

J.W. Deft
Secy of the Madras Govt
Read the following

6TH JUNE 1885, No. 233, MARINE.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following papers :—

From J. H. TAYLOR, Esq., Lieut., R.N.R., Master Attendant, Madras, to the Chief Secretary to Government, dated Madras, 8th April 1885, No. 2996.

Administrative department.

I have the honor to report, for the information of Government, that the harbour dues collections amounted to Rs. (40,684-6-5) forty thousand six hundred and eighty-four, Annas six and Pies five, during the month of March last.

From J. H. TAYLOR, Esq., Lieut., R.N.R., Master Attendant, Madras, to the Chief Secretary to Government, dated Madras, 13th April 1885, No. 3078.

Administrative department.

The close of the official year seems to me a fitting opportunity of reporting fully to Government upon the present state of the harbour fund, and offering such remarks as the occasion seems to call for.

2. Particulars separately attached.

* * * * *

6. I cannot follow Mr. Parkes into his detailed figures of estimates, but looking to the returns of the past year, I would respectfully suggest that the present dues are capable of reduction, still keeping in mind the chance of accident, the necessary increase of establishment when the Port trust is formed, and the certainty that money will be required for internal conveniences, supposing the work to achieve any measure of success. It must not be forgotten that we have not experienced a severe storm since the first commencement of the works :—

		RS.	RS.
The receipts from Port dues on ships, 1884-85	..	1,53,674	
Charges	..	97,279	
Harbour dues	..	3,70,623	56,395
Charges	..	83,239	
Previous credit balance	..	98,107	2,87,384
			98,107
Present balance	..		4,41,886

7. I would respectfully recommend that the rate of dues on the beach be reduced to (1) one rupee, and on pier to present beach rate (1-5-6) one rupee five annas and six pies, for this current year, after which a reconsideration may be made.

ENCLOSURES.

Receipts and Charges of the Madras Port fund for 1884-85.

Receipts.	Amount.	Total.	Charges.	Amount.	Total.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
<i>April 1884.</i>			<i>April 1884.</i>		
Port dues ..	12,544 5 4		Establishment, Administrative department, 40 per cent.	1,252 6 5	
Miscellaneous receipts.	2,187 6 2		Deputy Master Attendant or Port establishment.	2,317 15 0	
			Miscellaneous charges	2,042 2 10	
			Light establishment	191 0 0	
			Do. contingencies	155 5 0	
			Establishment and contingencies of the Steam Tug Madras.	653 4 7	
		14,731 11 6			6,612 1 10
<i>May 1884.</i>			<i>May 1884.</i>		
Port dues ..	15,790 14 7		Establishment, Administrative department, 40 per cent.	1,252 6 5	
Miscellaneous receipts.	2,374 9 0		Deputy Master Attendant or Port establishment.	2,288 1 7	
			Miscellaneous charges	2,689 6 5	
			Light establishment	191 0 0	
			Do. contingencies		
			Establishment and contingencies of the Steam Tug Madras.	2,471 4 10	
		18,165 7 7			8,892 3 3
<i>June 1884.</i>			<i>June 1884.</i>		
Port dues ..	7,655 1 4		Establishment, Administrative department, 40 per cent.	1,339 11 9	
Miscellaneous receipts.	6,711 5 1		Deputy Master Attendant or Port establishment.	2,165 14 11	
			Miscellaneous charges	3,868 11 5	
			Light establishment	191 0 0	
			Do. contingencies	351 0 6	
			Establishment and contingencies of the Steam Tug Madras.	1,468 9 9	
		14,366 6 5			9,385 0 4
<i>July 1884.</i>			<i>July 1884.</i>		
Port dues ..	8,740 15 11		Establishment, Administrative department, 40 per cent.	1,329 5 4	
Miscellaneous receipts.	2,183 8 5		Deputy Master Attendant or Port establishment.	2,310 11 2	
			Miscellaneous charges	445 3 0	
			Light establishment	191 0 0	
			Do. contingencies	161 12 7	
			Establishment and contingencies of the Steam Tug Madras.	3,839 14 5	
		10,924 8 4			8,277 14 6
<i>August 1884.</i>			<i>August 1884.</i>		
Port dues ..	10,358 5 0		Establishment, Administrative department, 40 per cent.	1,432 6 5	
Miscellaneous receipts.	2,206 7 9		Deputy Master Attendant or Port establishment.	2,396 1 10	
			Miscellaneous charges	557 6 0	
			Light establishment	191 0 0	
			Do. contingencies	319 14 0	
			Establishment and contingencies of the Steam Tug Madras.	1,111 11 3	
		13,064 12 9			6,008 7 6
<i>September 1884.</i>			<i>September 1884.</i>		
Port dues ..	9,647 7 11		Establishment, Administrative department.	1,277 9 0	
Miscellaneous receipts.	1,605 10 0		Deputy Master Attendant or Port establishment.	2,502 5 8	
			Miscellaneous charges	814 0 0	
			Light establishment	191 0 0	
			Do. contingencies	161 7 6	
			Establishment and contingencies of the Steam Tug Madras.	1,303 14 10	
		11,253 1 11			6,250 5 0

Receipts and Charges of the Madras Port fund for 1884-85—continued.

Receipts.	Amount.	Total.	Charges.	Amount.	Total.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
<i>October 1884.</i>			<i>October 1884.</i>		
Port dues ..	12,040 5 0		Establishment, Administrative department.	1,154 6 5	
Miscellaneous receipts.	2,867 15 0		Deputy Master Attendant or Port establishment.	2,262 8 6	
			Miscellaneous charges	13,659 4 1	
			Light establishment	191 0 0	
			Do. contingencies	160 13 0	
			Establishment and contingencies of the Steam Tug Madras.	992 2 10	
		14,908 4 0			18,420 2 10
<i>November 1884.</i>			<i>November 1884.</i>		
Port dues ..	7,712 11 6		Establishment, Administrative department.	1,252 6 5	
Miscellaneous receipts.	1,471 12 3		Deputy Master Attendant or Port establishment.	2,289 0 3	
			Miscellaneous charges	3,238 8 8	
			Light establishment	191 0 0	
			Do. contingencies	156 14 6	
			Establishment and contingencies of the Steam Tug Madras.	616 0 9	
		9,184 7 9			7,743 14 7
<i>December 1884.</i>			<i>December 1884.</i>		
Port dues ..	8,179 9 6		Establishment, Administrative department, 40 per cent.	1,252 6 5	
Miscellaneous receipts.	1,448 3 9		Deputy Master Attendant or Port establishment.	2,243 12 0	
			Miscellaneous charges	795 2 8	
			Light establishment	191 0 0	
			Do. contingencies	160 4 6	
			Establishment and contingencies of the Steam Tug Madras.	1,698 4 8	
		9,627 13 3			6,340 14 3
<i>January 1885.</i>			<i>January 1885.</i>		
Port dues ..	13,046 13 8		Establishment, Administrative department.	1,252 1 8	
Miscellaneous receipts.	2,471 1 11		Deputy Master Attendant or Port establishment.	2,327 8 8	
			Miscellaneous charges	1,421 3 6	
			Light establishment	191 0 0	
			Do. contingencies	171 3 6	
			Establishment and contingencies of the Steam Tug Madras.	1,761 4 3	
		15,517 15 7			7,124 5 7
<i>February 1885.</i>			<i>February 1885.</i>		
Port dues ..	8,145 6 9		Establishment, Administrative department.	1,249 6 2	
Miscellaneous receipts.	1,669 12 2		Deputy Master Attendant or Port establishment.	2,269 0 0	
			Miscellaneous charges	484 12 9	
			Light establishment	191 0 0	
			Do. contingencies	165 2 0	
			Establishment and contingencies of the Steam Tug Madras.	1,588 1 0	
		9,815 2 11			5,947 5 11
<i>March 1885.</i>			<i>March 1885.</i>		
Port dues ..	10,395 3 0		Establishment, Administrative department.	1,252 6 5	
Miscellaneous receipts.	1,719 9 1		Deputy Master Attendant or Port establishment.	2,280 9 2	
			Miscellaneous charges	1,034 2 8	
			Light establishment	191 0 0	
			Do. contingencies	155 0 8	
			Establishment and contingencies of the Steam Tug Madras.	1,362 15 8	
		12,114 12 1			6,276 2 7
Total ..		1,53,674 8 1	Total ..		97,278 14 2

Statement showing the Receipts and Charges connected with the dues levied under Act VI of 1882 from April 1884 to March 1885.

RECEIPTS.	RS. A. P.	RS. A. P.	CHARGES.	RS. A. P.	RS. A. P.
For April 1884 ..	28,105 12 3		For April 1884.		
" May	32,019 15 2		Establishment	1,209 8 0	
" June	33,988 15 9		Pier coolies	1,704 9 0	
" July	36,091 1 5		Repairs	424 7 9	
" Aug.	31,381 0 8		Stores	700 0 0	
" Sept.	32,841 12 3		Miscellaneous charges ..	376 5 0	4,414 13 9
" Oct.	27,989 7 11		For May 1884.		
" Nov.	19,664 6 0		Establishment	2,718 5 4	
" Dec.	25,731 7 11		Stores	1,129 13 6	
" Jan. 1885 ..	33,077 13 2		Miscellaneous charges ..	267 11 6	4,115 14 4
" Feb.	29,047 2 11		For June 1884.		
" Mar.	40,684 6 5		Establishment	2,792 12 7	
			Pier coolies	1,292 2 2	
			Repairs	858 5 0	
			Miscellaneous charges ..	1,184 2 8	
			Pier crane	11,488 0 0	17,615 6 5
			For July 1884.		
			Establishment	2,871 15 6	
			Pier coolies	1,411 4 3	
			Repairs	409 0 9	
			Stores	425 15 6	
			Miscellaneous charges ..	348 4 10	5,466 8 10
			For August 1884.		
			Establishment	2,880 6 11	
			Pier coolies	7,868 7 8	
			Repairs	744 8 6	
			Harbour Committee's fees ..	100 0 0	
			Miscellaneous charges ..	568 7 11	12,161 15 0
			For September 1884.		
			Establishment	2,889 14 4	
			Pier coolies	1,508 15 2	
			Repairs	322 12 3	
			Miscellaneous charges ..	9 14 3	
			Harbour office extension ..	1,000 0 0	5,731 8 0
			For October 1884.		
			Establishment	2,889 13 4	
			Pier coolies	1,581 14 6	
			Repairs	382 12 3	
			Miscellaneous charges ..	217 3 9	
			Stores	42 3 0	5,113 14 10
			For November 1884.		
			Establishment	2,881 4 0	
			Pier coolies	1,213 9 8	
			Repairs	395 10 6	
			Stores	701 3 0	
			Miscellaneous charges ..	2 4 9	
			Harbour office extension ..	700 0 0	5,893 15 11
			For December 1884.		
			Establishment	2,986 3 9	
			Pier coolies	1,144 10 8	
			Repairs	391 9 8	
			Miscellaneous charges ..	286 11 9	4,809 3 10
			For January 1885.		
			Establishment	2,911 9 0	
			Pier coolies	1,247 7 3	
			Repairs	330 9 3	
			Stores	346 5 0	
			Miscellaneous charges ..	234 11 9	
			Overtime fees	626 10 8	5,697 4 11
			For February 1885.		
			Establishment	2,927 7 9	
			Pier coolies	1,555 6 4	
			Repairs	349 8 6	
			Miscellaneous charges ..	164 0 3	
			Harbour office extension ..	388 0 0	
			Overtime fees	1,122 5 7	6,506 12 5
			For March 1885.		
			Establishment	2,884 11 5	
			Pier coolies	1,321 1 4	
			Miscellaneous charges ..	357 6 5	
			Stores	100 4 0	
			Overtime fees	330 11 9	
			Repairs	717 10 1	5,711 13 0
Total Receipts ..		3,70,623 5 10	Total Charges ..		83,239 3 3

From the Hon. J. A. BOYSON, Chairman, Chamber of Commerce, Madras, to the Chief Secretary to Government, dated Madras, 5th May 1885.

In the order, dated the 10th November 1884, No. 495, Marine, the Government informed the Chamber that in view of the impending transfer of the Harbour to the port trust it would be inexpedient to sanction any measure affecting the increase at present derived from harbour dues, and in the order, dated 2nd September 1884, No. 389, Marine, it was admitted that the net revenue, being more than sufficient to meet the interest charge on the probable capital during the next two or three years, the Government would, if the present arrangements were to continue, not hesitate to meet the views of the trade with regard to the reduction of the dues. The Government also acknowledged that it was never intended that the maximum rates should continue to be levied if experience showed that the income was likely to be in excess of requirements.

2. I am now desired to ask the Government to give appropriate consideration to the fact that the revenue, which has been already raised, is far in excess of those requirements. The Secretary of State has approved of the port being made free of all charge for interest on expenditure on account of the harbour up to the 31st March 1885. The Chamber is not aware of the sum that has been expended in the upkeep of the harbour establishment, the collection of stone, and the manufacture of blocks since that date, but it can safely affirm that it has not been on anything like a scale to render it necessary to raise the present revenue to meet the interest chargeable thereon. It appears from the published returns that notwithstanding the prevalent dullness of trade the collections on account of harbour dues in the twelve months, ended the 31st ultimo, were Rs. 3,74,587, equivalent to a year's interest at 4 per cent. on a sum of Rs. 93,64,675. In his despatch of the 18th October 1883 to the Government of India, the Secretary of State stated that the trust when formed "would have merely to pay the interest on the monies needed for the completion of the harbour works which would be freely presented to it in their existing unfinished condition."

3. The Chamber respectfully urges that the delay in the formation of the trust does not relieve the Government, which is temporarily acting in the room of the trust, from the obligation of conceding to the commerce of this port the full benefit of the generous arrangement that was sanctioned by the Secretary of State. It is therefore earnestly hoped by the Chamber that, looking to the large collections that were enforced in the official year just ended, the Government will now be pleased to sanction the suspension of the levying of harbour dues until the active reconstruction of the harbour has commenced.

From J. H. TAYLOR, Esq., Lieut., R.N.R., Master Attendant, Madras, to the Chief Secretary to Government, dated Madras, 5th May 1885, No. 3662.

Administrative department.

I have the honor to report, for the information of Government, that the harbour dues collections for April amounted to Rs. (44,180-0-2) forty-four thousand one hundred and eighty and Pies two.

From J. H. TAYLOR, Esq., Lieut., R.N.R., Master Attendant, Madras, to the Chief Secretary to Government, dated Madras, 7th May 1885, No. 3708.

Administrative department.

With reference to your official memorandum, Marine department, No. 862, dated 28th ultimo, I have the honor to submit the following memorandum showing the estimated income of harbour dues at the new rates as called for:—

	Tonnage of goods for 1884-85.	New rates.		Estimated yearly income.	
		RS.	A. P.	RS.	A. P.
Pier	121,203	1	5 6	1,62,866	8 6
Beach	131,771	1	0 0	1,31,771	0 0
Total ..				2,94,637	8 6

2. In addition to the harbour dues, there is godown and ground rent realized which amounted to Rs. (10,691-12-6) ten thousand six hundred and ninety-one, Annas twelve and Pies six, during the last official year.

ORDER—dated 6th June 1885, No. 233, Marine.

The following telegram was despatched to the Master Attendant on the 27th May:—

“Madras Harbour dues reduced to one rupee for goods landed at pier, and twelve annas on beach from 1st April last. Refund excess collections to consignees.”

2. The financial position (present and estimated) of the harbour may be stated as follows:—

<i>Liabilities.</i>		
Year.	Item.	Amount. RS.
1882-83	.. Interest for one year on Rs. 1,85,351 spent up to 1st April 1882, at 4 per cent. ..	7,414
1883-84	.. Interest on Rs. 6,83,432 spent up to 1st April 1883 ..	27,337
1884-85	.. Interest on Rs. 9,08,288 spent up to 1st April 1884 ..	36,331
	Establishment and other charges in collecting harbour dues during year ..	83,239
1885-86	.. Interest on Rs. 11,12,532 * spent up to 1st April 1885 ..	44,501
	Establishment, &c. ..	† 85,000
	Total ..	2,83,822
	Add interest on Rs. 23,99,882 spent up to 1st April 1886, payable after expiration of the year.	95,993
		<u>3,79,815</u>
<i>Assets.</i>		
1884-85	.. Harbour dues ..	3,70,623
1885-86	.. Do. (at Re. 1 for pier and As. 12 for beach) ..	2,20,031
	Total ..	<u>5,90,654</u>

* Taking the outlay last year at Rs. 2,04,244 as given by Mr. Thorowgood (page 3 of G.O., No. 989 W., 27th April 1885).

† Follows actuals, 1884-85.

Assuming that the expenditure of the current year will tally with the estimate, there would be a balance of Rs. 2,10,839 in hand after payment of the interest on the outlay up to the end of March 1886.

3. The Governor in Council resolves to contribute to the harbour assets a sum of Rs. 25,000 from the surplus revenue at credit of the Madras Port fund, and will be prepared to sanction a grant of the same amount on the 1st April 1886, provided that there is again a considerable balance to credit of the fund, after all charges for the year have been met.

(True Extract.)

E. F. WEBSTER,
Chief Secretary.

To the Master Attendant, Madras.
.. Accountant-General.
.. Public Works department.

Exd. T. O'Connor.

J.M.D.

Gobt. of (1885) Madras.

MARINE.

Order thereon N. 1539 Wd/2 July 85

Recorded in continuation

of G.O. No. 2871 Wd/17 Nov 1884.

J.S.S.

Issued

Recd.

Encl.

G.O., 6th June 1885, No. 233.

N. 1539 Wd/2-7-85

JUNE.

Madras Harbour.

Passing certain orders in connection with the financial position of the —.

Supt. M. W. Works

Enr. P. W. Aali

With order

No. 869.

FROM

D. FITZPATRICK, Esq.,

Secretary to the Government of India,

LEGISLATIVE DEPARTMENT,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF
MADRAS.

Simla, the 23rd May, 1885.

SIR,

In continuation of my telegram of the 22nd instant (copy enclosed), I am directed to acknowledge the receipt of Mr. Stuart's letter No. 50 (Legislative), dated 2nd March last, forwarding, for the assent of His Excellency the Viceroy and Governor General, a copy of the Act noted on the margin, which was passed by the Madras Legislative Council on the 3rd February last, that is to say, within a fortnight from the date of your despatch (No. 1, dated 19th January) to the Secretary of State regarding it, and assented to by His Excellency the Governor on the 25th idem.

2. In reply, I am to express the regret of His Excellency the Viceroy that he is unable to give his assent to the Act, and, in accordance with section 40 of the Indian Councils' Act, 1861, to signify his reasons for withholding such assent.

3. It appears to His Excellency necessary that some provision should be made in the Act defining the terms on which the existing harbour works are to be made over to the Trustees. It should be provided that all sums advanced by Government for the harbour since 1st April, 1883, in accordance with the instructions conveyed in the Secretary of State's despatch No. 300, of the 18th October, 1883, shall be taken over as a debt due by the Trustees to the Secretary of State in Council, and that interest shall be paid on those advances from the time they were made at the rate of $4\frac{1}{2}$ per cent. per annum. Provision should also be made in the Act for the re-payment of the capital of those advances. In this connection I am to invite attention to Bengal Act V of 1870, section 7 *et seq.*, and Bombay Act I of 1873, sections 49 and 50.

4. Section 28 of the Act empowers the Board to raise money with the previous sanction of "Government." As "Government" would probably be interpreted to mean the Local Government, His Excellency is of opinion that it should be expressly stated that loans can only be raised with the sanction of the Governor General in Council.

5. His Excellency further is advised that some of the other provisions of the Act are invalid, while some others are, in his opinion, open to objection.

6. Taking them in the order of their numbers, it appears to His Excellency that section 20 limits unduly the powers of the Board with regard to its

chief executive officers. His Excellency is of opinion that the appointment, removal, &c., of such officers should vest in the Board, in the same way as is provided in the Bombay Port Trust Act, 1879.

7. In section 22 the framing of regulations for the grant of pensions, gratuities, &c., should be subject to the approval of the Governor in Council.

8. Section 24 should be expressed to be, in effect, subject to any specific appropriation by the legislature of the rents, tolls and dues to which it refers. This is essential in the case of rents, tolls and dues payable under an Act of the Governor General in Council, as otherwise the section might turn out to be *ultra vires*.

9. Some provisions in Part VII (Of the Powers and Functions of the Board) appear to be in conflict with the Sea Customs Act, 1878, and therefore *ultra vires*. As, however, those provisions appear to be expedient for the purposes of the Madras Act, and as the Calcutta Port Commissioners' and Bombay Port Trust Acts have been expressly saved by section 207 of the Sea Customs Act, the Governor General in Council has decided to take steps to generalize that section, so as to save also any law for the time being in force relating to Trustees for the Harbour of Madras. This will be done in the Tariff Bill, now before the Legislative Council of the Governor General, which is to amend the Sea Customs Act in another particular.

10. The penultimate clause of section 65, being in conflict with section 7, clauses (b) and (g), of the Indian Ports Act, 1875, is *ultra vires*. His Excellency is therefore of opinion that the clause ought to be omitted. This can easily be done, as the Board can move the Local Government to make the necessary rules.

11. I am, in conclusion, to state that, if the present Act is amended in the sense of the foregoing remarks, His Excellency will be prepared to give his assent to it.

I have the honour to be,

SIR,

Your obedient Servant,

D. FITZPATRICK,

18. No. 1540

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

To

THE CHIEF SECRETARY TO THE
GOVERNMENT OF MADRAS.

Dated the 23rd May, 1885.

No. 869.

SUBJECT.

Expresses the regret of His Excellency the Viceroy at his inability to assent to the Act to provide Trustees for the Harbour of Madras, passed by the Madras Legislative Council on the 3rd February, 1885, and states his reason for withholding such assent.

17TH JUNE 1885, No. 102, LEGISLATIVE.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper :—

From D. FITZPATRICK, Esq., Secretary to the Government of India, Legislative department, to the Chief Secretary to Government, dated Simla, 23rd May 1885, No. 869.

In continuation of my telegram of the 22nd instant (copy enclosed), I am directed to acknowledge the receipt of Mr. Stuart's letter, No. 50 (Legislative), dated 2nd March last, forwarding, for the assent of His Excellency the Viceroy and Governor-General, a copy of the Act noted on the margin, which was passed by the Madras Legislative Council on the 3rd February last, that is to say, within a fortnight from the date of your despatch (No. 1, dated 19th January) to the Secretary of State regarding it, and assented to by His Excellency the Governor on the 25th idem.

not correct to R.V.D.

2. In reply, I am to express the regret of His Excellency the Viceroy that he is unable to give his assent to the Act, and, in accordance with section 40 of the Indian Councils Act, 1861, to signify his reasons for withholding such assent.

3. It appears to His Excellency necessary that some provision should be made in the Act defining the terms on which the existing harbour works are to be made over to the trustees. It should be provided that all sums advanced by Government for the harbour since 1st April 1883, in accordance with the instructions conveyed in the Secretary of State's despatch, No. 300, dated the 18th October 1883, shall be taken over as a debt due by the trustees to the Secretary of State in Council, and that interest shall be paid on those advances from the time they were made at the rate of $4\frac{1}{2}$ per cent. per annum. Provision should also be made in the Act for the re-payment of the capital of those advances. In this connection I am to invite attention to Bengal Act V of 1870, section 7 *et seq.*, and Bombay Act I of 1873, sections 49 and 50.

4. Section 28 of the Act empowers the Board to raise money with the previous sanction of "Government." As "Government" would probably be interpreted to mean the local Government, His Excellency is of opinion that it should be expressly stated that loans can only be raised with the sanction of the Governor-General in Council.

5. His Excellency further is advised that some of the other provisions of the Act are invalid, while some others are, in his opinion, open to objection.

6. Taking them in the order of their numbers, it appears to His Excellency that section 20 limits unduly the powers of the Board with regard to its chief executive officers. His Excellency is of opinion that the appointment, removal, &c., of such officers should vest in the Board, in the same way as is provided in the Bombay Port Trust Act, 1879.

7. In section 22 the framing of regulations for the grant of pensions, gratuities, &c., should be subject to the approval of the Governor in Council.

8. Section 24 should be expressed to be, in effect, subject to any specific appropriation by the legislature of the rents, tolls and dues to which it refers. This is essential in the case of rents, tolls and dues payable under an Act of the Governor-General in Council, as otherwise the section might turn out to be *ultra vires*.

9. Some provisions in part VII (Of the Powers and Functions of the Board) appear to be in conflict with the Sea Customs Act, 1878, and therefore *ultra vires*. As, however, those provisions appear to be expedient for the purposes of the Madras Act, and as the Calcutta Port Commissioners' and Bombay Port Trust Acts have been expressly saved by section 207 of the Sea Customs Act, the Governor-General in Council has decided to take steps to generalize that section, so as to save also any law for the time being in force relating to trustees for the harbour of Madras. This will be done in the Tariff Bill, now before the Legislative Council of the Governor-General, which is to amend the Sea Customs Act in another particular.

10. The penultimate clause of section 65, being in conflict with section 7, clauses (b) and (g), of the Indian Ports Act, 1875, is *ultra vires*. His Excellency is therefore of opinion that the clause ought to be omitted. This can easily be done, as the Board can move the local Government to make the necessary rules.

11. I am, in conclusion, to state that, if the present Act is amended in the sense of the foregoing remarks, His Excellency will be prepared to give his assent to it.

ORDER—dated 17th June 1885, No. 102, Legislative.

The disallowance by His Excellency the Viceroy of the Act passed by the Madras Legislative Council on the 3rd February 1885, to provide trustees for the harbour of Madras, will be communicated to the Legislative Council in accordance with rule XXXIX of the rules for the conduct of business.

2. A revised bill, drafted so as to meet the requirements contained in the letter read above, will be prepared in this department, and the Hon. Mr. Sullivan will be requested to take charge of it, and also to take the necessary steps for its introduction into the Legislative Council.

(True Extract.)

H. A. Stuart.

Ag. Asst. Secy. to Govt.

To the Hon. H. E. Sullivan.

„ Marine department.

„ Public Works department.

Exd. J. Wright.

Nos 77 W 10.1.85.
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No 1543 W 2-7-85

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Govt. of (1885) Madras.

LEGISLATIVE.

Issued

Recd. 1/7/85.

Encl.

G.O., 17th June 1885, No. 102.

No 1543 W 2-7-85

JUNE.

Madras Harbour Trust Act.

Communicating the disallowance by His Excellency the Viceroy of the — to the Legislative Council, and directing that a revised bill be prepared in accordance with the views of the Government of India and introduced into the local legislature.

Nos. 109/6.

109/6

With order