for any claims fairly chargeable against her under the Merchant Shipping Act and Indian Ports Act.

9. No difficulty is ever raised in Madras about granting port-clearances under such conditions; and so far as our individual experience extends, and as the departmental records of the Custom House and Master Attendant's offices go to show, complaints by the masters or agents of vessels of the class under consideration are of very rare occurrence.

10. With regard to vessels bound for Indian ports, or engaged in the coasting trade, the case is entirely different. The majority of such vessels carry native passengers and are subject to the provisions of the Native Passenger Ships Act. Section 9 of that Act provides that in addition to the ordinary certificate from the Board of Trade therein called "Certificate A" a certificate styled "Certificate B" giving the particulars stated in the margin shall be produced by the master when he applies for his port-clearance. It is manifest that the officer whose duty it is to grant this latter certificate cannot certify that the prescribed formalities have been complied with until the vessel is on the point of departure. It is impossible that he can know the number of native passengers until the master has mustered, and furnished to the officer granting Certificate B, the number and sex of the passengers actually on board; or that he can certify that the requisite quantity of food, water, &c., is on board until he knows how many passengers are to be provided for. As the Collector of Customs is *distinctly prohibited by the Act from granting a port-clearance until that Certificate B is produced*, it is manifest that, except by an infringement of the Act, either by the Customs Department or by the Master Attendant's Department, the port-clearance cannot be granted until the vessel is actually ready to proceed to sea.

Vide Section 11 of Act VIII of 1876. Extract attached; also copy of Certificate B.

11. We have then to consider the statements embodied in the papers submitted for our information, viz., that in Bombay and Calcutta port-clearances are habitually granted, to both classes of vessels, at periods which it is stated vary from one to two or three days prior to sailing.

12. We notice that special reference is made by the Managing Agents of the British India Steam Navigation Company at Bombay and Calcutta to the point that all cargo for which export passes have been granted prior to grant of port-clearance is permitted to be taken on board after the date of granting such port-clearance. This does not seem to us to be the real question at issue. In Madras no objection is made, as regards the first class of vessels we have mentioned, to the shipment, after the grant of port-clearance, of any cargo for which export passes have been previously taken out, and practically no objection would be made to similar shipment in the case of the second class of vessels. The real difficulty and original cause of the present reference to us lies in the impossibility of granting Certificate B as required by Section 9 of the Native Passenger Act, until the ship is ready for sea, and there is no possibility of any further number of native passengers being taken on board.

13. We would remind the Government that the establishments of the port of Madras differ considerably from those of Bombay and Calcutta where there is a large staff of preventive service officers at the disposal of the Customs authorities, which staff can be employed for purposes of "surveillance" whenever occasion arises for a relaxation of the strict letter of the Act which the Customs authorities have to follow. The Collector of Customs is enabled to delegate to the preventive officer detailed for the purpose a certain amount of authority or responsibility, and he can, in cases of emergency, or to suit private convenience, somewhat relax the strict rule under which alone he is entitled to grant port-clearances, with every confidence that the preventive officer will check any attempt to take advantage of his leniency. For example, where a master wishes to get a port-clearance the day before he expects to sail, the inspection necessary before granting Certificate B can be made, and that document can be granted with every confidence that the preventive officer on board will not permit any more passengers to be shipped before the vessel sails. In Madras no preventive service of this kind is at the Collector's disposal; and he could have no confidence or assurance, if Certificate B should be granted the day prior to the departure of the vessel, that the particulars set forth in it may not prove by the time of such departure to be entirely at variance with the actual circumstances.

14. We will only remark further that, so far as our inquiries have informed us, no inconvenience is experienced and no complaints are made in the port of Madras as to the working of the present Act, as applied and construed by the Master Attendant and Customs Department, by consignees of steamers other than the British India Steam Navigation Company's Line. It is, however, only just to that line to say that it has almost a monopoly of the coasting trade, and its agents are of course more liable to feel any inconveniences of the Act as applied in a port of call like Madras, where a ship's work has of necessity to be done under circumstances very different from those of a terminal port.

15. The result of our inquiries leads us to report as follows.

16. The inconveniences complained of are due not to any departmental regulations, but to the provisions of the legislature. So long as those provisions remain unaltered, it is not in the power of the departments concerned to altogether obviate such inconveniences.

17. It does not appear to us that sufficient cause has been shown for alteration of the existing legislative provisions for the granting of port-clearances. The inconvenience complained of appears to be of limited, if not altogether private, incidence; and by no means generally experienced or to the prejudice of public interests.

18. We do not know whether proposals for alteration of the existing Acts would be admitted by the Supreme Legislative Authorities, but if Government should be of opinion that application for such alteration would be taken into consideration, we would suggest that in that event the Chamber of Commerce should be invited to suggest such modification of the existing law for facilitating the grant of port-clearances as the experience of its members may dictate, with due regard to the observance of those precautions which the experience of many years has proved to be necessary for securing the safety of ships and their cargo and passengers.

—

ENCLOSURES.

Certificate B under Act VIII of 1876.

I, , duly appointed and authorized to grant certificates under Section 11 of Act VIII of 1876 (The Native Passenger Ships Act, 1876), do hereby certify that the Steamship , being a Native Passenger Ship within the meaning of Act VIII of 1876 and having on board ,

* Men .. ..
Women .. ..
Children .. .. ..
Equal to .. Adults.

Native* passengers, lists of whose number and sex have been furnished by the master of the said ship, and ready to proceed on a voyage to the intermediate ports at which she is intended to touch being has the proper complement of officers and seamen; that she has sufficient cooking accommodation on board; that the provisions, fuel, and pure water, over and above what is necessary for the crew, and the other things prescribed for such ships by the Rules under Section 46 of the said Act, have been placed on board, are of good quality and properly packed, and are sufficient to supply the said number of passengers, according to the scale for the time being fixed by the said rules; and that the said provisions, fuel, water and other things as aforesaid, are sufficient for days, the declared duration of the said voyage, that is to say, water and fuel sufficient for the whole number , and provisions sufficient for , the remaining finding their own provisions.

2. I also certify that the master of the said ship holds Certificate A, as required by Section 10, (or as required by Section 13 of the Act); and that there is no cargo on board which, from its quality, quantity or mode of stowage, is likely to prejudice the health or safety of the said passengers.

3. I do further certify that the full space required by the said Act has been appropriated to the said passengers in the between-decks of the said ship, viz.,
and also that a space of
on the upper-deck for each such passenger, as required for the said number of passengers by the Act, has been left clear.

4. I do further certify that the said ship has on board four efficient life-buoys with a sufficiency of lines attached thereto.

5.* I do further certify that the said ship is furnished with substantial bulwarks† and a double awning, which, I am of opinion, will afford sufficient protection to the upper-deck passengers against the inclemency of the weather.

Dated at Madras this day of 187 .

Deputy Master Attendant.

N.B.—Not permitted to carry any cargo or merchandize on the upper-deck when the proportion of between-deck passengers on board is in excess of the proportion of one passenger to every five tons of her registered gross tonnage, or when carrying on her upper-deck a greater number of passengers than in the proportion of one passenger to every twenty tons of her gross registered tonnage.

Section 11, *Contents of Certificate B.*

(*a*) the voyage which the ship is intended to make, and the intermediate ports (if any) at which she is intended to touch;
(*b*) that she has the proper complement of officers and seamen;
(*c*) that provisions, fuel, and pure water, over and above what is necessary for the crew, and the other things (if any) prescribed for the ship by rule under Section forty-six, have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section;
(*d*) that the master holds Certificate A;
(*e*) if she is intended to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she isfurnished with substantial bulwarks and a double awning or other sufficient protection against the weather;
(*f*) such other particulars (if any) as may for the time being be required for such ships under this Act.

ORDER—dated 18th November 1882, No. 463, Marine.

The foregoing report of the Committee appointed under G.O., 7th August 1882, No. 252, contrasts the system prevailing in the port of Madras in regard to the clearing of vessels outwards with that obtaining in the ports of Calcutta and Bombay.

2. The variations in practice are shown to be due to the differences in the condition of the port at Madras, and as the question seems to be largely mixed up with the cognate questions of night-work and over-time and Sunday work which, in the present circumstances of the Harbour and in the interests of the trade, might be advantageously reconsidered, the Government resolve to request that the gentlemen marginally named will be good enough to form a Committee to consider the report read above in relation to the points indicated in its 18th paragraph, as well as the further questions already enumerated. In connection with the latter, the correspondence marginally noted, relating to a complaint from the Chamber about shipping after hours, will be furnished to the Committee.

The Collector of Madras, Chairman.
The Superintending Engineer, Presidency Circle.
The Master Attendant.
The Harbour Works Engineer.
Three Members of the Chamber of Commerce to be selected by the Chamber, and whose names will be reported to Government by the Chairman, but no firm to have more than one representative.
Mr. Orr, Chairman of the Trades Association.
Mr. Oakes, Member of do.
The Government Solicitor.

From Collector, Sea Customs, and Master Attendant, dated 2nd October 1882, No. 2459.
From Collector, Sea Customs, dated 3rd October 1882, No. 2475.

(True Extract.)

Chief Secretary.

To the Collector of Madras, with two original letters.
" Superintending Engineer, Presidency Circle.
" Master Attendant, Madras.
" Harbour Works Engineer.
" Chairman, Chamber of Commerce.
" Chairman of the Trades Association.
To W. H. Oakes, Esq., Member of Trades Association.
" the Government Solicitor.

Copy to the Public Works Department.

Exd. J. Wright and A. F. Goodall.

* This paragraph is to be inserted only if the ship is intended to make a short voyage in a season of foul weather and to carry upper-deck passengers.
† "Substantial bulwarks" means a reasonably stout screen, such as shall take off a blow of the sea, but not a canvas screen.

M C № 8370

№ 3247 w of 8 Dec/82

B

Recorded.

7.12.82

8/12/82

Govt. of {1882} Madras.

MARINE.

Issued

Recd. 7/12/82 *Encl.* 8.1.C

G.O., 18th November 1882, No. 463.

NOVEMBER.

№ 3247 w of 8 Dec/82

Port Clearances.

Passing orders on letter from the Committee appointed under G.O., No. 252 of 1882, reporting on the question at issue regarding the system of granting — before a vessel is ready for sea.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper :—

Telegram from the Secretary to the Government of India, Legislative Department, Calcutta, to the Under Secretary to Government, Legislative Department, Madras, dated 30th December 1882.

Viceroy assented to Madras Harbour Dues Act on twenty-sixth instant. Letter with remarks follows.

ORDER—dated 30th December 1882, No. 163, Legislative.

A copy of "the Madras Harbour Dues Act, 1882," assented to by the Governor-General will be published in the *Fort St. George Gazette*.

2. The assent of the Governor-General to this Act will be communicated to the Council for making Laws and Regulations, as prescribed by Rule 39 of the Council Rules.

3. The necessary steps will be taken in the Marine Department for bringing the Act into operation.

(True Extract.)

G. S. FORBES,
Under Secretary to Govt.

To the Marine Department.

Exd. W. J. Lewis.

Govt. of {1882} Madras.

LEGISLATIVE.

Issued

Recd. *Encl.*

G.O., 30th December 1882, No. 163.

DECEMBER.

No. 144 w d/. 15th January/83
Communicated to
the Supt. Madras Harbour
works.
S/. C. C. R.
N.S.

To
The Supt. Mr. H. works.

Madras Harbour Dues Act.

Passing the necessary orders consequent on this Act having been assented to by His Excellency the Governor-General.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper :—

From D. FITZPATRICK, Esq., Secretary to the Government of India, Legislative Department, to the Secretary to the Government of Madras, Legislative Department, dated Fort William, 9th January 1883, No. 74.

I am directed to acknowledge the receipt of your letter, No. 144, dated the 4th December 1882, and, in reply, to return, herewith, with the assent of His Excellency the Viceroy and Governor-General of India signified thereon, an authentic copy of the Act passed by the Madras Legislative Council to provide for the levy of harbour dues in the harbour of Madras.

2. I am at the same time desired to observe that, as a matter of principle, the Governor-General in Council would have preferred that the maxima rates of dues to be levied should have been indicated in a schedule, instead of being left, under Section 3 of the Act, entirely to the discretion of the Executive Government.

As it appears from the third paragraph of your letter, No. 115, dated 30th October 1882, that the Act now passed is only of a temporary nature and that another Bill will probably have to be passed on the creating of a Harbour Trust, I am to invite the attention of the Madras Government to this point, in order that it may be taken into consideration when the Bill is again before the Legislative Council.

ORDER—dated 23rd January 1883, No. 18, Legislative.

Recorded with reference to G.O., Legislative, No. 163, dated 30th December 1882.

(True Extract.)

G. S. FORBES,
Under Secretary.

To the Advocate-General.
„ Marine Department.
„ Public Works Department.

Exd. J. Wright.

P Wdpts

Govt. of {1883} Madras.

LEGISLATIVE.

Issued.

Recd. *Encl.*

G.O., 23rd January 1883, No. 18.

JANUARY.

No 322 Wdy 30 Jany 83

Recorded in continuation of G.O 144 Wdy 13th Jany 83

pdy JT 8/2.

Madras Harbour Dues Act VI of 1882.

Recording letter of the Government of India, Legislative Department, returning, with remarks, the authentic copy of this Act duly assented to by His Excellency the Governor-General.

To

The Supdt, Madras Harbour Works.

1st February 1883, No. 69, Marine.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

Read—the following papers :—

G.O., dated 30th December 1882, No. 163, Legislative.

Abstract.—*Madras Harbour Dues Act.*—Passing the necessary orders consequent on this Act having been assented to by His Excellency the Governor-General.

G.O., dated 23rd January 1883, No. 18, Legislative.

Abstract.—*Madras Harbour Dues Act VI of* 1882.—Recording letter of the Government of India, Legislative Department, returning, with remarks, the authentic copy of this Act duly assented to by His Excellency the Governor-General.

From J. H. TAYLOR, Esq., Lieut., R.N.R., Master Attendant, Madras, to the Secretary to Government, Public Works Department, dated Madras, 6th January 1883, No. 49.

Administrative Department.

The Harbour Bill having received the sanction of the Governor-General in Council, it becomes necessary that no loss of time be incurred in composing the Harbour Board, and delegating to it the duty of considering the rate of future dues, and the method of collecting them before the Notification required by law in the *Fort St. George Gazette* brings the Bill into operation, for under its provisions no Pier dues are leviable under the present Pier Act.

2. The method pursued in Calcutta and Bombay, where the dues on goods landed and shipped are levied under Port Trusts, is to defray all the expenses of establishment on the Government Departmental scale, out of dues on shipping, and the Port Officer after arranging this hands over the balance to the Port Commissioners for the benefit of the port. This balance during the past year has amounted to nearly half a lakh of rupees.

3. The Board should be required to arrange that all expenses provided for, a sum of not less than a rupee a ton be set aside for interest of the money expended by Government in the construction of the Harbour up to this period. It may be after a year's experience the rates may be reduced, but the information I am able to obtain does not warrant me in placing the trade at more than (250,000) two hundred and fifty thousand tons, while a sum of (3) three lakhs will be required.

4. The first subject of the Board's attention should be boat-hire, as by that, which is the chief saving effected by the Harbour, the other dues may be regulated.

5. Then the pier and its charges, the present amount being an excellent basis.

6. The Custom House godowns, and the charges on porterage in connection with them, and the revenue they produce to Government and how the separation of interests can be best effected.

7. Then the beach arrangements for levy of dues and establishment.

8. The Police in which large saving may be effected without impairing the efficiency.

9. As I have previously pointed out in various Committees, if the object to be gained is the proper position of the port in the eyes of its rivals in business, a concentration of interests and a consolidation of fees would enable the money required to be raised without any additional burthen on the trade of the port. To avoid as carefully as possible any infringement of legal or vested interests will be the only difficulty before the Board.

10. I would recommend that the Chamber be asked if it adheres to the selection of the three gentlemen on the recent Committee, Mr. Ainslie, Mr. Strange, and Mr. Turnbull.

11. The representatives of the Trade Association are the best, Mr. Orr being Chairman of the body.

12. I would have gladly recommended some native merchant for the approval of Government as a member, but I cannot find one who is independent and possesses the knowledge of English and technical experience required. Mr. Mahomed Abdool Bacha Saib would meet these requirements, but he is already a member of the Chamber of Commerce, and has not been selected by it, while it is strongly enough represented.

From J. H. TAYLOR, Esq., Lieut., R.N.R., Master Attendant, Madras, to the Secretary to Government, Public Works Department, dated Madras, 8th January 1883, No. 56.

Administrative Department.

I have the honor to forward a revised scheme for the Marine Police of this port. It is desirable in every way that the expense of the port should be consolidated, and a large measure of economy can be effected in this branch. In the first place, I think it only right to observe that I have no fault to find with the present Police, on the contrary their duties are well and carefully carried out as designed in the Act. But I think the time has come, when, owing to changes in the Harbour and shorter service of boats, a total reconstruction of the Harbour Police, on a more economical footing, is desirable. I hold the strongest opinions that, though a Port Trust is inopportune, yet that the state of affairs allow of the duties of the port being carried out as nearly on the lines of a Port Trust as circumstances admit, and that the port should be self-supporting, while at the same time contributing a fair sum towards the interest of the money advanced by Government for the artificial Harbour. The Police at present, in addition to the sum of three annas a trip levied on the boatowner, costs Government a large annual sum, which it is desirable to relieve.

2. I do not now consider that a constable is necessary for every boat; ships lie so close in, and the boats are under convenient supervision from ship and shore; peculation as it used to be conducted from and to the roads is almost impossible. I would therefore do away with the present large staff of constables, and place a small force under the control of the Executive Officers of the port, the members of the force being Europeans or East Indians, respectable men, who can read and write, and one such officer at least be sent on board each ship on arrival, and relieved once during the day. He could generally give attention to the loading of the boats and conduct of the boatman, which requires restraint and strong measures of repression to prevent the crowding and inconvenience they occasion on board on a vessel's arrival. The tindals of each boat could be required to draw the officer's attention to any damaged package placed in their boats, and he could be furnished with a book with counterfoil leaves, and give a leaf to each tindal in cargo boat, detailing such damage, to be delivered up to the officers on the beach, where similar supervision would be held. All reports to be made to the Executive Officers as soon as possible.

3. As dues will in future be levied on the beach as well as the pier, these officers would be of great assistance, and in each of the sheds it is intended to erect on the beach an office could be arranged where all the necessary detail could be carried out. Vessels in the outer roads which generally bring coarse goods, coals, &c., would not require Police attention except on rare occasions. My object now is merely to lay down a general principle, and if it meets approval of Government, the elaboration of the scheme would be easily carried out in consultation with the Harbour Committee, aided by the local advice of the Executive.

4. The value of the services of respectable officers on board vessels cannot, I believe, be overrated. While a small body of constables on general duty would be retained, and on emergent occasions one of them could be available for separate boat service, one Police boat would be employed patrolling the Harbour throughout the day with an officer or two on board, and could be readily summoned by any vessel. I calculate roughly that less than one anna a ton would be the cost of this service, to be included in the consolidated rate.

No. 91-C.

Endorsement on the above two papers.

Transferred to the Marine Department for disposal at an early date.

(By Order.)

(Signed) R. H. SANKEY, Col., R.E.,
Secy. to Govt., P.W.D.

Madras,
11*th January* 1883.

Order—dated 1st February 1883, No. 69, Marine.

Previous to bringing the Harbour Dues Act, 1882, into force, the Government resolve to request the gentlemen now sitting in Committee* to be good enough to take into their consideration the matters enumerated by the Master Attendant in his letters of the 6th and 8th January, Nos. 49 and 56, and to favor the Government with their views thereon, arranged according as the subject falls under Sections 3, 5, and 6, respectively of the Act.

* G.O., 18th November 1882, No. 463.

2. In connection with Captain Taylor's proposal in the second of his letters to reduce the present Marine Police Force to a very appreciable extent, it seems desirable that the Commissioner of Police should be associated with the Committee in the matter. Colonel Drever is accordingly requested to join the Committee.

(True Extract.)

Chief Secretary.

To the Collector of Sea Customs, as Chairman of the Committee appointed under G.O., dated 18th November 1882, No. 463.

" Master Attendant, Madras.
" Public Works Department.
" Commissioner of Police.

Exd. J. Wright.

No 412 W of 6-2-83

Communicated to the Supdg. Engr. Light Circle and the Supdt Madras Harbour works. Members of the Committee appointed in G.O. 463 of 18 2 read (marine)

5/2

P.W.C. No 1858

Govt. of {1883} Madras.

MARINE.

Issued

Recd. 5/2

Encl. 8 S C

G.O., 1st February 1883, No. 69.

FEBRUARY.

S C

B. No 412 W of 6-2-83

Harbour Dues Act, 1882.

Referring, for consideration, to the Committee appointed under G.O., No. 463 of 1882, previous to bringing the — into force, certain matters brought to notice by the Master Attendant, and requesting Colonel Drever to join the Committee.

4TH JULY 1883, No. 1855 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

READ—the following :—

Report of Committee appointed in G.O., No. 1259 W., dated 30th April 1883, to consider the best means for giving effect to the proposals made for the completion of the Madras Harbour, dated 20th June 1883.

ORDER—dated 4th July 1883, No. 1855 W., Public Works.

The Committee appointed in G.O., No. 1259 W., dated 30th April 1883, to consider the question of the restoration of the Madras Harbour Works, having now submitted their Report, the papers will be forwarded for the orders of the Government of India, and copies furnished for the information of the Secretary of State.

(Here enter No. 1856 W., dated 4th July 1883.)

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Superintendent, Madras Harbour Works.
" Marine Department.
" Master Attendant.
" Examiner, Public Works Accounts.

Exd. A. F. Goodall.
Spare Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of {1883} Madras.

PUBLIC WORKS.

Dated July, 4th.

Recd. *Encl.*

G.O., 4th July 1883, No. 1855 W.

JULY.

Madras Harbour Works

Report of the Committee appointed to consider the question of the restoration of the —, ordered to be forwarded for the information of the Government of India and the Secretary of State.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

LETTER—from

COLONEL R. H. SANKEY, C.B., R.E.,

Secretary to the Government of Madras,

Public Works Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

PUBLIC WORKS DEPARTMENT.

SIR,

With reference to Despatch No. 10, Public Works, dated 8th March 1883, from the Right Honorable the Secretary of State, on which this Government was desired to consider the recommendations of Sir John Hawkshaw's Committee on the Madras Harbour, dated 23rd January 1883, "in view to assisting the Government of India to arrive at a decision upon the course which it will be most desirable to follow in reference to the work of restoration," I am now directed by His Excellency the Governor in Council to submit the annexed report of a Committee which was lately assembled at Madras to frame the needful estimates, and to consider the question of restoration in all its bearings.

2. In the first place, as regards the estimated cost of the works, this Committee, on a close review of the rates of work, time required for execution, &c., find that to restore the breakwaters on the plan most favored by Sir John Hawkshaw's Committee (*i.e.*, as per Sections Nos. 1, 2, and 3 of their report) would be as follows, viz. :—

	RS.
(1) While retaining the present Harbour entrance	50,93,980
(2) While reducing the entrance to 450 feet	51,85,580

The latter sum compares directly with the Home Committee's Estimate No. 1, amounting to £479,219-15-2.

3. As will be observed, the Madras Committee have shown by the highest nautical opinion that it would be dangerous to decrease in any way the width of the present eastern entrance, and that so long as this latter is left open the Harbour must remain exposed, as at present, to continued disturbance, as well as being a perpetual source of the gravest anxiety to all concerned during cyclone periods.

4. They further show that, while carrying out for the seaward arms the random block method of reconstruction, which is stated to be "a safe system to follow" by Sir John Hawkshaw's Committee, the objectionable eastern entrance may be closed, and a perfectly still-water Harbour created, at a total outlay of Rs. 51,42,626, or for Rs. 42,954 less than that needed for reconstructing the works in the manner most approved by the Home Committee.

5. The incidental advantages of the plan suggested (see paragraphs 46 to 54 of the present Committee's Report) are so marked that His Excellency in Council trusts they may be fully weighed in arriving at a conclusion in regard to the completion of this great work.

6. Not only would the Harbour enjoy complete immunity from disturbance during ordinary weather, thus facilitating in every way all the trade operations of the port, but what is of the highest moment, no ships need be sent to sea on the commence-

ment of a storm. It is impossible, in the opinion of this Government, to lay too great stress on this single fact, or to doubt the soundness of the reasoning on which it has been established.

7. Not only, moreover, could the Harbour, under the altered conditions, be dredged out and its area increased to any required extent, but, as observed by the Committee, it might, by a suitable system of defences, form a complete Harbour of refuge in times of war.

8. As regards the resumption of the works, I am now to submit that every day's delay is adding to the cost of establishment, and continues the disadvantages under which the trade of the port has been suffering since the cyclone of the 12th November 1881.

9. Everything is in readiness for pushing on operations, excepting the needful machinery for placing the blocks in the manner now recommended, and as regards which it is probable that Mr. Parkes's services might at once be availed of.

10. So soon as the duty of providing this machinery has been performed by Mr. Parkes, it is thought that his further connection with the work should cease; indeed, His Excellency in Council would be well pleased if his services in the position of Engineer-in-Chief for the work could even now be dispensed with. His original plans for the Harbour Works have had to be abandoned as proving unsound in practice, and he no longer commands the confidence of this Government as its professional adviser.

11. On the other hand, the present Superintendent of the work, Mr. Thorowgood, by his assiduity, intelligence, and the soundness of his professional views, has established for himself a confidence which is shared alike by the Government and the public. Were he constituted Engineer-in-Chief, not only would Mr. Parkes's salary be saved, but the very serious inconveniences of his absence in London and divided control would be at once put an end to.

Soliciting very early orders,

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

FORT ST. GEORGE,
4th July 1883.

Exd. A. F. Goodall.
Spare Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of {1883} Madras.

PUBLIC WORKS.

Dated July, 4th.

Recd. *Encl.*

4th July 1883, No. 1856 W.

JULY.

Madras Harbour Works

FORWARDING Report of the Committee appointed to consider the question of the reconstruction of the —.

23RD JUNE 1883, No. 330, MARINE.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—again the following papers:—

G.O., dated 30th December 1882, No. 163, Legislative.

ABSTRACT.—*Madras Harbour Dues Act.*—Passing the necessary orders consequent on this Act having been assented to by His Excellency the Governor-General.

G.O., dated 23rd January 1883, No. 18, Legislative.

ABSTRACT.—*Madras Harbour Dues Act VI of* 1882.—Recording letter of the Government of India, Legislative Department, returning, with remarks, the authentic copy of this Act duly assented to by His Excellency the Governor-General.

G.O., dated 1st February 1883, No. 69, Marine.

ABSTRACT.—*Harbour Dues Act*, 1882.—Referring, for consideration, to the Committee appointed under G.O., No. 463 of 1882, previous to bringing this Act into force, certain matters brought to notice by the Master Attendant, and requesting Colonel Drever to join the Committee.

ORDER—dated 23rd June 1883, No. 330, Marine.

Ordered, with reference to paragraph 3 of the first Government Order read above, that the following Notification be published in the *Fort St. George Gazette*:—

NOTIFICATION.

"Under the provisions of Act No. VI of 1882, Madras, 'The Madras Harbour Dues Act, 1882,' the Right Honorable the Governor in Council hereby directs that the said Act shall take effect in the Port of Madras from and after the 1st July 1883."

(True Extract.)

C. G. MASTER,
Chief Secretary.

To the Collector of Sea Customs.
" Master Attendant.
" Public Works Department.
" Commissioner of Police.

Exd. T. O'Connor.

Govt. of {1883} Madras.

MARINE.

Issued

Recd. *Encl.*

G.O., 23rd June 1883, No. 330.

JUNE.

Madras Harbour Dues Act, 1882.

Directing that the — shall take effect in the Port of Madras from and after the 1st July 1883.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—again G.O., dated 23rd June 1883, No. 330, Marine.

ORDER—dated 26th June 1883, No. 337-A, Marine.

Ordered that the following be published in the *Fort St. George Gazette* :—

NOTIFICATION.

So much of Marine Notification dated 23rd June instant as fixes 1st July as date from and after which the Harbour Dues Act would take effect is cancelled. A further notice will issue hereafter.

(True Extract.)

C. G. MASTER,
Chief Secretary.

To the Collector of Sea Customs.
" Master Attendant, Madras.
" Public Works Department.
" Commissioner of Police.

Exd. J. W. Fischer.

Govt. of {1883} Madras.

MARINE.

Issued

Recd. *Encl.*

G.O., 26th June 1883, No. 337-A.

No. 1954 Marf. 12 July/83

JUNE.

Communicated
Dtto Supt M & W
Dy C B

Supt M & W.

Madras Harbour Dues Act, 1882.

Cancelling so much of Marine Notification dated 23rd June 1883 as fixes 1st July as date from and after which the — would take effect.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following paper :—

From R. W. BARLOW, Esq., Collector of Sea Customs, Madras, to the Acting Chief Secretary to Government, dated Madras, 30th July 1883, No. 1691.

I have the honor to request that I may be informed, whether, when the contemplated new Harbour arrangements are brought into force, it is intended by Government that the Harbour Committee shall have any executive functions, or only be a purely consultative body, whose opinion can be sought and submitted to Government, when questions arise between the Mercantile houses, or between the Trade and the Executive Officers of Government.

2. From the Chief Secretary's endorsement, No. 1181, dated 21st June 1883, on Captain Taylor's letter, No. 5199, dated 9th June 1883, embodied in G.O., dated 17th July 1883, No. 376, Marine, I gather that the latter view is correct ; but solicit definite orders and do so at the instance of the Master Attendant, as well as my own.

ORDER—dated 13th August 1883, No. 420, Marine.

It is not intended that the Harbour Committee shall have *executive* functions.

2. They are to *advise* Government on matters relating to the administration of the Port and Harbour.

(True Extract.)

E. F. WEBSTER,
Acting Chief Secretary.

To the Collector of Sea Customs, Madras.
" Master Attendant, Madras.
" Chairman, Harbour Committee.
" Public Works Department.

Exd. J. Wright.

Govt. of {1883} Madras.

MARINE.

Issued

Recd. *Encl.*

no 2419 dated 29th August.

G.O., 13th August 1883, No. 420.

Communicated to the Superintending Works

SJ/CB

No.

no 2419 dated 29th August 1883

AUGUST.

Madras Harbour.

Informing the Collector of Sea Customs, Madras, that it is not intended that the Harbour Committee shall have *executive* functions, but that they are to *advise* Government on matters relating to the administration of the Port and Harbour.

Superintending Works

Withdrawn

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following paper:—

From the Committee appointed under G.O., dated 18th November 1882, No. 463, Marine, to the Chief Secretary to Government, dated Madras, 21st May 1883.

Adverting to G.O., dated 1st February 1883, No. 69, Marine, and in continuation of letter from the Chairman of the Committee, dated 5th March 1883, No. 499, we have the honor to report that we consider Rs. 75 lakhs is the full share of the cost of the harbour when completed, which can fairly be met by the trade of the port, and that until the completion of the harbour interest should not be claimed by Government on a larger proportion of the sum actually expended than the proportion which the said sum of 75 lakhs bears to the total estimated expenditure to complete the harbour, which we understand has been placed at 110 lakhs.

2. To provide for interest on the aforesaid 75 lakhs at 4 per cent., and to cover all charges connected with the Pier and Preventive Service, we are of opinion that a maximum toll of Rs. 1-9-6* per ton on goods landed at and shipped from the Pier, and Rs. 1-5-6† on goods landed at and shipped from the beach, may be levied upon the trade of the port.

3. A copy of the Resolution of the Committee, passed at a meeting held on the 11th instant, is submitted.

* Rs.	1	4	0	for interest on 75 lakhs.
	0	4	0	Pier charges.
	0	1	6	Preventive Service.
	1	9	6	

† Rs.	1	4	0	for interest on 75 lakhs.
	0	1	6	Preventive.
	1	5	6	

ENCLOSURE.

PROCEEDINGS of the Committee appointed under G.O., dated 18th November 1882, No. 463, Marine, held on Friday the 11th May 1883.

PRESENT:

Mr. R. W. Barlow, Collector of Madras, Chairman.
Colonel H. L. Prendergast, Superintending Engineer, Presidency Circle.
Captain J. H. Taylor, R.N.R., Master Attendant, Madras.
Mr. F. N. Thorowgood, Harbour Works Engineer.
„ L. Strange.
„ S. R. Turnbull.
„ F. W. Emery.
„ W. H. Oakes.
„ E. Barclay, Government Solicitor.
The Hon. A. Mackenzie.
Colonel W. S. Drever, Commissioner of Police.

Resolved unanimously to inform the Government that, in the opinion of the Committee, a maximum toll of Rs. 1-9-6 per ton for goods landed at and shipped from the pier, and Rs. 1-5-6 for goods landed at and shipped from the beach, may be levied upon the trade of the port. Such toll to cover all charges connected with the Pier and Preventive Service of the port. That, as will be seen by the accompanying estimate of receipts and expenditure, such rate of toll will provide for interest at 4 per cent. on 75 lakhs, which the Committee consider is the full share of

the cost of the harbour when completed which can fairly be met by the trade of the port; until the harbour is finished, the Committee consider that interest should not be claimed by Government on a larger proportion of the sum actually expended, than the proportion which the said sum of 75 lakhs bears to the total estimated expenditure to complete the harbour, which the Committee understand has been placed at 110 lakhs.

Carried unanimously.

(Signed) R. W. BARLOW,
Chairman.

ORDER—dated 23rd June 1883, No. 331, Marine.

The Harbour Committee's proposal in paragraph 1 of their letter read above will be referred for consideration to the Public Works Department.

2. The Committee furnish the result of their deliberations on one of the subjects referred to them for consideration with the Government Order read above, viz., that of Harbour dues. They recommend the levy of tolls of Rs. 1-9-6 and Rs. 1-5-6 on goods landed at and shipped from the pier and beach, respectively. The rates, as so settled, are approved by Government, and the necessary Notification will be published in the *Fort St. George Gazette* so soon as the Madras Harbour Dues Act comes into force.

(True Extract.)

Chief Secretary.

To the Collector of Sea Customs.
" Master Attendant, Madras.
" Public Works Department.
" Revenue Department.
" Chairman, Harbour Committee.

Ed. J. Wright and T. O'Connor.

727 C 2.4.83 & its file.
3. 4/2 w 6.2.83
4. 1855 w 4.7.13 — 2956 w d/9.11.82
1856 w 4.7.83 — 256 w d/3.10.82
S. a. w. 627 C d/14.3.83 — 2241 w d/31.8.82
91 C d/11.1.83 — 1662 w d/1.7.82
3247 w d/5.12.82 — 26/1449 w d/16.6.82
Please ascertain actual cost of Harbours
Two on Harbours up to end of 82/83,
+ (from recent report of Committee) the
probable eventual + total cost should
the recommendation made be accepted.

Ce.
10/7.

DJW

The figures required
are as under -

Actual expenditure to
end of 1882-83 — Rs 65,40,058
Probable expenditure in
1883-84 if Construction
be not recommenced = 2,00,000
Amount of Madras Com-
mittee's Estimate — = 51,42,626

Total eventual outlay
if Comtee's recommendation
be accepted ——— } = 118,82,684

No. 2512 W d/14.10.81.
" 53/2012 W d/17.8.81
" 2011 W d/17.8.81
" 507 d/8.1080. Marine.
" 2801 W d/6.12.80
" 19 d/28.4.80. Legis.
" 1269 W d/11.6.80.
" 326 W d/29.1.79

M/39.] Cr 4/9 R 10/9
cots 27/7 Rules 2/8

Govt. of (1883) Madras.

MARINE.

Issued

Read. 9/7/83 Encl.

G.O., 23rd June 1883, No. 331.

No. 364 E d/ Sept. 14th 1883

JUNE.

Madras Harbour Dues Act, 1882.

Approving the levy of certain tolls on goods landed at and shipped from the pier and beach.

JaW

Interest on Capital
a/c of the Harbours.

Please see the A M's
pencil enquiry on
the draft. The infor-
mation was taken
from one of your
office notes.

K S
10.9.

C R W

See note

12.9.

J W S / R S 13/9

Department.

Sept. No. 331 d/ June 23rd 1883.

There is no objection
in the P.W. Dept. to the
acceptance of the Committee's
proposal to pay interest
on a sum of Rs 75 lakhs
as the share of the cost
of the Madras Harbour
Works chargeable to the port
and during construction
& make
proportionate payments
only

2. It will be seen from
the accompanying office
notes, that the interest
payable to the Government
of India, after the completion

of the work will amount to Rupees 4,80,000 per annum the port contributing only Rs 3,00,000. The balance Rs 1,80,000 will have to be provided from Provincial Funds, in addition to Rs 32,000 for Engineering working Expenses and ordinary repairs. Rs 20,000 per annum, the estimated Expenditure on ordinary repairs, is probably too low, while nothing is provided for Extraordinary damage by cyclones or otherwise. The sum to be provided by Provincial funds is thus liable to considerable fluctuation.

3. It will further be observed that while Port Funds will collect 15 Lakhs of Rupees during the 5 years of construction still to run, they will only contribute a sum of Rs 10,87,500 towards interest on Capital outlay, leaving a balance in hand of Rupees 4,12,500.

4. It seems a question for consideration whether Port Funds should thus be enriched at the Expense of Provincial, but it is understood that the Indian and Home Governments are in correspondence on the general question of the incidence of the charges for the Harbour Works - the result might perhaps be awaited before any

Explained in Council
14.9.83

further issues are raised.
When, however, the matter comes forward for definite settlement with the Govt of India, this surplus ~~would~~ might be kept in view, and it would be well to stipulate for some relief to Provincial funds in the event of heavy storm damages having to be provided for.

4.9.83.

To,
The Marine Dept with office Notes as specified below:—
To,
Secy: to Govt P.W.D, d/ 27th July 1883.
" do do d/ 10th Augt "
" Examiner P.W Accts No. 282 E d/ 14th Augt 1883.
From do do No. 527 d/ 21st "

R.S.
E Eal. Cir 4/9 R 10/9

Desp'd: 14/9

24TH OCTOBER 1883, No. 3004 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

READ—the following papers:—

From F. N. THOROWGOOD, Esq., M. INST. C.E., Superintendent, Madras Harbour Works, to the Secretary to Government, Public Works Department, dated Madras, 8th October 1883, No. 26 W.

I have the honor to draw attention to the contents of a letter received this day from the Examiner of Public Works Accounts, and to ask for orders on the subject.

2. It will be seen, on referring to G.O., No. 3375 W., of 21st December 1882, and again to G.O., No. 2709 W., of 26th September 1883, that a sum of Rs. 5,67,000 was clearly granted for the maintenance of these works and their reduced staff during the year 1883-84.

3. In the course of ordinary official correspondence with the Examiner, Public Works Accounts, in August and September 1883, in which the Examiner had referred to this sum of Rs. 5,67,000 as the grant for 1883-84, I asked that officer to state by what order of Government he considered this sum to be granted, and his reply was to the effect that the order of 21st December 1882, was supposed to give sanction to the sum of Rs. 5,67,000 as the budget grant of 1883-84, pending sanction of the Government of India.

4. The official year is now more than half spent, and all works of repair, surveying, protection, &c., have been carried on under the belief that Rs. 5,67,000 was the available sum for expenditure; the sum expended up to 30th September being (more or less) Rs. 1,35,102, including all things.

5. I have this day received a letter from the Examiner, No. 506 X, of October 6th, in which he informs me that Rs. 2,30,000 is the grant for the year 1883-84.

6. If this be really the case, there will not be sufficient funds to pay the salaries of the present staff to the end of the current year, the very smallest sum required for the whole year being Rs. 2,79,628 as arrived at by taking the expenditure up to September 30th and doubling it to include the remaining six months.

7. Without abolishing the whole staff I do not see how the expenditure can be brought down to Rs. 2,30,000 for the year, although had I known in March of this year that only that sum was available, it might have been possible to stop some works of repair which have been carried on and so saved money. I therefore have the honor to ask for orders on this subject.

Office note from the Examiner of Public Works Accounts, dated 12th October 1883, No. 729.

Finding that there was great delay in according Government of India's sanction to the grant of Rs. 5,67,000 budgetted for the Madras Harbour Works, I asked the Accountant-General, Public Works Department, whether I am to continue to enter that amount as the grant for the work in the several returns prepared by this office.

2. In reply I received the Accountant-General's letter, No. 786 G., dated the 28th September 1883, copy of which is herewith forwarded, intimating that the grant sanctioned for the current year is Rs. 2,30,000, and in which you will observe no reason is given for reducing the grant proposed in the budget.

Enclosure.

Letter from the Accountant-General, Public Works Department, to the Examiner, Public Works Accounts, Madras, dated 28th September 1883, No. 786 G.

I have the honor to inform you, in reply to your letter, No. 159 A., of the 14th instant, that the grant sanctioned for the current year on account of the Madras Harbour Works is Rs. 2,30,000 under Productive Public Works, and that you should quote this amount in your books and returns in place of the sum of Rs. 5,67,000 referred to by you.

Order—dated 24th October 1883, No. 3004 W., Public Works.

Ordered that the Government of India be addressed.

(Here enter No. 3005 W., dated 24th October 1883.)

(True Extract.)

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Superintendent, Madras Harbour Works.
" Examiner, Public Works Accounts.
" Marine Department.

Exd. A. Aubert.
Spare Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of {1883} Madras.

PUBLIC WORKS.

Dated October, 24th.

Recd.

Encl.

G.O., 24th Oct. 1883, No. 3004 W.

OCTOBER.

Madras Harbour Works

The Government of India to be addressed with reference to the intimation received by the Examiner, Public Works Accounts, from the Accountant-General, Public Works Department, that the grant for 1883-84 for the — is only Rs. 2,30,000.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

LETTER—from

COLONEL J. SHAW-STEWART, R.E.,

Secretary to the Government of Madras,

Public Works Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

PUBLIC WORKS DEPARTMENT.

SIR,

In continuation of this department endorsement, No. 2710 W., dated 26th September 1883, I am directed to forward the accompanying correspondence,* and to request that the Government of India may be moved to accord early sanction to the budget estimate, amounting to Rs. 5,67,000, of expenditure on the Madras Harbour Works during 1883-84, forwarded with this department No. 3376 W., dated 21st December 1882.

* Proceedings of Government, No. 3004 W., dated 24th October 1883.

2. I am to add that no order fixing the grant for 1883-84 at Rs. 2,30,000 has been communicated to this Government.

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

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Secretary to Govt., P.W.D.

OOTACAMUND,
24th October 1883.

Exd. A. Aubert.
Spare Copies

BUILDINGS AND ROADS,
CIVIL WORKS.

Govt. of {1883} Madras.

PUBLIC WORKS.

Dated October, 24th.

Read. *Encl.*

24th Oct. 1883, No. 3005 W.

OCTOBER.

Madras Harbour Works

REQUESTING early sanction to the budget estimate for 1883-84 for the — ; and pointing out that nothing has been communicated regarding the grant having been fixed at Rs. 2,30,000 as reported by the Accountant-General, Public Works Department.