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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. / B.P. No.	437	~~Press.~~ / Mis.

Dated 1-2-1879 197 .

Not to be folded or roughly handled

Bishop

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

20th January 1879, No. 38.

Port Dues.

Read the following papers :—

No. 58. *Proceedings of the Board of Revenue, dated 26th April* 1877, *No.* 1923.

Read the following letter from W. S. FOSTER, Esq., Collector of the Godavari District, to the Secretary to the Board of Revenue, dated Cocanada, 11th April 1877, No. 99 :—

In forwarding copies of a letter (dated 13th March 1877, No. 579,) with its enclosures from the Master Attendant, Cocanada, to the address of the Deputy Collector, I have the honor to ask for the orders of the Board on the subject.

2. There are two questions raised—

(1.) Whether vessels newly built at the port are required to pay port dues.
(2.) Whether boats and dhonies generally plying on the canals should be required to be registered if they come within the port limits.

3. With regard to vessels newly built within the limits of the port, I must say that I do not think these are liable to port dues for entering the port. Act XII of 1875 authorizes port dues to be levied on vessels entering the port. I imagine this requires the vessels to pass over the limits of the port, and does not authorize the levy of port dues on ships which have made only a so-called entry at the Custom-house with the view of obtaining a port clearance.

4. In a few cases ships are built outside the port, but on the land-side of it; these vessels may take on cargo where they are built and then proceed to sea. These would really have to enter the port, and would, strictly speaking, be liable to port dues; but I very much doubt whether the Act was intended to apply to ships entering the port from the land-side. But if the Board think that ships newly built in the port are not liable to port dues, I would suggest that the limits of the port might be extended, so that the places where ships are built might be included in the port.

5. Ships entering the port by the western limits from Yanam, I do not think should be exempted from paying port dues.

6. Those entering from the land-side from British territory, I should be glad to see exempted from payment of port dues. I am bound to say that the Act, strictly interpreted, renders them liable; but I think it would be well to release them from any share in keeping up the port. Vessels going seawards are provided with a port clearance in which some means are taken to save them from the effects of a stormy sea; some means are taken to assist them in landing their goods, and in complying with the requisitions of the law; these give no assistance whatever to ships arriving from the river, and I think it bad policy to make them pay part of expenses that cannot benefit them. The ships for which they might be of use should not require these to share the expense with them.

7. As to the registration of dhonies and boats ordinarily at work on the canal but sometimes taking cargoes out the ships, and sometimes carrying cargoes between the inland and places in the port limits, I think that a suggestion made to me by the Master Attendant in a conversation might very well be acted on. After the conversation I wrote to the Master Attendant telling him what I proposed to say to the

Board, and asking him if any recollection of the conversation coincided with his. The letter from him, No. 628, of the 22nd ultimo, which I enclose, is the reply; he says nothing about this conversation, and I therefore shall not further allude to it, but if he is not willing to admit making the suggestion, I think it is worth considering no matter from whom it first came. It is that vessels ordinarily working on the canals, but wishing to carry goods out to the shipping in the roads, should deposit their canal licenses with the Master Attendant and receive from him a port license free of charge, which on return is to be given back, and the canal license received back in its place. Of course this would necessitate a survey by the Marine authorities, but that is inevitable; a boat cannot carry the same cargo out to sea that it can carry in the canal.

8. I think it would be wise to save the boat people the extra expense of taking out two licenses.

9. A similar arrangement might be made in the case of vessels carrying salt from Peungadurn up-country; these vessels come into the limits of the port. These vessels are not likely to take salt to the shipping without giving information of it, but if the owners have to pay an extra fee to get their boats registered by the Marine authorities, I am of opinion that it would seriously affect the salt trade.

ENCLOSURE No. 1.

From F. GILLHAM, Esq., Master Attendant, Cocanada, to the Deputy Collector in charge of Sea Customs, Godavari District, dated 13th March 1877, No. 579.

I have the honor to inform you that a doubt having arisen as to whether a new vessel should be required to pay port dues before leaving this port on her first voyage, and also whether dhonies and boats are required by law to be registered which come into the limits of the port from the canals and convey cargo and passengers to and from places between Cocanada and Yanam and returning beyond the western limits, I referred the matter to the Master Attendant, Administrative Department, Madras, for instructions. I now enclose a copy of the orders received on the subject, and request that you will be good enough to pass the necessary instructions to the Superintendents of Sea Customs. I also enclose a copy of the port limits and a draft notice which I would recommend being published in the District Gazette in Telugu and English.

(True Copy.)

(Signed) H. RICHARDSON,
Deputy Collector for *Collector*.

ENCLOSURE 1 IN No. 1.

Memorandum from the Master Attendant, Administrative Department, to the Master Attendant, Cocanada, dated Madras, 28th February 1877, No. 1457:—

[REFERENCE—Your letter, No. 421, of date 21st February 1877].

Your paragraph 1.—Has the honor to state that whether a vessel is newly built or not, so soon as she loads a cargo she should at once be classified under Act XII of 1875 and port dues demanded.

Your paragraph 2.—Any vessel trading beyond the legalized limits of the port of Cocanada must be registered.

Any boat or vessel plying between the shore and the shipping at Cocanada must be licensed under the boat rules.

(By order.)

(Signed) T. E. MARSHALL,
First Asst. Master Attendant, Administrative Department.

(True Copy.)

(Signed) H. RICHARDSON,
Deputy Collector for *Collector*.

ENCLOSURE 2 IN No. 1.

Notice is hereby given that all dhonies and other cargo boats trading or conveying cargoes to and from places within the limits of the port of Cocanada from and to places beyond the limits of the said port are required to be registered under Act X of 1841 and the limits of the port of Cocanada are republished below for information.

The limits of the port of Cocanada which includes Coringa are as follows:—

To the North.—A line drawn from the boundary pillar four miles north of the Cocanada river due east to ten fathoms water.

To the South.—A line drawn due east from the boundary pillar on the north-east point of the mainland to seaward of the light-house to ten fathoms water. The sea-shore between them whether mainland or the islands within fifty yards of high water mark spring tides.

To the West.—The Cocanada river to the junction of the Cocanada and Samalcottah canal in one direction and to the Covoor Lock on the Cocanada and Dowlaishvaram canal on the other including Robertson's channel. The Coringa river to the boundary of the French Settlement of Yanam including all creeks and channels leading thereto.

The several mouths of the Godavari river south of the light-house within half a mile of the sea.

So much of the banks of the above named river and creeks as are within fifty yards of high water spring tides.

To the East.—A line connecting the eastern extremes of the above described north and south limits.

(True copy.)

(Signed) H. RICHARDSON,
Deputy Collector *for* Collector.

ENCLOSURE [illegible]. 2.

From F. GILLHAM, Esq., Master Attendant, Cocanada, to the Collector of the Godavari District, dated Cocanada, 22nd March 1877, No. 628.

With reference to your letter, No. 13, dated 21st instant, I have the honor to inform you that I concur in opinion with the Master Attendant, Madras, that port dues should be levied on new vessels when loading an outward cargo on their first voyage. These vessels being built beyond the port limits must enter the port before they can load cargo and clear outward for other ports. The amount of dues they would be required to pay is a trifling matter as compared with the amount of freight that would be earned when taking in a cargo, and there could not possibly, in my opinion, be the smallest objection on the part of the owner to the levy of dues on such vessels, leaving aside altogether the fact of it being a legal claim.

As regards the registration of dhonies and other vessels trading beyond the legalized limits of the port as alluded to by Captain Taylor, I beg to explain that some of the dhonies and other vessels which work generally on the canals occasionally come into the port by the western limits with cargoes to and from places between Cocanada and Yanam, and in some cases have been found conveying cargo to the shipping without holding either a register or a license or any other official document by which the owner and the vessel and her tonnage and description might be known, and after causing infraction of the port regulations return beyond the western limits into the canal. The canal license for port requirements is a useless document to seaward of the Cocanada river, as the vessels would likely foundor and besides risking the loss of life and property and thus perhaps endangering the safety of channels if loaded with the tonnage allowed for working on the canals, and such licenses being used for working to the shipping would be an infraction of the boat rules. My predecessor, Captain Castor, apparently had a great deal of trouble with some of such cargo vessels, and he granted them licenses under the boat rules, but as these vessels do not remain at the port they cannot legally retain such licenses when leaving or going beyond the port limits and trading with cargoes to and from other places. Moreover, no proper register of cargo boats can possibly be kept when such licenses are retained in their possession after they leave the port, but if they were provided with a register by which the vessel as well as her proper tonnage and her owner could be known, I see no objection to the licenses already granted to them on former requirement being returned to them free of expenses when occasionally wanting to convey a cargo to the shipping by depositing the register in the Marine Office if registered whilst holding the license, the register being also similarly returned free of expense when wanting to trade with cargoes on the port license being deposited and *vice versa*, the register and number of the proper working boats of the port could thus be readily kept in proper order and the canal vessels when working in the port could be readily kept under proper marine supervision. I have not raised the question of the liability of canal vessels to the payment of port dues when entering the port by the western limits as I have been solely desirous of

having them registered in order that they might be placed under a proper condition for marine supervision and control when working at the port, but as you propose referring the matter of registration to the Board of Revenue, I would feel obliged if you would at the same time solicit instructions of the Board as to the liability of these vessels to the payment of dues when over fifteen tons on entering the western limits. These vessels at present contribute nothing to the Port Fund, although they are the principal cause of the silting up of the Coconada river by laying on the mud banks deeply laden at the sides of the river and stirring up the mud which is conveyed by the tides to the eastern entrance and there forming a bar, the expense of dredging which costs alone more than half the average receipts of the port, exclusive of the share these vessels take in, causing also injury to the revetments by fastening their ropes to the shore.

The Board have no authority under the Indian Ports Act of 1875, and resolve to submit the Collectors's letter for the orders of Government.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Sub-Secretary.

No. 1073.

Referred to the Master Attendant, Madras, for remarks.

FORT ST. GEORGE,
19th May 1877.

(Signed) D. F. CARMICHAEL,
Offg. Chief Secretary.

No. 54. *From J. H. TAYLOR, Esq* *sieutenant, R.N.R., Master Attendant, Madras, to the Chief Secretary to Gover* *nt, dated 22nd May* 1877, *No.* 3038.

Administrative Department.

In returning the Proceedings of t[illegible] Board of Revenue marginally noted, received under your Endorsement, No. 1073, of date 19th May 1877, I have the honor to offer the following remarks.

No. 1023, dated 26th April 1877.

2. In his letter to the Board of Revenue, the Collector of the Godavari District raises two questions—one in connection with the payment of port dues by vessels newly built at the port of Coringa; and the other as to whether canal boats should be permitted to ply in the anchorage to the shipping without licenses.

3. With regard to the first question, I can only remark that such vessels do not come under the exemptions laid down in Sections 56 to 58 inclusive of Act XII of 1875, which is the only authority bearing on the subject. On carefully perusing the provisions of the Act in regard to the levy of port dues, it appears to me that the intention of the Legislature was to levy dues on ships *earning freight*, and to exempt those partially that do not. It is true that, strictly speaking, dues are payable when a vessel "*enters*" a port, that is, as the Collector remarks, entering within the port limits. But, if a vessel entered the port in ballast by sea, and carried away a full coast cargo, she would be liable to port dues as a coasting vessel under the provisions of the Act, as she would be taking in a cargo exclusively for an Indian port, in like manner when a vessel is built within port limits, is launched, proceeds to the roads, and takes in a cargo for any port, in fact, *begins to trade*, then it seems to me she is clearly liable to port dues. A copy of the Advocate General's opinion on the subject obtained in May 1875 is forwarded for perusal.

4. But, even if the Government were disposed to grant the concession to newly built vessels, in order to encourage the ship-building trade, we should have native craft, that are being constantly laid up and docked in the various rivers and creeks in the Presidency, all claiming exemptions of a similar kind. Moreover, it does not appear from the correspondence that the native shipowners of Coringa have made any special application to be exempted from the payment of port dues, and I am of opinion that it is really a matter of little consequence to the shipowner, who, as observed by the Master Attendant, Cocanada, would not raise any serious objection to the

payment of dues, which are trifling in amount, as compared with the freight earned, and I am therefore of opinion that there is no necessity for foregoing the port dues, which can be legally claimed.

5. In reply to the second question, I would observe that the rules unmistakeably require that every boat plying to the shipping at any port must be surveyed, manned, registered and licensed under those rules. But, as doubtless a good many of the canal boatowners are poor men, I see no objection to the Government sanctioning a modification of the rules in favor of such boats, as proposed by the Collector in paragraphs 7 to 9 inclusive of his letter under notice.

ENCLOSURE No. 1.

OPINION.

I am of opinion that the expression "Coasting vessel" in the last paragraph of the 4th column of the Madras Schedule to the Ports Act, 1875, includes Steamers and corresponds to the expression "Steamer engaged in the coasting trade" in Column 3. Consequently if a Steamer enters any port of the Eastern group, for the purpose of discharging cargo exclusively from or taking in cargo exclusively for a port *in India or Ceylon*, it *ought (in my opinion)*, whatever may have been its previous employment or ultimate destination, to pay the rate authorized in Column 3 for "Steamers engaged in the coasting trade," and having paid this it would fall within the exemption provided in (*a*) in Column 4. The procedure, accordingly described by the Master Attendant as having been hitherto adopted, appears to be correct, it must be observed, however, that a vessel, arriving in ballast and not carrying passengers, is partially exempted under Section 56.

With regard to paragraph 5 of the Master Attendant's letter, the dues are directed to be "levied on vessels entering the port;" I presume [illegible] on the report directed by Section 49 to be made by the Master to the Conservator, the Collector or his subordinate, under Section 48, would proceed to make the investigation directed in Section 51 and ascertain what in other respects was the character of the vessel. He would then proceed to collect what appeared to be due, and Sections 52 and 53 would be properly applied to enforce payment. The port dues would vary according to whether the steamer loaded a cargo or not, and also whether she constituted herself a "Coasting Steamer" by loading a cargo exclusively for an Indian or Cingalese Port. The amount could not be fixed till these points were known, and the vessel's port-clearance would be properly refused under Section 53 till the amount was paid.

(Signed) H. S. CUNNINGHAM,
Advocate-General.

No. 55. ORDER THEREON, 20th January 1879, No. 38.

These papers relate to two questions, viz.:—

1*st*.—Whether vessels newly built at the port of Cocanada are required to pay port dues.

2*ndly*.—Whether boats and dhonies generally plying on the canals should be required to be registered if they come within the port limits.

2. The Master Attendant's view on the first question that the vessels are "clearly liable to port dues" is correct.

3. The views of the Collector of Godavari, concurred in by the Master Attendant on the second question, are approved.

4. Canal licenses should cover boats as far as the usual berths near the Custom House in the Cocanada river, but in all cases the proposed arrangements would be fair for boats taking their cargoes direct to the shipping in the roads.

(True Extract.)

Acting Chief Secretary.

To the Board of Revenue.
" Revenue Department.
" Collector of Godavari.
" Master Attendant, Madras.

Exd. T. O'Connor.

Recd — Depart Mo

Govt. of (1879) Madras.

No 931

MARINE.

The BOARD of REVENUE

&c. &c. &c.

Dated January [illegible]

31

[illegible] 31st

JANUARY.

Nos. 53–55.

[illegible]

With Order

1 Feby/79 No 437

437