

21ST FEBRUARY 1883, No. 121, MARINE.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following papers :—

From the Committee appointed under G.O., No. 463, Marine, dated 18th November 1882, to the Chief Secretary to Government, dated Madras, 31st January 1883, No. 41.

In obedience to G.O., No. 463, Marine, dated the 18th November 1882, we have the honor to submit, for approval, the enclosed Draft Rules regarding Port Clearance.

2. We recommend sanction to the latter part of Rule 4 as a temporary measure, pending the adoption of a new Police scheme proposed to Government by Captain Taylor.

3. As regards G.O., No. 478, Marine, dated the 25th November 1882, we beg to state that we are unanimously of opinion that a Harbour Board, something on the lines of a Port Trust, should be constituted.

4. In reply to G.O., No. 7, Marine, dated 8th January 1883, a majority of us are of opinion that the Pier Contractor should be held responsible, in future contracts, for all goods on the Pier, throughout the twenty-four hours.

(Signed) R. W. BARLOW,
Collector of Madras.
(") H. L. PRENDERGAST, Colonel,
Suptg. Engineer, Presidency Circle.
(") J. H. TAYLOR,
Master Attendant.
(") N. ST. B. BEARDMORE, C.E.,
Harbour Works Engineer.
(") C. A. AINSLIE,
Member of the Chamber of Commerce.
(") T. R. TURNBULL,
Member of the Chamber of Commerce.
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Member of the Chamber of Commerce.
(") ROBERT ORR,
Chairman of the Trades Association.
(") W. H. OAKES,
Member of the Trades Association.
(") ERNEST BARCLAY,
Government Solicitor.

ENCLOSURE.

DRAFT RULES.

Work after hours and at night.

Export.—Vessels are allowed to take on board, without reference to time, all cargo shipped in boats which have left the pier by 6 P.M.
Proviso.—No boat to commence loading cargo at the pier after 5½ P.M.

2. *Import*.—All cargo arriving at the pier in boats which have left the ship's side by 6 p.m. will be landed on arrival.

Proviso.—No ship to commence discharging cargo into a boat after 5½ p.m.

3. The rules as to Sunday work to remain as at present.

4. *Port Clearance* will be granted from 6 a.m. to 6 p.m. on application after due notice.

A vessel will be allowed to take her port clearance under guarantees, in advance of her actual sailing, and continue to take in and discharge cargo, provided she sails before 6 p.m. the following day.

(Signed) R. W. BARLOW,
Collector of Madras.
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Suptg. Engineer, Presidency Circle.
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Master Attendant.
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Member of the Trades Association.
(") ERNEST BARCLAY,
Government Solicitor.

From R. W. BARLOW, Esq., Collector of Madras, to the Chief Secretary to Government, dated Madras, 31st January 1883, No. 42.

I have the honor to submit a few remarks on the Draft Port Clearance Rules forwarded to Government with the Committee's covering letter, No. 41, of this day.

2. Rules 1 and 3 were adopted unanimously at meetings held prior to my joining this district. I approve of them, but beg to point out, with reference to Rule 2, that it may become necessary to increase the establishment of tide waiters and peons, if it be found in practice that overtime work is materially increased by allowing all boats that have left the ship's side by 6 p.m. to unload cargo at the Pier "on arrival." Extra pay is now granted to the establishment for working on Sundays, authorized holidays, or over hours, and such remuneration (paid by Ships' Agents) must, of course, continue under the present Rules; but it is clear that the capacity for overtime work of any fixed establishment is limited.

3. I had grave doubts as to the legality of the latter part of Rule No. 4, and enclose copy of my letter * to the Government Solicitor on the subject and of his reply thereto, No. 44, dated 26th instant, from which it will appear that he inclines to the view that the Rule is legal, and, should Government concur, I would suggest that the Government Solicitor be directed to draw out stringent forms of guarantee in communication, if necessary, with the Master Attendant and myself.

4. I have not, as yet, had an opportunity of offering an opinion on Captain Taylor's scheme now before Government, referred to in paragraph 2 of the Committee's letter; but I understand that an officer of Government—who will virtually act as a Preventive Officer—will remain on board till the last minute before each vessel sails,

* XII of 1875.

† VIII of 1876.

and see that the provisions of the Indian† Ports and the Native Passengers‡ Ships Acts are not infringed, which is in accordance with the practice, I believe, now existing at the Ports of Bombay and Calcutta, where there are Preventive Establishments.

ENCLOSURES.

From R. W. BARLOW, Esq., Collector of Madras, to the Government Solicitor, Madras, dated 24th January 1883, No. 61.

Section 53, Act XII of 1875 (The Indian Port Act).
Section 9, Act VIII of 1876 (The Native Passengers Ships Act).
Chapter 7, Act VIII of 1878 (Sea Customs Act).

G.O., dated 11th January 1879, No. 15.
Board's Proceedings, dated 21st February 1879, No. 480.
G.O., dated 27th September 1879, No. 543.
Board's Proceedings, dated 20th October 1879, No. 2968.
G.O., dated 20th August 1880, No. 410.
" " 25th September 1880, No. 487.
" " 20th July 1881, " 346.
" " 27th April 1882, " 98.
" " 7th August " " 252.
" " 18th November " " 463.
Letter to Collectors of Customs, Calcutta and Bombay, dated 10th July 1882, Nos. 1659 and 1660.
Letter from the Collector of Customs, Bombay, dated 20th July 1882, No. 2365.
Letter from the Collector of Sea Customs, Calcutta, dated 23rd August 1882, No. 3119.

In forwarding the enclosed copy of the Resolution passed by the Committee appointed under G.O., No. 463, dated the 18th November 1882, Marine, at their meeting held at the Custom House, on Friday last, I have the honor to request that you will favor me, as soon as possible, with your opinion as to its legality with reference to the provisions of the marginally-noted Acts.

2. The marginal correspondence on the subject of the grant of port clearance is herewith sent in original for reference and return.

3. I trouble you with this reference as the Committee had not the advantage of your presence and opinion when the above Resolution was passed.

From E. BARCLAY, Esq., Government Solicitor, to the Collector of Madras, dated 26th January 1883, No. 44.

I beg to acknowledge receipt of your letter of the 24th instant, No. 61, with its enclosures.

2. There are two things for which security cannot, except as hereinafter mentioned, be given to obtain a port clearance. The first is under Section 53 of Act XII of 1875, Clause b, which prohibits the granting of a port clearance until all expenses under Section 228 of the Merchant Shipping Act, 1854, have been paid. These expenses are such as may be incurred in consequence of any hurt or injury of the master, seaman or apprentice of a vessel, his temporary removal from his ship on account of illness and his treatment and the expenses of medicines, surgical or medical advice and attendance, given to any master, seaman or apprentice on board. The payment of these expenses before grant of port clearance was compulsory, and if a vessel were granted port clearance on one day and need not sail until 6 p.m. the next day, and during such time were to be allowed to take in and land cargo, some of the expenses above enumerated might very easily be incurred after port clearance was granted, as for instance by a seaman or apprentice meeting with an injury whilst taking in or putting out cargo or the master or seaman or apprentice being suddenly taken ill and requiring either to be put on shore or treated on board.

3. The other thing which is absolutely required before port clearance can be granted, is under Section 9 of Act VIII of 1876, which prohibits the officer whose duty it is to grant port clearance from doing so in cases of ships intended to carry native passengers until the master shall hold the two certificates required by the Act. Here again if a ship were to be allowed to obtain port clearance on one day and were only bound to sail before 6 p.m. the following day, there would be nothing to prevent her shipping any number of passengers after she had obtained her certificates. If the port clearance were to be granted the day previous to that on which she had to sail, the certificates under Act VIII of 1876 must also be granted the previous day, for port clearance cannot be granted until the master holds those certificates, and that Act does not provide for the agents of the ship giving security that no more passengers will be shipped after the certificates are granted.

4. Section 66 of Act VIII of 1878, however, allows security to be given for the delivery of the manifest and other documents required by Section 63 of the Act, and Section 64 provides for security being given for payment of all port dues and other charges and penalties due by a vessel or by the owner or master thereof. It seems to me that the charges under Section 228 of the Merchant Shipping Act, 1854, are charges due by the owner of the vessel. The section expressly provides that those expenses shall be defrayed by the owner, and Clause b of Section 53 of Act XII of 1875 refers to the expenses as those which are to be borne by the owner. Then again Section 29 of Act VIII of 1876 provides penalties on owners and masters of vessels departing on voyages in contravention of Section 9; and Section 36, for having on board any number of passengers greater than the number allowed by the certificate. So far therefore as payment of the fines and expenses provided in Sections 29 and 36 of Act VIII of 1876 is concerned, security can, I think, be given under Section 64 of Act VIII of 1878. The only thing is that, under Section 36, the master of a vessel is liable to imprisonment; and, for this, no security can, of course, be given, but the security to be taken could be increased to meet this difficulty.

5. On the whole, therefore, I am of opinion that the terms of the Resolution passed by the Committee, copy of which is enclosed in your letter under reply, could be legally carried out; for, I do not think that Section 64 of Act VIII of 1878 is contrariant to Clause b, Section 53, Act XII of 1875, it merely enlarges your power and enables you, if you think fit, to take security instead of insisting on payment. The security to be taken in respect of passenger vessels will, in addition to that to be taken in respect of other vessels, have to cover the penalties provided in Sections 29 and 36 of Act VIII of 1876.

6. I return the enclosures to your letter under reply.

ORDER—dated 21st February 1883, No. 121, Marine.

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

The Committee appointed under G.O.,

„ 25th „ „ 478, „

18th November 1882, No. 463 (Marine),

„ 8th January 1883, „ 7, „

submit their report on the three questions referred to them relating to—

(I.) Port clearances.

(II.) Appointment of a Standing Committee on matters relating to Port and Harbour Administration.

(III.) Pier Contractor's responsibility for goods entrusted to him.

2. The draft rules regarding (I) port clearance (which form also the subject of the further correspondence read above) are approved with the reservation suggested, viz., that the latter part of Rule 4 shall operate temporarily only pending the adoption of any new Police scheme which may hereafter be approved by Government. Captain Taylor's proposals on this subject are, it is observed, now before the Committee (G.O., 1st February 1883, No. 69 (Marine)).

The Collector will, with reference to paragraph 2 of his No. 42, read above, report in due course should Rule 2 in practice act so as materially to increase overtime work and thus necessitate an addition to the establishment of tide waiters and peons.

With reference to Rule 4, the Government Solicitor will, as suggested by the Collector, draw up stringent forms of guarantee in communication with the Master Attendant and Collector of Madras.

3. With reference to question (II) the gentlemen named in the marginally-noted

orders will be requested to form a Standing Committee to advise Government on matters relating to the administration of the Port and Harbour.

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

„ 1st February 1883, No. 69.

„ 16th February 1883, No. —.

The Committee will be constituted as follows:—

Collector of Madras, *Chairman*.

Hon. A. Mackenzie.

The Superintending Engineer, Presidency Circle.

The Commissioner of Police.

The Master Attendant.

The Harbour Works Engineer.

Mr. C. A. Ainslie, Member, Chamber of Commerce.*

„ R. Turnbull, Member, Chamber of Commerce.*

„ L. Strange, Member, Chamber of Commerce.*

„ R. P. Orr, Chairman, Trades Association.

„ W. H. Oakes, Member, Trades Association.

The Government Solicitor.

4. In accordance with the Committee's recommendation on question (III) the Pier Contractor will be held responsible, in future contracts, for all goods on the pier throughout the twenty-four hours. The Master Attendant will carry out this change in due course.

* Or three Members of the Chamber of Commerce to be selected by the Chamber, but no firm to have more than one representative.

5. The Government are indebted to the gentlemen forming the Committee for the assistance they have rendered in disposing of the questions referred to them.

(True Extract.)

C. G. MASTER,
Chief Secretary.

To the Collector of Madras.

„ the Hon. A. Mackenzie.

„ the Superintending Engineer, Presidency Circle.

„ the Commissioner of Police.

„ the Master Attendant, Madras.

„ the Chairman, Chamber of Commerce.

„ the Harbour Works Engineer.

„ C. A. Ainslie, Esq.

„ R. Turnbull, Esq.

„ L. Strange, Esq.

„ R. P. Orr, Esq.

„ W. H. Oakes, Esq.

„ the Government Solicitor.

Copy to Public Works Department.

Exd. J. Wright.

Govt. of (1883) Madras.

MARINE.

No 674 waf 1st March 83

Recorded

(J & R) R.H.S.

17/3/83

Issued

Recd.

Encl.

G.O., 21st February 1883, No. 121.

FEBRUARY.

No 674 waf 1st March 83

Port Clearances.

Passing orders on the report of the Committee appointed under G.O., No. 463 of 1882, on questions relating to Port Clearances; the appointment of a Standing Committee on matters relating to Port and Harbour Administration; and the Pier Contractor's responsibility for goods entrusted to him.

21ST FEBRUARY 1883, No. 121, MARINE.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following papers:—

From the Committee appointed under G.O., No. 463, Marine, dated 18th November 1882, to the Chief Secretary to Government, dated Madras, 31st January 1883, No. 41.

In obedience to G.O., No. 463, Marine, dated the 18th November 1882, we have the honor to submit, for approval, the enclosed Draft Rules regarding Port Clearance.

2. We recommend sanction to the latter part of Rule 4 as a temporary measure, pending the adoption of a new Police scheme proposed to Government by Captain Taylor.

3. As regards G.O., No. 478, Marine, dated the 25th November 1882, we beg to state that we are unanimously of opinion that a Harbour Board, something on the lines of a Port Trust, should be constituted.

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(Signed)	R. W. BARLOW,
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ENCLOSURE.

DRAFT RULES.

Work after hours and at night.

Report.—Vessels are allowed to take on board, without reference to time, all cargo shipped in boats which have left the pier by 6 P.M.
Proviso.—No boat to commence loading cargo at the pier after 5½ P.M.

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2. The marginal correspondence on the subject of the grant of port clearance is herewith sent in original for reference and return.

3. I trouble you with this reference as the Committee had not the advantage of your presence and opinion when the above Resolution was passed.

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3. The other thing which is absolutely required before port clearance can be granted, is under Section 9 of Act VIII of 1876, which prohibits the officer whose duty it is to grant port clearance from doing so in cases of ships intended to carry native passengers until the master shall hold the two certificates required by the Act. Here again if a ship were to be allowed to obtain port clearance on one day and were only bound to sail before 6 p.m. the following day, there would be nothing to prevent her shipping any number of passengers after she had obtained her certificates. If the port clearance were to be granted the day previous to that on which she had to sail, the certificates under Act VIII of 1876 must also be granted the previous day, for port clearance cannot be granted until the master holds those certificates, and that Act does not provide for the agents of the ship giving security that no more passengers will be shipped after the certificates are granted.

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5. On the whole, therefore, I am of opinion that the terms of the Resolution passed by the Committee, copy of which is enclosed in your letter under reply, could be legally carried out; for, I do not think that Section 64 of Act VIII of 1878 is contrariant to Clause b, Section 53, Act XII of 1875, it merely enlarges your power and enables you, if you think fit, to take security instead of insisting on payment. The security to be taken in respect of passenger vessels will, in addition to that to be taken in respect of other vessels, have to cover the penalties provided in Sections 29 and 36 of Act VIII of 1876.

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ORDER—dated 21st February 1883, No. 121, Marine.

G.O., 18th November 1882, No. 463, Marine. The Committee appointed under G.O.,
 „ 23th „ „ 478, „ 18th November 1882, No. 463 (Marine),
 „ 8th January 1883, „ 7, „ submit their report on the three questions
 referred to them relating to—

(I.) Port clearances.

(II.) Appointment of a Standing Committee on matters relating to Port and Harbour Administration.

(III.) Pier Contractor's responsibility for goods entrusted to him.

2. The draft rules regarding (I) port clearance (which form also the subject of the further correspondence read above) are approved with the reservation suggested, viz., that the latter part of Rule 4 shall operate temporarily only pending the adoption of any new Police scheme which may hereafter be approved by Government. Captain Taylor's proposals on this subject are, it is observed, now before the Committee (G.O., 1st February 1883, No. 69 (Marine).

The Collector will, with reference to paragraph 2 of his No. 42, read above, report in due course should Rule 2 in practice act so as materially to increase overtime work and thus necessitate an addition to the establishment of tide waiters and peons.

With reference to Rule 4, the Government Solicitor will, as suggested by the Collector, draw up stringent forms of guarantee in communication with the Master Attendant and Collector of Madras.

3. With reference to question (II) the gentlemen named in the marginally-noted orders will be requested to form a Standing Committee to advise Government on matters relating to the administration of the Port and Harbour.

G.O., 18th November 1882, No. 463.
 „ 1st February 1883, No. 69.
 „ 16th February 1883, No. —.

The Committee will be constituted as follows :—

Collector of Madras, *Chairman*.

Hon. A. Mackenzie.

The Superintending Engineer, Presidency Circle.

The Commissioner of Police.

The Master Attendant.

The Harbour Works Engineer.

Mr. C. A. Ainslie, Member, Chamber of Commerce.*

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„ R. P. Orr, Chairman, Trades Association.

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The Government Solicitor.

4. In accordance with the Committee's recommendation on question (III) the Pier Contractor will be held responsible, in future contracts, for all goods on the pier throughout the twenty-four hours. The Master Attendant will carry out this change in due course.

* Or three Members of the Chamber of Commerce to be selected by the Chamber, but no firm to have more than one representative.

5. The Government are indebted to the gentlemen forming the Committee for the assistance they have rendered in disposing of the questions referred to them.

(True Extract.)

C. G. MASTER,
Chief Secretary.

To the Collector of Madras.

„ the Hon. A. Mackenzie.

„ the Superintending Engineer, Presidency Circle.

„ the Commissioner of Police.

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Copy to Public Works Department.

Exd. J. Wright.

Govt. of 1883 Madras.

MARINE.

21ST FEBRUARY 1883, No. 121, MARINE.

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MARINE DEPARTMENT.

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(Signed) R. W. BARLOW,
Collector of Madras.
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Government Solicitor.

ENCLOSURE.

DRAFT RULES.

Work after hours and at night.

Export.—Vessels are allowed to take on board, without reference to time, all cargo shipped in boats which have left the pier by 6 P.M.
Proviso.—No boat to commence loading cargo at the pier after 5½ P.M.

G.O., 21st February 1883, No. 121.

FEBRUARY.

Port Clearances.

Passing orders on the report of the Committee appointed under G.O., No. 463 of 1882, on questions relating to Port Clearances; the appointment of a Standing Committee on matters relating to Port and Harbour Administration; and the Pier Contractor's responsibility for goods entrusted to him.

B. No. 674 W of 18 March 83

Recorded

(Sb) R.A.S.

19/3/83

No. 674 W of 18 March 83

2. *Import.*—All cargo arriving at the pier in boats which have left the ship's side by 6 p.m. will be landed on arrival.

Proviso.—No ship to commence discharging cargo into a boat after 5½ p.m.

3. The rules as to Sunday work to remain as at present.

4. *Port Clearance* will be granted from 6 a.m. to 6 p.m. on application after due notice.

A vessel will be allowed to take her port clearance under guarantees, in advance of her actual sailing, and continue to take in and discharge cargo, provided she sails before 6 p.m. the following day.

(Signed) R. W. BARLOW,
Collector of Madras.
(") H. L. PRENDERGAST, Colonel,
Suptg. Engineer, Presidency Circle.
(") J. H. TAYLOR,
Master Attendant.
(") N. St. B. BEARDMORE, C.E.,
Harbour Works Engineer.
(") C. A. AINSLIE,
Member of the Chamber of Commerce.
(") T. R. TURNBULL,
Member of the Chamber of Commerce.
(") L. STRANGE,
Member of the Chamber of Commerce.
(") ROBERT ORR,
Chairman of the Trades Association.
(") W. H. OAKES,
Member of the Trades Association.
(") ERNEST BARCLAY,
Government Solicitor.

From R. W. BARLOW, Esq., Collector of Madras, to the Chief Secretary to Government, dated Madras, 31st January 1883, No. 42.

I have the honor to submit a few remarks on the Draft Port Clearance Rules forwarded to Government with the Committee's covering letter, No. 41, of this day.

2. Rules 1 and 3 were adopted unanimously at meetings held prior to my joining this district. I approve of them, but beg to point out, with reference to Rule 2, that it may become necessary to increase the establishment of tide waiters and peons, if it be found in practice that overtime work is materially increased by allowing all boats that have left the ship's side by 6 p.m. to unload cargo at the Pier "on arrival." Extra pay is now granted to the establishment for working on Sundays, authorized holidays, or over hours; and such remuneration (paid by Ships' Agents) must, of course, continue under the present Rules; but it is clear that the capacity for overtime work of any fixed establishment is limited.

3. I had grave doubts as to the legality of the latter part of Rule No. 4, and enclose copy of my letter* to the Government Solicitor on the subject and of his

reply thereto, No. 44, dated 26th instant, from which it will appear that he inclines to the view that the Rule is legal, and, should Government concur, I would suggest that the Government Solicitor be directed to draw out stringent forms of guarantee in communication, if necessary, with the Master Attendant and myself.

4. I have not, as yet, had an opportunity of offering an opinion on Captain Taylor's scheme now before Government, referred to in paragraph 2 of the Committee's letter; but I understand that an officer of Government—who will virtually Act as a Preventive Officer—will remain on board till the last minute before each vessel sails,

* XII of 1875.

† VIII of 1876.

and see that the provisions of the Indian† Ports and the Native Passengers‡ Ships Acts are not infringed, which is in accordance with the practice, I believe, now existing at the Ports of Bombay and Calcutta, where there are Preventive Establishments.

ENCLOSURES.

From R. W. BARLOW, Esq., Collector of Madras, to the Government Solicitor, Madras, dated 24th January 1883, No. 61.

Section 53, Act XII of 1875 (The Indian Port Act).
Section 9, Act VIII of 1876 (The Native Passengers Ships Act).
Chapter 7, Act VIII of 1878 (Sea Customs Act).

G.O., dated 11th January 1879, No. 15.
Board's Proceedings, dated 21st February 1879, No. 480.
G.O., dated 27th September 1879, No. 543.
Board's Proceedings, dated 20th October 1879, No. 2368.
G.O., dated 20th August 1880, No. 410.
" " 25th September 1880, No. 487.
" " 20th July 1881, " 346.
" " 27th April 1882, " 98.
" " 7th August " 252.
" " 18th November " 463.
Letter to Collectors of Customs, Calcutta and Bombay, dated 10th July 1882, Nos. 1659 and 1660.
Letter from the Collector of Customs, Bombay, dated 20th July 1882, No. 2365.
Letter from the Collector of Sea Customs, Calcutta, dated 23rd August 1882, No. 3119.

In forwarding the enclosed copy of the Resolution passed by the Committee appointed under G.O., No. 463, dated the 18th November 1882, Marine, at their meeting held at the Custom House, on Friday last, I have the honor to request that you will favor me, as soon as possible, with your opinion as to its legality with reference to the provisions of the marginally-noted Acts.

2. The marginal correspondence on the subject of the grant of port clearance is herewith sent in original for reference and return.

3. I trouble you with this reference as the Committee had not the advantage of your presence and opinion when the above Resolution was passed.

From E. BARCLAY, Esq., Government Solicitor, to the Collector of Madras, dated 26th January 1883, No. 44.

I beg to acknowledge receipt of your letter of the 24th instant, No. 61, with its enclosures.

2. There are two things for which security cannot, except as hereinafter mentioned, be given to obtain a port clearance. The first is under Section 53 of Act XII of 1875, Clause b, which prohibits the granting of a port clearance until all expenses under Section 228 of the Merchant Shipping Act, 1854, have been paid. These expenses are such as may be incurred in consequence of any hurt or injury of the master, seaman or apprentice of a vessel, his temporary removal from his ship on account of illness and his treatment and the expenses of medicines, surgical or medical advice and attendance, given to any master, seaman or apprentice on board. The payment of these expenses before grant of port clearance was compulsory, and if a vessel were granted port clearance on one day and need not sail until 6 p.m. the next day, and during such time were to be allowed to take in and land cargo, some of the expenses above enumerated might very easily be incurred after port clearance was granted, as for instance by a seaman or apprentice meeting with an injury whilst taking in or putting out cargo or the master or seaman or apprentice being suddenly taken ill and requiring either to be put on shore or treated on board.

3. The other thing which is absolutely required before port clearance can be granted, is under Section 9 of Act VIII of 1876, which prohibits the officer whose duty it is to grant port clearance from doing so in cases of ships intended to carry native passengers until the master shall hold the two certificates required by the Act. Here again if a ship were to be allowed to obtain port clearance on one day and were only bound to sail before 6 p.m. the following day, there would be nothing to prevent her shipping any number of passengers after she had obtained her certificates. If the port clearance were to be granted the day previous to that on which she had to sail, the certificates under Act VIII of 1876 must also be granted the previous day, for port clearance cannot be granted until the master holds those certificates, and that Act does not provide for the agents of the ship giving security that no more passengers will be shipped after the certificates are granted.

4. Section 66 of Act VIII of 1878, however, allows security to be given for the delivery of the manifest and other documents required by Section 63 of the Act, and Section 64 provides for security being given for payment of all port dues and other charges and penalties due by a vessel or by the owner or master thereof. It seems to me that the charges under Section 228 of the Merchant Shipping Act, 1854, are charges due by the owner of the vessel. The section expressly provides that those expenses shall be defrayed by the owner, and Clause b of Section 53 of Act XII of 1875 refers to the expenses as those which are to be borne by the owner. Then again Section 29 of Act VIII of 1876 provides penalties on owners and masters of vessels departing on voyages in contravention of Section 9; and Section 36, for having on board any number of passengers greater than the number allowed by the certificate. So far therefore as payment of the fines and expenses provided in Sections 29 and 36 of Act VIII of 1876 is concerned, security can, I think, be given under Section 64 of Act VIII of 1878. The only thing is that, under Section 33, the master of a vessel is liable to imprisonment; and, for this, no security can, of course, be given, but the security to be taken could be increased to meet this difficulty.

5. On the whole, therefore, I am of opinion that the terms of the Resolution passed by the Committee, copy of which is enclosed in your letter under reply, could be legally carried out; for, I do not think that Section 64 of Act VIII of 1878 is contrariant to Clause b, Section 53, Act XII of 1875, it merely enlarges your power and enables you, if you think fit, to take security instead of insisting on payment. The security to be taken in respect of passenger vessels will, in addition to that to be taken in respect of other vessels, have to cover the penalties provided in Sections 29 and 36 of Act VIII of 1876.

6. I return the enclosures to your letter under reply.

ORDER—dated 21st February 1883, No. 121, Marine.

G.O., 18th November 1882, No. 463, Marine.	The Committee appointed under G.O.,
" 25th " " 478, "	18th November 1882, No. 463 (Marine),
" 8th January 1883, " 7, "	submit their report on the three questions
	referred to them relating to—

(I.) Port clearances.

(II.) Appointment of a Standing Committee on matters relating to Port and Harbour Administration.

(III.) Pier Contractor's responsibility for goods entrusted to him.

2. The draft rules regarding (I) port clearance (which form also the subject of the further correspondence read above) are approved with the reservation suggested, viz., that the latter part of Rule 4 shall operate temporarily only pending the adoption of any new Police scheme which may hereafter be approved by Government. Captain Taylor's proposals on this subject are, it is observed, now before the Committee (G.O., 1st February 1883, No. 69 (Marine)).

The Collector will, with reference to paragraph 2 of his No. 42, read above, report in due course should Rule 2 in practice act so as materially to increase overtime work and thus necessitate an addition to the establishment of tide waiters and peons.

With reference to Rule 4, the Government Solicitor will, as suggested by the Collector, draw up stringent forms of guarantee in communication with the Master Attendant and Collector of Madras.

3. With reference to question (II) the gentlemen named in the marginally-noted orders will be requested to form a Standing Committee to advise Government on matters relating to the administration of the Port and Harbour.

G.O., 18th November 1882, No. 463.
" 1st February 1883, No. 69.
" 16th February 1883, No. —.

The Committee will be constituted as follows:—

Collector of Madras, *Chairman*.

Hon. A. Mackenzie.

The Superintending Engineer, Presidency Circle.

The Commissioner of Police.

The Master Attendant.

The Harbour Works Engineer.

Mr. C. A. Ainslie, Member, Chamber of Commerce.*

" R. Turnbull, Member, Chamber of Commerce.*

" L. Strange, Member, Chamber of Commerce.*

" R. P. Orr, Chairman, Trades Association.

" W. H. Oakes, Member, Trades Association.

The Government Solicitor.

4. In accordance with the Committee's recommendation on question (III) the Pier Contractor will be held responsible, in future contracts, for all goods on the pier throughout the twenty-four hours. The Master Attendant will carry out this change in due course.

* Or three Members of the Chamber of Commerce to be selected by the Chamber, but no firm to have more than one representative.

5. The Government are indebted to the gentlemen forming the Committee for the assistance they have rendered in disposing of the questions referred to them.

(True Extract.)

Quater
Chief Secretary.

To the Collector of Madras.
" the Hon. A. Mackenzie.
" the Superintending Engineer, Presidency Circle.
" the Commissioner of Police.
" the Master Attendant, Madras.
" the Chairman, Chamber of Commerce.
" the Harbour Works Engineer.
" C. A. Ainslie, Esq.
" R. Turnbull, Esq.
" L. Strange, Esq.
" R. P. Orr, Esq.
" W. H. Oakes, Esq.
" the Government Solicitor.

Copy to Public Works Department.

Exd. J. Wright.

Govt. of {1883} Madras.

MARINE.

No 674 Waprt March 1883

Recorded.

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19/3/83

Issued

Recd.

Encl.

G.O., 21st February 1883, No. 121.

FEBRUARY.

No 674 Waprt March 1883

Port Clearances.

Passing orders on the report of the Committee appointed under G.O., No. 463 of 1882, on questions relating to Port Clearances; the appointment of a Standing Committee on matters relating to Port and Harbour Administration; and the Pier Contractor's responsibility for goods entrusted to him.

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