

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 372

Press

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Dated

13 - 2 - 1866.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
13th February 1866.*

No. 210. Read the following Proceedings of the Madras Government in the
Marine Department:—

Communicating extract of a letter from Govern-
ment of India, replying to certain questions
submitted by the Government of the Straits
Settlement, relative to the toll to be levied
upon ships passing the Little Basses Rock
Light Ship, off Ceylon. } (Here enter 31st January 1866, No. 31.)

No. 211 ORDER THEREON, 13th February 1866, No. 372.

Miscellaneous.

Communicated to the Board of Revenue.

(True Extract.)

(Signed) J. GROSE,

Acting Under Secretary to Government.

To the Board of Revenue, with Proceedings Marine Department, No. 31.

Exd. S. T. Augustin.

*Proceedings of the Madras Government, Marine Department,
31st January 1866.*

No. 51. Read the following Extract paragraph 1 of a letter from A. M. MONTEATH Esq., Under Secretary to the Government of India, to the Governor of the Straits Settlement; dated 11th January 1866, No. 347.

I am directed to acknowledge the receipt of your Secretary's letter, No. 18, dated the 31st October last, and to communicate the following replies to the questions submitted by you:—

Q. (1).—At what rate of Exchange, in the Dollar or Rupee currency, is the toll of one penny per ton upon Ships passing the Little Basses Rock Light Ship to be levied? R. (1). At the rate of Rupees 220 per 100 Dollars, or 2 Shillings per Rupee.

Q. (2).—Whether the toll can be enforced upon all Ships, or merely upon those belonging to British subjects? R. (2).—Upon all Ships, whether British or Foreign. Upon this point, a copy of an opinion by the Advocate General is sent, for your information, and I am to remark, with reference to it, that the provision of the Act of Parliament, referred to by Mr. Cowie, seems to be sufficiently met by the circumstance that the Light Vessel has been placed on the Little Basses by the consent of the Legislative Authority of Ceylon.

Opinion by the Advocate General, dated the 10th January 1866.

A short time since I demi-officially advised the Secretary to the Government of India, Home Department, on the question now raised. I then expressed the opinion, which I continue to hold, that those portions of the Merchant Shipping Act and Amendment Acts which relate to Light Houses are applicable to Foreign as well as to British Ships. The power to refuse Port Clearance given by the Merchant Shipping Act and the 44th Section of the Merchant Shipping Act Amendment Act 1862, by which the Consignees or Agents of vessels at the Port of arrival or discharge are made liable for light dues, seem to put such dues on the footing of ordinary Port dues, to which, of course, all ships, Foreign as well as British, are equally subject.

2. There is, however, one point in the case on which I think a doubt arises: The Merchant Shipping Act Amendment Act 1855 enacts that the provisions as to Light Houses shall be introduced into any Colony only by the Legislative authority of that Colony. Although the term is incorrect, as applied to Her Majesty's Indian Territories, it is difficult to understand why the Act should require local legislation in the case of a Colony properly so called, and not in the case of India. For the present, I think, the Light dues should be demanded from Foreign Ships. The Secretary to the Government of India, Home Department, should be furnished with a copy of this Opinion, in order that the doubt I have expressed with regard to the construction of the Act of 1855 may, if thought of sufficient importance, be referred to the Home authorities.

(Signed) T. H. COWIE.

No. 348.

Forwarded, for information, to the Government of Fort Saint George.

(Signed) A. M. MONTEATH.

Under Secy. to the Govt. of India.

No. 52. ORDER THEREON, 31st January 1866, No. 31.

Communicated to the Revenue Department, and, also, to the Superintendent of Marine.
(True Extract).

To the Revenue Department.
Superintendent of Marine.

Exd. J. H. Burns.

G. J. Annandale
Chief Secretary.

W. J. P. J. J.

Revenue 1866 Department
of Govt. of India
No. 372

Proceedings of the Revenue
Dept. in the Home Department.

Dated 31st March 1866.
Rev. Secy. to Govt.

No. 31

Communicating Extracts of as
written from Govt. of India, to
certain questions submitted by the Govt.
of the Straits Settlement, relative to the
fact to be derived upon ships passing
the Little Passers Rocks Light
Ship, off Cayman.

With order.

1866. 13th Feb.

11/10/11

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Communicated to the

Secy of Revenue.

13th Feb.

13th Feb.

13th Feb.