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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Rev DEPARTMENT

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PROCEEDINGS OF THE MADRAS GOVERNMENT.

MARINE DEPARTMENT.

7th September 1876. No. 352.

PORT DUES ON FOREIGN VESSELS.

No. 20. Read again Proceedings of Government, dated 18th July 1876, No. 266.

From J. H. TAYLOR, Esq., Lieutenant, R.N.R., Master Attendant, Madras, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 4th July 1876, No. 4380.

Administrative Department.

I have the honor to solicit an authoritative ruling on the Resolution of the Government of India, recorded in the Proceedings of Government, Marine Department, No. 2, of date 4th January 1876, on the subject of the measurement of Foreign ships for tonnage dues.

2. The Resolution referred to, as read by this department, would appear to override the detailed instructions in the various orders of the Queen in Council regarding vessels belonging to the French, German, Swedish, and Spanish nationalities. For instance, with reference to French vessels the order applicable to them directs that the certificates of registry, which are dated on or after the 1st of June 1873, shall be accepted for tonnage dues. Under this rule, the Collector of Sea Customs at Madras, and the Master Attendant, Masulipatam, who has raised the question, are of opinion that all French ships producing certificates of registry granted by the national authorities prior to the above date should be remeasured at all Indian Ports for tonnage dues. But I would observe that in regard to these vessels the Government of India record their opinion that Rule 4 of the Regulations issued in Notification, No. 15, dated 31st January 1873, should be applied. The rule referred to runs as follows:—

“The tonnage of ships belonging to nations, who have adopted the rules in force in the United Kingdom to be accepted as on their national papers in so far as the arrangement goes.” The Collector of Sea Customs at Madras is of opinion that the words “so far as the arrangement in each case goes” evidently refer to the dates of registry specified in the orders of the Queen in Council.

3. On the other hand, I am of opinion that if such was the intention of the Government of India, there would have been no necessity for any reference to Rule 4 of their original notification, and that their intention was to accept all *certified national registers* regardless of the date of their issue. Moreover, the word “arrangement” cannot strictly be made applicable to a *date*, and has reference, I should say, to any special arrangement for each nation, as for instance that which applies to German Steam Vessels which has no corresponding rule under the French head.

4. As it is very necessary that the practice in connexion with the measurement of foreign vessels should be uniform at all ports in India, and as needless interference is impolitic, I respectfully submit the accompanying rules on the subject, which I propose to circulate for the guidance of Conservators, if they meet with the approval of His Grace the Governor in Council.

RULES for the guidance of MASTERS ATTENDANT and CONSERVATORS of PORTS in the Madras Presidency with regard to the measurement of Foreign Vessels for Tonnage dues.

Rule I.—All Conservators, so far as they are concerned, are directed to accept the tonnage of French, German, Swedish, and Spanish ships as on their national papers.

Rule II.—If a Conservator has reason to doubt the tonnage of any vessel belonging to the above-mentioned nationalities, and has reasonable cause to suspect that any such vessel has been altered to an extent interfering with her original capacity as denoted on her register or other national papers, he is at liberty to measure the vessel on his own responsibility, and for his own satisfaction, in accordance with the powers vested in him under Section 51, Clause (b) of Act XII of 1875, which Section has reference, and is applicable to all vessels not registered under the Imperial Merchant Shipping Act of 1854, or under the Indian Acts X of 1841 and XI of 1850, respectively, i.e., to all foreign vessels of any nationality whatsoever.

Rule III.—All foreign vessels not belonging to the nationalities above mentioned shall be relieved from the requirement of a measurement certificate, provided that the Master of the vessel is able to produce bills, or receipts, to show that the ship has paid dues upon a certain tonnage in a port of the United Kingdom within a period of two years from the date at which tonnage dues are demanded. In such case the vessel should be assessed for dues on the tonnage on which she has so paid dues in the United Kingdom.

Rule IV.—In the event of the Master of the vessel being unable to produce the evidence required by Rule III, or fail to satisfy any Conservator of her true

Rule V.—As under Section 16 of Act XII of 1875, Conservators have power to board any vessel in the discharge of their duty, it seems desirable that all foreign vessels of whatsoever nationality should be so boarded on arrival, in order that the Conservator may satisfy himself by a careful inspection of the vessel that no reasonable cause exists for doubting the tonnage of the vessel as denoted in her register or other national paper.

MADRAS,
4th July 1876.

(Signed) J. H. TAYLOR,
Master Attendant.

ORDER.—The Master Attendant will ascertain and report what is the practice at Calcutta and Bombay.

OOTACAMUND,
18th July 1876.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 21. Read also letter from J. H. TAYLOR, Esq., Lieutenant, R.N.R., Master Attendant, Madras, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 16th August 1876, No. 5467. Administrative Department.

I have the honor to acknowledge receipt of G.O., Marine Department, No. 266, of date 18th July 1876, and to report that, as directed therein, I duly placed myself in communication with the Marine authorities at Bombay and Calcutta, with regard to the practice prevailing at those ports in respect to the measurement of foreign ships, and I beg to submit, herewith, transcripts of their respective replies.

2. The letter from the Officiating First Assistant Master Attendant, Calcutta, throws no light on the subject, as he merely contents himself with quoting the several Resolutions and Notifications of the Government of India on the subject.

3. The letter from the Master Attendant, Bombay, clearly indicates the practice in force at that port, and which is in entire consonance with the views brought forward by me in my letter to your address, No. 4380, of date 4th July 1876, wherewith I submitted certain draft rules on the subject for the approval of Government, and which I now beg may be sanctioned for circulation to outport officers and officers of Sea Customs.

From W. SEARLE, Esq., Deputy Conservator and Master Attendant, Bombay, to J. H. TAYLOR, Esq., Lieutenant, R.N.R., Master Attendant, Administrative Department, Madras, dated Bombay, 31st July 1876, No. 833.

With reference to your Memorandum, No. 4861, and letter, No. 4380, to the Chief Secretary to Government, Marine Department, Madras, forwarding Rules for the guidance of Masters Attendant regarding the measurement of foreign vessels, and requesting to be informed what is the practice prevailing in this Presidency in respect to the measurement of foreign vessels for tonnage dues, I have the honor to inform you that this Department has hitherto been guided by instructions issued by the Government of India and noted in the Government Gazette of this Presidency—vide *Bombay Government Gazette*, dated 8th February 1873, page 130; also Bombay Government Resolution, No. 3, dated 4th January 1876 on a Resolution of the Government of India, Revenue Department, No. 7227, dated 23rd December 1875 and enclosures, letters Nos. 390 and 388, Government of India, Department of Revenue, Agriculture, and Commerce, whereby the measurement of vessels for tonnage dues of

Denmark.

America and the Austro-Hungarian Empire.

France.

The German Empire,

Sweden and Spain :

provided there appears to have been no alteration in the vessel.

The receipts for light and pilot dues from any of the ports of the United Kingdom are accepted from any other foreign vessel.

I would mention that all square-rigged vessels and steamers, as also any other foreign vessels not mentioned in the list and which cannot produce a receipt for light dues of any English Port are measured at this port according to Rule II of the Merchant Shipping Act of 1854.

From R. B. YATES, Esq., Officiating First Assistant Master Attendant, Calcutta, to J. H. TAYLOR, Esq., Lieutenant, R.N.R., Master Attendant, Administrative Department, Madras, dated Calcutta, 7th August 1876, No. 5931.

With reference to your Memorandum, No. 4856, of the 21st ultimo and accompaniments, I have the honor to inform you that the practice prevailing in this Presidency for the measurement of foreign ships for tonnage dues is in accordance with the orders of Government in the Department of Revenue, Agriculture, and Commerce, No. 596, dated Simla, the 4th July 1876, the copy of which was forwarded to the Government of Madras by the Government of India with No. 397 of the same date, and also Government of India Notification, No. 15, dated 31st January 1873, which was published in the *Gazette of India*, dated 1st February 1873, Part I, page 64.

No. 22.

ORDER.—The Governor in Council approves and sanctions the draft "Rules for the guidance of Masters Attendant and Conservators of Ports in the Madras Presidency with regard to the measurement of foreign vessels for tonnage dues," with the slight modifications made therein.

(True Extract.)

W. H. B. C.
Officer Secy. S. P. S.
per Chief Secretary.

To the Master Attendant, Madras.
 .. Revenue Department. ✓

Exd. J. Wright.

W. H. B. C.

7 To the Boarding Officer on duty
 office copy

U.S. 33
 Rev: 1896, ~

Colt. of 1876

MARINE.

To THE MASTER ATTENDANT,

Master.

Ac, Ac, Ac

Dated September, 7th.

Issued — 12

Recd. a 25-4

Each.

G.O., 7th September 1876, No. 352.

SEPTEMBER.
 Nos. 20-22.

Port Uses on Foreign Vessels.—The Rules submitted for the guidance of Masters, Attendants and Conservators of Ports in this Presidency with regard to the measurement of foreign vessels for tonnage dues, approved.
 29.2.16
 Commenced 1st Mar
 1876

Dated

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