

*Friday,
8th February, 1889*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

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OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,
ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS,

1889

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*Abstract of the Proceedings of the Council of the Governor General of India,
assembled for the purpose of making Laws and Regulations under the pro-
visions of the Act of Parliament 24 & 25 Vict., cap. 67.*

The Council met at Government House on Friday, the 8th February, 1889.

PRESENT :

His Excellency the Viceroy and Governor General of India, G.C.M.G.,
G.M.S.I., G.M.I.E., *presiding*.
His Honour the Lieutenant-Governor of Bengal, K.C.S.I., C.I.E.
The Hon'ble Lieutenant-General G. T. Chesney, C.B., C.S.I., C.I.E., R.E.
The Hon'ble A. R. Scoble, Q.C., C.S.I.
The Hon'ble Sir C. A. Elliott, K.C.S.I.
The Hon'ble P. P. Hutchins, C.S.I.
The Hon'ble Sir D. M. Barbour, K.C.S.I.
The Hon'ble J. W. Quinton, C.S.I.
The Hon'ble R. Steel.
The Hon'ble Sir Dinshaw Manockjee Petit, Kt.
The Hon'ble F. M. Halliday.
The Hon'ble Sir Pasupati Ananda Gajapati Razu, K.C.I.E., Mahárájá of
Vizianagram.
The Hon'ble Syud Ameer Hossein, C.I.E.
The Hon'ble Rájá Durga Charn Laha, C.I.E.
The Hon'ble Moung Ôn, C.I.E., A.T.M.

MERCHANDISE MARKS BILL.

The Hon'ble MR. SCOBLE presented the Report of the Select Committee on the Bill to amend the Law relating to Fraudulent Marks on Merchandise.

MADRAS CORONER'S BILL.

The Hon'ble MR. HUTCHINS presented the Report of the Select Committee on the Bill to abolish the Office of Coroner of Madras.

BURMA VILLAGE BILL.

The Hon'ble MR. HUTCHINS also presented the Report of the Select Committee on the Bill to provide for the Establishment of a Village-system and amend the Law relating to Rural Police in Lower Burma.

PORTS BILL.

The Hon'ble SIR DAVID BARBOUR moved that the Bill to consolidate and amend the law relating to Ports and Port-charges be referred to a Select Committee consisting of the Hon'ble Mr. Scoble, the Hon'ble Mr. Quinton,

the Hon'ble Mr. Steel, the Hon'ble Sir Dinshaw Manockjee Petit, the Hon'ble Mr. Halliday and the Mover, with instructions to report within four weeks. He said:—"When I had the honour of introducing this Bill at the last meeting of Council, the Hon'ble Mr. Steel urged that port-dues should be devoted to the specific purpose of providing facilities for trade and should not be merged in the general revenues. I said at the time that I entirely agreed with him on this point, and that to the best of my knowledge and belief port-dues actually were disposed of in the way he suggested, and not in any other way.

"It will be convenient if I now explain the provision made in the present Bill for ensuring that port-dues shall be expended in a proper manner and for proper purposes.

"Under section 35, sub-section (1), of the Bill the Local Government is required to appoint some officer or body of persons at every port to receive the fees and dues, and, subject to the control of the Local Government, to expend them on the objects authorised by the Bill. A list of these objects is given in sub-section (5) of the same section, and it seems to me that the list of objects there given is a very proper and reasonable list; but I shall be prepared to consider any suggestions which my hon'ble friend may make for its amendment. Not merely must the port-dues and fees be expended on legitimate purposes only, but the accounts both of the receipts and expenditure must, according to the provisions of the Bill, be published every year in the Gazette.

"So far I think no fault can be found with the proposed legislation, which proceeds substantially on the lines of the existing law. If there are any evils which require a remedy, such evils do not arise from any error or omission of the legislature, which seems to me to have made reasonable provision for the needs of the case, but must be due to defects in the method of administering the law. Now, the Hon'ble Mr. Steel called attention to the case of the minor ports on the Madras coast, and I understand from his remarks that he had doubts whether the port-dues raised in those ports were spent on legitimate objects. I believe I am right in saying that my hon'ble friend has no personal knowledge of the condition of those ports, or of the manner in which the port-dues are spent, and I must admit that I am in the same position, having only this advantage that I have access to the public documents and accounts connected with the port funds. But I have looked through the papers which are available in Calcutta, and I can find no evidence that the port-dues of the minor ports on the Madras coast have been spent otherwise than for legitimate purposes sanctioned by the law. There are no doubt difficulties connected with the levy of port-dues on coasting and other steamers at these minor ports, and also in connection with the distribution of the dues among the different ports

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of the same group, and these difficulties have formed the subject of much discussion and correspondence; but all the evidence that I have been able to obtain shows that port-dues have never been diverted from the purposes to which they may legitimately be applied in accordance with the law.

“It is true, as my hon'ble friend remarked, that the tonnage of vessels calling at these ports has largely increased in recent years, but the group rate of port-dues was reduced in 1885 from $4\frac{1}{2}$ annas a ton to 3 annas a ton, or by 33 per cent., and I find that in recent years the total expenditure has rather exceeded the receipts than fallen short of them. The schedule of port-dues for the Madras ports is now under the consideration of the Madras Government, and, before it is finally embodied in the Bill, my hon'ble friend will have every opportunity as a member of the Select Committee on the Bill to propose any modifications or additions which he may consider necessary.

“As the draft Bill is chiefly a consolidating Bill, and as it has already been considered by the maritime Governments and their advisers, official and non-official, I think the Select Committee may reasonably be requested to report within four weeks.”

The Hon'ble MR. STEEL said:—“I have heard with satisfaction from the speech of my hon'ble friend that the Government recognises the principle that port-dues should be applied to the specific purpose of providing local facilities for trade, and that the Bill now before us contains provisions which are designed to enforce that condition. The hon'ble member has promised to supply the Select Committee with full information, and in doing so he has complied with the request which I made at the last meeting of the Council. I am bound to say that the information supplied to me by parties engaged in the coasting trade is not borne out by the statement which has been made to us at present. There must be some mistake or misunderstanding somewhere, but the Select Committee will by examination of the papers supplied to them be able to elucidate the facts; and, as we have all one common object in view, I have no doubt that the recommendations of the Select Committee will command public approval.”

The Hon'ble MR. HUTCHINS said:—“As the observations made by the Hon'ble Mr. Steel appear to refer chiefly to the Madras Presidency, I should like to say a few words of explanation. The hon'ble member seemed to think that some portion of the dues levied at the Madras ports was diverted to purposes unconnected with the ports. I can assure the Council that this is not so. The present law states with distinctness the purposes to which alone port funds can be appropriated, and all proposals to expend such funds must necessarily be scrutinised with regard to the definition of those purposes. There

was, however, under an old Act—passed I think about 1864—a general port fund, and, owing to some misapprehension on the part of the late Port-officer, this general fund was kept up after that enactment had been repealed. It was hardly more than a technical error, as all that was necessary to preserve the common fund under Act XII of 1875 was a notification which at that time the Government would certainly have been ready to grant. It is possible that some moneys, certainly no considerable sum, which should have gone to the credit of particular ports have in consequence of this error been diverted to other ports or stand to the credit of the general fund. The mistake was discovered about eighteen months ago, and the Government thereupon ordered the accounts for a large number of years—I think it was eight years—to be re-written on the proper legal basis. Again, it was explained by Sir David Barbour last week that the Madras ports are divided into groups for the purpose of levying fees. The fee is levied at the first port of the group touched at and clears all ports in the same group for a certain number of days. This arrangement naturally gives an advantage to the extreme ports of a group, but in the new accounts this also has been set right, and all the fees levied in a group distributed according to the tonnage entering each port. As to the very small ports referred to by the hon'ble member, these are only kept up for small native craft, and I can hardly imagine that they ever see such a thing as a steamer. Certainly no steamer would visit them which had not visited and paid fees at some larger port in the same group. The earnings of these ports are infinitesimal, but, such as they are, they are all spent on the ports themselves and on no other purpose than those enumerated in the Act. I understand the hon'ble member to be under the impression that the port of Madras may be unduly favoured at the expense of the outports. This is certainly not the case. I am not sure that the new accounts have yet been published or even finally adjusted, but I know the results brought out a much larger balance to the credit of Madras than appeared before."

The Motion was put and agreed to.

The Council adjourned to Friday, the 15th February, 1889.

S. HARVEY JAMES,
Secretary to the Government of India,
Legislative Department.

FORT WILLIAM;
The 12th February, 1889. }