M.R.O. 14—18,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 369 Press ~~Mis.~~

12 13

Dated 2 — 3 — ~~19~~ 1864

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 2nd March 1864.

No. 12. Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, dated Madras, 9th December 1863, No. 7,752:—

Sir,

1. Adverting to the Order of Government, No. 1,124, dated 25th June 1863, directing the Board to report to what Ports the provisions of Section 161 of Act VI of 1863 apply, I am directed by the Board to submit a Tabular Summary of the replies received from the several Collectors concerned to the Board's Miscellaneous Circular on the subject.

No. LV, dated 6th July 1863.

2. In column 2 of the summary are entered all the Ports the Cargo boats at which at present ply under the License system, or that provided by the Rules dated 23rd April 1847, published at page 373 of the "Fort Saint George Gazette" of that year, as well as all the Ports to which the Collectors now desire to extend that system.

3. The Acting Collector of the Godavery District suggests that some change should be made in the Boat Rules of 1847 above referred to, in order to assimilate them to the provisions of the new Act; and the Collector of South Arcot, and the Acting Collector of South Canara forward certain Rules which are herewith submitted to Government. The Board suggest that these Rules be referred for consideration in the Marine Department, together with the existing Rules framed in 1847, and alluded to above.

No. 13. ORDER THEREON, 2nd March 1864, No. 369.

1. In his letter, dated 3rd June last, the Acting Collector of the Godavery District enquired whether Government intended to issue any Notification regarding the licensing, &c., of boats at Cocanada under Section 161 of the Consolidated Customs Act, as since the passing of that law the Master Attendant had declined to continue granting licenses under the Boat Rules of 23rd April 1847.

Act VI of 1863.

2. The Acting Collector's letter was referred to the Board of Revenue who were requested to state to what ports Section 161 of the Act in question should be applied.

3. The Board submit a Summary of the Collectors' replies, with a list of the ports in which the Boat Rules of 1847 are now in force, and of those to which in the opinion of the local Officers those Rules should be extended.

4. The Board also submit copies of sundry alterations proposed in the present Boat Rules by the Acting Collector of South Canara and a draft of subsidiary Rules obtaining at Cuddalore and which the Collector of South Arcot wishes extended to Porto Novo. The Board recommend that these papers be referred for consideration in the Marine Department.

5. The existing Boat Rules were passed under the authority of Act IX of 1846, and are of much more extensive scope than the Rules which Government can pass under the Consolidated Customs Act. They apply to passengers as well as goods, and impose various penalties on boat owners and boatmen for breach of their terms. The Customs Act on the other hand applies only to the registering and licensing of cargo boats, and admits of no other penalty than forfeiture of goods found on board any unlicensed and unregistered boat. The Customs Act in no way affects Act IX of 1846 or the previous Madras Boat Act IV of 1842.

6. Looking at the restricted scope of Sections 161 and 162 of the Customs Act, and the ample power which they have of modifying Act IV of 1842 in details to suit local peculiarities, the Government consider it undesirable to act on the Customs Act at all, not only because the scope of that law is so limited but also because the penalty may often fall on the innocent.

7. The Government think it better that the Madras rules should be extended to the ports noted in the margin which are places of considerable traffic, the powers conferred by the rules being exercised by Master Attendants, where such officials are employed and elsewhere by such officers as the Board after consulting Collectors may recommend.

Ganjam.
Munsoorcottah.
Calingapatam.
Coconada.
Cannanore.
Calicut.

Collector.

Proceedings of the Madras Government, Revenue Department, 2nd March 1864.

8. The Rules, it is observed, already apply to

Vizagapatam.	• Cuddalore.	Tuticorin.
Bimlipatam	• Nagore.	• Mangalore.
Coringa.	Negapatam.	• Tellicherry.
Masulipatam.	• Paumben.	Cochin.

The Board will ascertain by whom the powers conferred by the Rules are exorcised at the places marked with an asterisk.

9. For ports of less importance the Government request that the Board, after communication with the Collectors, will submit a draft of revised Rules "similar in principle to the provisions" contained in Act IV of 1842, "but varying in detail" according to local circumstances. Any attempt to enforce Rules of such stringency as those of 1847 at petty ports would probably fail,—as the traffic is often not sufficient to induce boat owners to subject themselves to the risk of heavy penalties.

10. The alterations proposed by the Acting Collector of South Canara are not generally of material consequence, and the existing Boat Rules are already in force at Mangalore. The chief alteration consists in the transfer of the jurisdiction in offences from Justices of the Peace to the Magistracy. Act IV of 1842, framed for Madras itself specially vests this jurisdiction in the former Officer, and Act IX of 1846 is silent on the point. The Government are not aware that any material practical inconvenience has resulted from the jurisdiction being vested in Justices of the Peace, and the change proposed by the Acting Collector of South Canara seems hardly called for.

11. The "Subsidiary Rules" forwarded by the Collector of South Arcot are said to be in force at Cuddalore; but under what authority is not stated. Under Act IX of 1864 even Rules framed by Government require the confirmation of the Supreme Government.

(Signed) J. D. SIM,
Secretary to Government.

TABULAR *Summary of the replies of the several Collectors to the Board's Circular dated 6th July* 1863, *No.* 4,109, *requesting to know to what Ports the license system for Cargo boats should be applied and under what rules.*

Districts.	Ports to which Section 161 of Act VI of 1863, should be applied.	Abstract of Collectors' remarks.
Ganjam.....	Ganjam. Munsurkotta. Sonnapur. Barwah. Poondy. Calingapatam.	The license system for Cargo boats should be made applicable to the Ports in column 2 under the Boat Rules of 1847.
Vizagapatam...	Vizagapatam. Bimlipatam.	The Cargo boats at the Ports entered in column 2 are licensed under the Boat Rules of 23rd April 1847, appended to Act IX of 1846. The boats at the other three Ports are common fishing boats. The Collector does not recommend the licensing system being extended to them.
Godavery	Cocanada.	Would not recommend any alteration in the Rules of 1847, except the omission of Section 6, and the changes necessary to assimilate them with the provisions of the new Act.
Kistna...	Masulipatam. Nizampatam.	None but registered Cargo boats are in use in the Ports entered in column 2. No Cargo boats are used in the remaining Port Cottapollem, nor are any needed.
Nellore.....	Epurpollem. Motupally. Kottapatam.	The Rules of 1847 should be made applicable to the Ports in column 2.
Madras.....	Itamukala. Iskapalli.	Covelong and Ennore are the only two Ports, besides the Port at the Presidency, and Salt alone is exported at them.
South Arcot....	Porto Novo. Cuddalore.	The Cargo boats at the Port of Cuddalore ply under the license system. Forwards subsidiary rules obtaining at that Port, and recommends that they be extended to Porto Novo.
Tanjore... ...	Codiempolliem.. Muttupettai. Trimulvassel..... Adrampatam. Tranquebar..... Cattumavadi. Nagore... ... ... Ammapatam. Negapatam..... Kottapatnum. Valangany..... Gopalapatam. Topetorai... ... Sundrapondiaputtnum.	License system for Cargo boats has been applied to all the Ports under the Rules of 1847.
Madura.....		The trade of the Madura Ports is small, carried on by resident merchants who use their own vessels and boats, no foreign or large vessels resort to the Ports.
Tinnevelly.....	Tuticorin.	The Cargo boats are licensed at the Port of Tuticorin under the Rules of 1847. The remaining Ports are not sufficiently important to require the license system.
South Canara...	Mangalore.	The license system should be adopted only at the Port of Mangalore. The Acting Collector forwards a set of Rules founded on those of 23rd April 1847. Such parts of these Rules as should be in future substituted for, or added to, the Rules which have been in force since April 1847 are written in red ink, the rescinded portion being written in the margin.
Malabar.....	Cannanore. Tellichery. Calicut. Cochin. Kalai..... Badagerra. Quilandy... ... Beypore. Tanur..... Ponany. Chowghat.	The system of license already prevails in the first four Ports entered in column 2, and should be extended to the other Ports under the Rules of 1847.

(Signed) W. HUDLESTON,
Secretary.

Collector.

No 152.

Malabar Collector's Office
On Circuit
Tellicherry 25 July 1863

From
G. A. Ballard Esqr
Collector of Malabar

To
W. Huddleston Esqr
Secretary to the Board of Revenue
Fort St George

Sir

Adverting to the Board's Miscellaneous Circular dated 6 Instant No LV/4109 I have the honor to report that the License system of Cargo Boats prevails at the ports noted.

Cannanore
Tellicherry
Calicut
Cochin

It seems desirable that it should be extended to Kalai, Badagerra, Quilandy, Beypoor, Tanur, Ponany & Chowghat under the rules dated 23d April 1847.

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

G. A. Ballard
Collector.

Proceedings of the Jt. 369 Madras Govt.
under date the 2d March 1864.

Read the following letter from the Secy to the Board of Revenue

Submitting with remarks a tabular Summary of the replies received from the Collectors of Boat Stations to the C.O., desiring a report to what ports the provisions of Sec 161 of Act VII of 1863 apply.

(Received 9th Dec 1863, No 7752)

Act VII of 1863.

In his letter dated 3d June last the Acting Collector of the Godavery District inquired whether Govt intended to issue any Notification regarding the licensing &c of Boats at Cocanada under Section 161 of the Consolidated Customs Act, as since the passing of that law the Master Attendant had declined to continue granting licenses under the Boat rules of 23d April 1847.

2 The Acting Collector's letter

tetter, was referred to the Board of Revenue, who were requested to state to what ports section 161 of the Act in question should be applied-

The Board submit a summary of the Collectors replies, with a list of the ports in which the Boat rules of 1847 are now in force, and of those to which in the opinion of the local officers those rules should be extended-

The Board also submit copies of sundry alterations proposed in the present boat rules by the acting Collectors of South Canara and a draft of subsidiary rules obtaining at Cuddalore and which the Collector of South Arcot wishes extended to Porto Novo-

The Board recommend that these papers be referred for consideration in the Marine department

~~I do not think the Board have taken the trouble of looking into the matter quite as closely as they might have done~~

The existing boat rules were passed under the authority of Act IX of 1846 and are much more extensive in scope than the rules which Govt can pass under the consolidated customs act- They apply to passengers as well as goods- and impose various penalties on Boat owners and Boatmen for breach of the terms- The Customs Rules on the other hand apply only

only to the registering and licensing of cargo boats and admits of no other penalty than forfeiture of goods so found on board any unlicensed and unregistered boat - the Customs Act in no way affects Act IX of 1846 or the previous Madras Boat Act IX of 1842.

6. Looking at the restricted scope of Sections 161-162 of the Customs Act and the ample power which they have of modifying Act IV of 1842 in details to suit local peculiarities I consider it undesirable that Government should act on the Customs Law not only because they do not directly affect the provisions of that law which we can do so little under but also because the penalty will in each case fall on the innocent especially in the case of Coasting Steamers staying but a few hours in each port.

I

The Govt
I think therefore that the
Madras
rules may stand as they are
extended to the following ports
noted in the margin
which are places of considera
ble traffic - the powers conferred
by the rules being exercised by
the officers named hereafter
Collector may recommend
each - viz.

Ganjam. Sea Customs Supt.
Munsoorabad do
Calingapatam do
Cocanada Master Attendant
Cannanore Sea Customs Supt
Calicut Master Attendant

The rules it is observed, already apply to
Vizagapatam. Master Att
Bimlipatam do
Coringa do
Masulipatam do
* Cuddalore (Collr of Salt)
* Nagore (Customs)
Negapatam Master Att
* Paumben (Customs)
Tuticorin Master Attd
Mangalore

Company
Munsoorabad
Calingapatam
Cocanada
Cannanore
Calicut

Master Attendant where
such officials are employed
and elsewhere by such officers
respectively Board after consulting
the Collr

+ Ganjam. Waltair 100 + 30 as
Contract.
Mr. Jones. do 85 + 30 do
Mr. Lloyd - do 70 + 30 do.
Mr. Grant. do 70 + 30 do

* Not only because it
seems of little interest
to the Committee but also
because the penalty will
often fall on the innocent

Tellicherry do

Cochin Madras Act

For ports of less importance I have requested that the Board after communication with the Collrs will submit a draft of revised rules similar in principle to the provisions contained in Act IX of 1842, but varying in detail according to local circumstances. Any attempt to enforce rules of such stringency as those of 1841 at petty ports would fail, as the traffic is often not sufficient to induce boat owners to subject themselves to the risk of heavy penalties.

10 ... The alterations proposed by the Collrs of S. Canara are not generally of material consequence. The existing Boat rules are already in force at Mangalore. The chief alteration consists in the transfer of the jurisdiction in offences from Justices of the Peace to the Magistrate. Act IV of 1842 framed for Madras itself specially avoids this jurisdiction

The Board will ascertain by whom the powers conferred by the Rules are exercised at the places marked with asterisks.

jurisdiction in the former Officer: and Act IX of 1846 is silent on the point. The Govt are not aware that any material inconvenience has resulted from the jurisdiction being vested in Justices of the Peace, and the change proposed by the existing Collrs of S. Canara the previous to pass silent hardly called for.

11 The subsidiary rules framed by the Collector of South Arcot were said to be in force at Cuddalore but under what authority is not stated. Under Act IX of 1846 such rules framed by Government require the confirmation of the Supreme Govt.

14 Copies to the Registers Cuddalore
5 Marine Depts

If Government approve of the mode I have above stated I propose in carrying the Regulations, to state by whose the powers conferred by the rules as plans already under them shall be exercised - stating the Master attendants where there is such an Officer - and elsewhere a Sea Customs officer of the Landing - if the Chs. concur

The revised rules for Timor Laut will have to be submitted for the sanction of the Supreme Government -

The notification had perhaps better issue in the Marine Departt

I DS.

Revenue 1864 Dept.

Pro: of Govt. for March.

N: 369.

Pro: of the Madras Govt.

Dy 2d March 64.

Further Cons 26: 0 64.

Pro: of the Board of Revs dy
26 October 64 Cs 1257

Pro: Mr Bd of Rev: 22 April 64
Cs 1036.

Ltr — to — dy 23 May 64 "
Ltr — to — dy 31 May 64 Cs 1411
Ltr — to — 15 aug 64 Cs 2199
Ltr — to — 29 dy 64 Cs 2318

Pro: Bd of Revs submitting a Tabular summary of returns from the several Collectors of Coast Districts to the Circular issued on licensing fees of boats under section 16 of Act VI of 1863.

No 1243.

Cs 19 Feb 1864 - 22