M.R.O. 1—88,000—16-10-29.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 3, 167 Press Mis.

180-183

Dated 14 th December 1869

***Not to be folded or roughly handled***

## *Proceedings of the Madras Government, Revenue Department, 14th December* 1869.

Read the following papers:—

No. 180. From the Chairman, Chamber of Commerce, to the Chief Secretary to Government, Fort Saint George, dated Madras, 21st September 1869.

THE Chamber have had under consideration Act XVII. of 1869, "to shorten the time for landing goods," and have observed that, by the amended Section 52 of the Consolidated Customs Act, the procedure in respect of goods not landed within the time allowed provides for the number of working days not exceeding fifteen, being, from time to time, appointed by the Local Government by Notification in the Official Gazette.

2. After mature deliberation the Chamber have desired me to solicit the Government to authorize the Collector of Sea Customs to act upon a notice of a lien on goods immediately on arrival in the case of all steamers, and three days after they have commenced to discharge in the case of sailing vessels.

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FORWARDED to the Board of Revenue for their observations.

FORT SAINT GEORGE,
*24th September* 1869.

(Signed) R. A. DALYELL,
*Acting Secretary to Government.*

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No. 181. Proceedings of the Board of Revenue, dated 22nd October 1869, No. 7,870.

Read the following letter from the Collector of Sea Customs, to the Acting Secretary to the Board of Revenue, dated Madras, 12th October 1869, No. 1,047.

BOARD'S Proceedings, 11th instant.

2. I have the honour to state that I see no objection to the request of the Chamber of Commerce being complied with.

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IN this letter the Collector of Sea Customs reports that he sees no objection to the course proposed by the Chamber of Commerce; namely, that in fixing, under Act XVII. of 1869, the period within which, if goods be not landed, they should be liable to detention at the Custom-house on notice of a lien for freight, etc., the local Government should declare, that in the case of steamers goods must be landed *immediately*, and in the case of sailing vessels *within three days of their commencing to discharge cargo.*

2. The Board cannot concur in the recommendation of the Chamber of Commerce, and are of opinion that the just interests of the public demand that reasonable time should be allowed to consignees to clear goods at their own expense. The adoption of the periods specified would place in the hands of steamers' and ships' agents a power of landing without option allowed to the consignee, and furnish them with a summary mode of enforcing payment of whatever they might claim as remuneration.

3. The Board have reason to know, that even under the present law great complaints are made of exorbitant demands on the part of steamer agents, who

endeavour to secure a monopoly of the business of landing and to turn it to the best account.

4. The Board are clearly of opinion, that in the case of steamers at out-ports a period of not less than twelve hours' daylight should be allowed, and at Madras of forty-eight hours; and in the case of sailing vessels they would advocate a period of four days at out-ports, and eight days at Madras.

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No. 182. Proceedings of the Board of Revenue, dated 16th November 1869.

Read the following letter from the Collector of Sea Customs, to the Acting Secretary to the Board of Revenue, dated Madras, 2nd November 1869, No. 1,110.

With reference to paragraph 3 of the Proceedings of the Board of Revenue, dated 22nd October 1869, No. 7,870, I have the honour to inform you that all packages, arriving by the steamers belonging to the companies noted in the margin, (the only ones whose steamers ply here regularly,) are landed by the several agents immediately on the arrival of their steamers, and delivered to consignees. This system appears to have worked satisfactorily in Madras, as no complaints were ever brought to me against it. I further beg to add that the English and French steamers remain in this roadstead at most twelve hours, and those of the B. I. S. N. Company, two days. I therefore think that the opinion expressed in paragraph 4 of the Proceedings above noticed, regarding the time to be allowed for steamers to land goods, will be unsuitable to the requirements of the steam-trade of this Port.

P. and O. Company.
Messageries Imperiales Company.
B. I. S. N. Company.

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Submitted to Government in continuation of Board's Proceedings of the 22nd October.

2. The Collector of Sea Customs thinks that the opinion expressed in paragraph 4 of those Proceedings, (viz., that forty-eight hours should be substituted for the period of fifteen days, hitherto allowed for landing goods,) will be unsuitable to the requirements of the steam-trade of this Port.

3. He states that it has hitherto been the practice for agents, immediately on the arrival of the steamer, to land goods and deliver them to the consignee, and that the system has worked well and given rise to no complaints.

4. In making their recommendation the Board did not anticipate that the alteration proposed would much affect the existing system in regard to the steam-shipping trade. The course recommended by the Chamber of Commerce, and supported by Mr. Blair, involved substituting for fifteen days the term *immediately*, and appeared to the Board calculated to expose consignees to hardship by removing one of the safeguards against unreasonable charges on the part of steamer agents: moreover, it seemed opposed to the principle of the law, which was not intended to afford aid to shipmasters and agents until after the occurrence of a *laches* on the part of consignees.

*Proceedings of the Madras Government, Revenue Department,*
*14th December* 1869.

5. The circumstances of the Port of Madras are such that to enact that goods not landed *immediately* by the consignee should be liable to be landed at once by the steamer agents would be to deprive the former of any period whatever during which he should be able, by landing his own goods, to retain uncontrolled possession of them.

6. The wording of the amended Section 52 is, "within such number of "working days * * * as the Local Government shall appoint, etc.;" and it seems questionable whether this authorizes the appointment of a period less than a whole working day.

7. If the convenience of the Steam Companies necessitates that their agents should commence to land goods at once, the case is similar to that provided for in Section 53; and there is no hardship to them in not permitting them by their own act, done for their own convenience, and without the consent of the other party to the contract, to establish thereby to their own advantage a lien on the goods which they would not otherwise possess.

8. Besides this, it is open to them to introduce a specific stipulation in their Bills of Lading, fixing an earlier period under Section 54; and this course has the advantage of giving shippers and consignees due notice.

9. On a full consideration of the subject the Board see no reason to modify the views already expressed in their Proceedings of the 22nd October 1869.

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No. 183. Order thereon, 14th December 1869, No. 3,167.

| Separate Revenue, No. 10. |
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| *Customs.* |

The Government have given the Board's Proceedings recorded above their most careful consideration, but they are not of opinion that any practical inconvenience to consignees is likely to result from the adoption of the proposal made by the Chamber of Commerce, supported as it is by the Collector of Sea Customs. The necessary Notification will accordingly be issued.

(True Extract.)

(Signed) R. A. DALYELL,
*Acting Secretary to Government.*

To the Chairman of the Chamber of Commerce.
,, the Board of Revenue.

Exd. F. R. Bantleman.

Revd. Department

Memo: for orders
on Mss 3232-3926
& 3713.

1 It appears that
some inconvenience was
felt among the Mercantile
Community of Calcutta ac-
cruing to the length of
time allowed to Consignees
for landing goods under the
Consolidated Customs Act
(viz 15 days; unless a
shorter period was specified
in the bill of lading). The
Govt. of India accordingly
passed Act XVII of 1869
allowing Local Governments
to fix the number of days
within

Govt. of India
To
THE CHAIRMAN OF THE
CHAMBER OF COMMERCE,
Calcutta.

Dated December 1869.
Recd.

G. O., 15th December 1869, No. 1167.

REVENUE.
Mss. 100–102.

Time allowed for landing goods.—Proposal made by the Chamber of Commerce on the subject of shortening it, approved, and the necessary Notification in connection with it ordered to be issued.

Custom Ch. 1837/69
Letter Coll. 259 5/70.

within which goods shall be landed by Consignees.

2 It is to be observed that the new Act like the former one provides that, after the expiration of the days allowed, the goods shall be taken to the Custom House, and that persons having objections may give notice to the Collector of Customs, who shall then hold the goods until the lien is removed by payment of the charges.

3 On the passing of this Act, the Madras Chamber of Commerce addressed



addressed the Government requesting that goods arriving by Steamers should be landed immediately and by other vessels within three days of their commencing to discharge Cargo.

4 The letter from the Chamber of Commerce was referred to the Board and by them transferred to the Collector of Sea Customs, who reported his opinion that the Chamber's request might

[illegible] by in vessel of the steamers and that no complaints against the system had been received. He also pointed out that the P.O.O. & French Steamers never remain more than 12 hours in the roads.

7. The Board, however, adhere to their opinion as to the number of days to be allowed in each case, for they think it would be hard specially in the case of Steamers to substitute the word "immediately" for the 15 days allowed to consignees by the old law, even if the new law contemplates less than one working day being allowed, which they doubt. They also point out that it is open to the owners of steamers to fix the time for landing goods in their bills of lading, if they desire to have them landed in a shorter time than that provided by law. The

8. The undersigned has communicated with Mr Pierson Arbuthnot & Mr J Brown on the subject and they both express themselves very strongly in favor of the Chamber of Commerce's proposals, explaining that so far as Steamers are concerned the practice has always been to allow the Agents to land immediately though it has not hitherto been authorized by law. It remains for the Govt to determine whether the Chamber's recommendation

recommendation, approved by the Collector of Customs is to be adopted, or whether the Board's objections are to be viewed as well founded.

I would adopt the recommendations made by the Chamber. I see no grounds for what would be my interference in the case of the Chamber.

Revenue Department

Notification.

The Right Honble the Governor in Council in accordance with the powers vested in him by Act XVII of 1869 hereby notifies and declares that if the importer, owner, or consignee of any goods (except such as shall have been declared by the Master or Commander not to be landed) or the Agent of such importer, owner, or consignee shall not, in the case of sailing vessels, land such goods within ~~four~~ three working days after the

~~the entry of~~ the vessel im-
porting the same, or in has commenced to discharge cargo
the case of Steam-vessels
shall not land such goods
immediately on the arrival
~~within 24 hours~~ ~~after the entry of the~~
of the
vessel importing the same;
or in either of the above
cases written such further
period as the bill of
lading of such vessel
shall specify. Then the
Master or Commander
of such vessel, as the case
may be, or the Officer of
Customs on his application
may carry such
goods to the Custom House

16 Dec/69

Ld Hobart

16 Dec/69

The Gent have given
the Board's Proceedings
mature careful consideration
but they are not of
opinion that any
practical inconvenience
to mariners is likely
to result from the adoption
of the proposal made
by the Chamber of Commerce
respecting, as it is, by the
Colonial Custom. The
necessary notification will
accordingly be issued

& must be in next Gazette

Let pass orders.

1 Extract Chairman of the Chamber of Commerce Dec 16/69
16 — B of Trade