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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. / B.P. No.	440	~~Press.~~ / Mis.
Dated	1.2.1879	~~197~~.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

18th January 1879, No. 32.

Indian Ports Act.

Read the following papers :—

No. 40. *Proceedings of the Board of Revenue, dated 17th January* 1878, *No.* 138.

Read the following letter from W. S. FOSTER, Esq., Collector of the Godavari District, to the Secretary to the Board of Revenue, dated Cocanada, 20th December 1877, No. 360 :—

Referring to Section 45 of Act XII of 1875, I have the honor to request you will be good enough to let me know the opinion of the Board as to whether the words "vessels entering the port" include ships entering both inwards and outwards also of the port, and the rates at which Port dues should be levied on a vessel first arriving here from a foreign port and then sailing to a port on this coast as well as on a ship coming here from a coast port on her voyage to a foreign one. The Master Attendant here is of opinion that the words "entering the port," referred to in the above section, are intended to convey the meaning of entering the port inwards and outwards at the Custom House and that Port dues should be levied accordingly. But I think the words "vessels entering the port" include vessels "entering" at the port on arrival only, and not those which are going outwards.

2. The Master Attendant, Madras, in his letter to the Collector of Sea Customs, dated 14th March last, No. 1897 (copy of which has been circulated to this district), states that vessels arriving from any port to the eastward of the Ganges, viz., from Chittagong, Arracan, Akyab, Moulmein, Rangoon, &c., should be treated as foreign vessels and the rate of dues levied accordingly, and that the same rule should be applied to all vessels arriving from any port to the westward of the mouths of the Indus. The ports referred to in the Master Attendant's letter are Indian Ports, as will be seen from Parts 1 and 2 of the first schedule annexed to the Act, and I therefore consider that all steam and other vessels arriving from, or proceeding to, such ports should be considered as coasters and the dues levied at the rates prescribed in the schedule.

Submitted for the orders of Government.

2. The Board have no authority under the Act.

(A true Copy and Extract.)

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

No. 160.

Forwarded to the Master Attendant, Madras, for early remarks; with which he should submit copy of his letters specified in paragraph 2.

(By Order.)

FORT ST. GEORGE,
30th January 1878.

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

No. 41. *From J. H. TAYLOR, Esq., Lieut., R.N.R., Master Attendant, Madras, to the Chief Secretary to Government, dated 18th February* 1878, *No.* 1343.

Administrative Department.

As directed in endorsement, No. 160, of 30th ultimo, in the Marine Department, I have the honor to forward a copy of my letter to the Collector of Sea Customs, No. 1897, of 14th March last, and to remark that I considered the Continent of India to extend from the Indus to the Ganges, thus excluding British Burmah.

2. The definition of a coasting vessel in the third part of the first schedule annexed to Act XII of 1875 seems to me to exclude vessels proceeding to or arriving from Burmah, and as in this case the whole question turns on what is to be considered as the Continent of India, I would respectfully suggest, to prevent any future misconception, that this should be defined by the legislature in a note at the foot of the schedule.

3. The term "entering the ports" implies entering inwards only, when alone Port dues are chargeable. "Entry outwards" is purely a Custom House term, and is simply an application to the Collector of Sea Customs for permission to take in *export* cargo.

4. As pointed out Port dues can only be charged on entry inwards.

ENCLOSURE No. 1.

From J. H. TAYLOR, Esq., Lieut., R.N.R., Master Attendant, Madras, to the Collector of Sea Customs, dated 14th March 1877, No. 1897.

I have the honor to own receipt of your letter marginally noted, and, in reply thereto, to state that I am of opinion that vessels arriving from any port to the eastward of the Ganges, viz., from Chittagong, Arracan, Akyab, Moulmein, Rangoon, &c., should be treated as foreign vessels, and the rate of dues levied accordingly. The same rule should be applied to all vessels arriving from any port to the westward of the mouths of the Indus.

No. 518, dated 12th March 1877.

No. 9.

Referred to the Advocate-General for his opinion.

MADRAS, *2nd January* 1879.

(Signed) C. G. MASTER,
Acting Chief Secretary.

No. 42. *From E. BARCLAY, Esq., Government Solicitor, Madras, to the Acting Chief Secretary to Government, dated 7th January* 1879, *No.* 10, *forwarding the following Opinion of the Advocate-General:—*

OPINION.

I think the view taken by the Master Attendant in his letter to the Chief Secretary to Government, dated the 18th February 1878, No. 1343, is probably correct although I do not know how the question arose; but it might be well to ascertain the view taken of Act XII of 1875, with respect to coasting vessels, by the Marine Departments of Calcutta and Bombay before coming to a final conclusion.

MADRAS, *6th January* 1879.

(Signed) P. O'SULLIVAN,
Advocate-General.

No. 43. *Proceedings of the Board of Revenue, dated 19th December* 1878, *No.* 3424.

Read the following letter from H. J. STOKES Esq., Acting Collector of Tanjore, to the Acting Secretary to the Board of Revenue, dated Vallam, 9th December 1878, No. 4555:—

The Sea Custom Superintendent of Negapatam levied Port dues at the rate of 1 Annas 6 Pies per ton on s.s. *Olive* bound for Rangoon to which the Indian

Ports Act of 1875 is applicable; but the owner of the vessel has applied for a refund of Rupees 126-7-9 on the ground that only Annas 2 per ton should be charged, inasmuch as under the Master Attendant's Circular (copy enclosed), No. 1897, of the 14th March 1877, all ports beyond the mouths of the Ganges and Indus, of which Rangoon is one, are classed as foreign ports.

2. On my requesting the Master Attendant to let me know under what authority he expressed such an opinion in the circular above referred to, he informs me that, for the purposes of the aforesaid Act, the Ganges and Indus are the limits within which the Continent of India lies, and ports outside those limits not being situated on the Continent of India or Ceylon are treated as foreign ports. He further adds that the same opinion was expressed by him when the question was referred to him by Government at the beginning of the current year on a reference made by the Collector of Godavari, and that no orders have been passed as yet. On a perusal of the Port Fund Act XII of 1875, I do not see anything to warrant the assumption of the Master Attendant that the Continent of India means only the country between the mouths of the Indus on the west and those of the Ganges on the east. Under these circumstances, I have the honor to request you will be good enough to obtain early orders of Government on the matter.

ENCLOSURE No. 1.

Circular from J. H. TAYLOR, Esq., Lieut., R.N.R., Master Attendant, Madras, to the Collector of Sea Customs, dated 14th March 1877, No. 1897.

I have the honor to own receipt of your letter marginally noted, and in reply thereto, to state that I am of opinion that vessels arriving from any port to the eastward of the Ganges, viz., from Chittagong, Arracan, Akyab, Moulmein, Rangoon, &c., should be treated as foreign vessels, and the rate of dues levied accordingly. The same rule should be applied to all vessels arriving from any port to the westward of the mouths of the Indus.

No. 518, dated 12th March 1877.

Forwarded to the Collector of Tanjore for his information.

MADRAS, *23rd March* 1877.

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

(True Copy.)

(Signed) H. J. STOKES,
Acting Collector.

Submitted for the orders of Government.

(True Copies and Extract.)

(Signed) J. STURROCK,
for *Acting Secretary.*

To the Secretary to Government, Revenue Department.

Transferred to the Marine Department.

FORT ST. GEORGE, *8th January* 1879.

(Signed) H. S. THOMAS,
Acting Secy. to Govt., Rev. Dept.

No. 44. ORDER THEREON, 18th January 1879, No. 32.

The Proceedings of the Board of Revenue, dated 17th January 1878, No. 138, and the Master Attendant's report thereon, dated the 18th February, No. 1343, were through the carelessness of an Assistant, since deceased, lost sight of until now.

2. These papers relate to three questions, viz. :—

1st.—What is meant by the words "vessels entering the port," used in Section 45 of the Indian Ports Act, 1875;
2ndly.—What are the limits of the "Continent of India;" and
3rdly.—The definition of a "coasting vessel."

3. The Master Attendant, Madras, considers the words "vessels entering the ports" to imply entering "inwards only, when alone Port dues are chargeable;" and that "entry outwards" is a Custom House term.

As regards the second question, he considers the "Continent of India" to extend from the Indus to the Ganges, excluding British Burmah; and suggests in view to prevent any future misconception that this should be defined by the legislature.

The expression "coasting vessels" as used in the third part of the First Schedule of the Act cited seems to the Master Attendant to exclude vessels proceeding to, or arriving from Burmah.

4. The Advocate-General to whom the papers were referred thinks the view taken by the Master Attendant to be probably correct, but suggests that it be ascertained from the Marine Department, of Calcutta and Bombay what view is taken by them of Act XII of 1875.

5. Since the receipt of the Advocate-General's opinion, a further reference has been made by the Collector of Tanjore on a claim for refund of Port dues levied at Negapatam on a vessel bound for Rangoon, on the ground that, according to a circular issued by the Master Attendant in March 1877, all ports beyond the mouths of the Ganges and Indus, of which Rangoon is one, are classed as foreign ports.

6. The circular states that all "vessels arriving from any port to the eastward of the Ganges, viz., from Chittagong, Arracan Akyab, Moulmein, &c., should be treated as foreign vessels and the rate of dues levied accordingly. The same rule should be applied to all vessels arriving from any port to the westward of the mouth of the Indus."

7. The Collector of Tanjore does not see anything in the Indian Ports Act, 1875, to warrant the Master Attendant's assumption.

8. Before arriving at any decision a copy of these Proceedings will be remitted to the Government of India, with request that they will favor this Government with their opinion on the questions raised.

9. The Bombay and Bengal Governments will also be asked what is the view taken by the Marine Departments in those Presidencies.

(True Extract.)

Acting Chief Secretary.

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

Exd. J. Wright.

Revenue Dep^t
Mis. No 888.

Govt. of (1879) Madras.

MARINE.

The Collector of Godavari,

29
30 Jan.

G.O. ... January 1879, No. ...

JANUARY.
Nos. 40–48.

No 440
Lodged
1 Feb/79.