M.R.O. 1—77,003—8-6-37.

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(2) Date of repair 16.11.11

(3) Initials of the Referencer

4

MADRAS RECORD OFFICE.

Government of Madras.

MARINE DEPARTMENT.

G.O. No. 510-61 Marine Press
~~Ms.~~

Dated 17th December 1888.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following papers:—

From J. E. O'CONOR, Esq., Assistant Secretary to the Government of India, Department of Finance and Commerce, to the Chief Secretary to the Government of Madras, dated Simla, 30th October 1888, No. 5923.

I am directed to enclose copy of the first draft of a Bill to consolidate and amend the law relating to ports and port charges which it is proposed to introduce shortly into the Council of the Governor-General for making Laws and Regulations. I am to request that the schedule attached to the Bill may be carefully examined, and that such additions and alterations as may be required in consequence of the omission of names of ports, or of changes in the rates of port dues, may be made therein. I am also to request that the Government of India may be favored with the suggestions of His Excellency the Governor in Council as to the amendment of the schedule, and on the Bill generally, by the 1st of December 1888.

From R. W. BARLOW, Esq., C.S., Chairman, Harbour Trust Board, and Captain H. A. STREET, I.M., Presidency Port Officer, to the Chief Secretary to Government, dated Madras, 23rd November 1888, No. 3296.

As directed in Government reference on No. C.1040, Marine, dated 8th November 1888, we have the honor to forward the suggestions of the Harbour Trust Board in reference to draft of Indian Ports Bill, 1889, with which we agree, so far as they go. It has been found impracticable, owing to the shortness of the time, to arrange for a meeting with the Chamber of Commerce, and their views have only been communicated to us yesterday afternoon, while the report is due to-day. On the main points, however, we are glad to note that the Chamber and the Board are agreed.

2. The dues as now proposed are much the same as those sanctioned by Government on the Board's letter, No. 6974, dated 5th March 1888, disposed of in G.O., No. 161, Marine, dated 27th April 1888, and the inducement to casual callers then desired by the Board, but negatived as illegal, has now been provided for; but we individually should have preferred to see the old rates, as enhanced by Act IV of 1881, maintained, so that they could be re-introduced by Government notification hereafter, if necessary; for we are not in a position at present to know exactly what the Madras share of the general expenses debitable to the Port Fund may be, or the exact result of the recent reduction of rates.

3. We agree with the Chamber of Commerce that it would be very desirable to sever Madras entirely from the Eastern group; but this could not be done without re-casting Part III of the first schedule (*f*) 1, 2, and 3; indeed, even as now drafted, these require explanation, to show that this port is entitled to her share of the 3-anna group rate, as hitherto; but from the note annexed to (*f*) (3), it is presumed that this is the case. Madras could not possibly afford to lose entirely her share of the group rate, as regards vessels not first entering here, and simply collect 1½ annas, which represents what she was entitled to draw, specially, for the improvements brought

about by the artificial harbour, under the provisions of Act IV of 1881, which it is now proposed to abolish *in toto*; and it would become essentially necessary to give Madras a special maximum rate of, say, 3 annas on coasters, of which $1\frac{1}{2}$ would be in payment for the improvements effected by the artificial harbour.

From D. RASBOTHAM, Esq., Chairman, Chamber of Commerce, to the Chief Secretary to Government, dated Madras, 23rd November 1888.

I have the honor to acknowledge receipt of the reference, dated the 8th instant, on the subject of the Indian Ports Bill of the Government of India.

2. It will be within the recollection of the Government that the Bill formed the subject of communications from the Chamber on the 27th August 1886 and 22nd March 1887. In the former letter, the Chamber expressed the opinion that the coasting steamers should be allowed to pay 3 annas per ton, and be free for 30 days of the group in respect of which payment is made; that the port of Madras should be kept entirely separate from, and independent of, the Eastern group; and that, having once paid dues at Madras, or at any one or more ports in either group, foreign steamers should be free for 90 days, and coasting steamers for 30 days, and those trading with the Straits Settlements for 60 days. In the latter letter, the Chamber suggested the desirability of inserting the words "or Ceylon" after the words "Straits Settlements" in paras. (*a*) and (*c*) of the schedule attached to the Bill, in justice to foreign vessels such as those of the Messageries Maritimes and Austrian Lloyds Companies, trading with Madras, Calcutta and Colombo.

3. The Chamber continues to think that these suggestions are deserving of the attention of the Government of India. It submits that, in the interest of trade, any increase of rates must be regarded as a retrogressive step, and it therefore deprecates the intention to render Home Line London steamers liable under the schedule (as it now stands) to pay 3 annas on the up, and 3 annas on the down, voyage, or 6 annas per ton in all, instead of $4\frac{1}{2}$ annas as heretofore. It also thinks that the charge of $1\frac{1}{2}$ annas per ton on coasting steamers, No. 2 of section F, should be made payable "only once" and not on every entry into the port, which would compel steamers on the Madras-Rangoon line, which run down by Negapatam, to pay $1\frac{1}{2}$ annas on two or three occasions in a month. The Chamber desires to reiterate the opinion that if the words "or Ceylon" are not inserted in sections (*a*) and (*c*), foreign steamers will be driven away; while section (*b*) will have the effect of prohibiting the vessels of the Austrian Lloyds Company from calling at this port, or of stifling a steadily increasing trade with the Mediterranean Levant, and Black Sea, &c. The addition of the words "and carrying a general pass under section 164 of the Sea Customs Act VIII of 1878," seems to the Chamber to be desirable and necessary at the conclusion of No. 2 of the definition at foot of page 26, to avoid ambiguity.

From R. W. Barlow, Esq., C.S., dated 26th November 1888.

Telegram from the Government of India, Department of Finance and Commerce, dated 3rd December 1888.

ORDER—dated 17th December 1888, No. 560, Marine.

The Madras Government are of opinion that the existing maximum rates at Madras should be retained.

2. As to the "entire separation" of the port of Madras from the Eastern group, which the Chamber of Commerce have several times suggested, it is observed that the Chamber have never explained exactly what they mean by this phrase. It apparently implies entirely separate rates on all vessels calling at Madras, and separate periods of exemption. The Government cannot express any definite opinion on such proposals

until they are clearly set forth in the form of a schedule. The Harbour Trust Board and the Chamber of Commerce will accordingly be asked to submit, as early as possible, a draft schedule for the port of Madras on the understanding that the payment of dues there shall be entirely independent of any made, or to be made, in any other port.

3. The Government do not consider it necessary to adopt the suggestion of the Harbour Trust Board that section 50 of the draft Bill should contain a provision for the hoisting of their national flag by vessels entering a port.

4. The Government of India will be addressed regarding the other proposals made in the foregoing correspondence.

(True Extract.)

Chief Secretary.

To the Presidency Port Officer.
" Chairman, Harbour Trust Board.
" Chairman, Chamber of Commerce.

Exd. A. Raitt.

Govt. of {1888} Madras.

MARINE.

Issued

Recd. *Encl.*

G.O., 17th December 1888, No. 560

DECEMBER.

Amendment of the Indian Ports Act.

Passing orders on the Bill to amend the Indian Ports Act (XII of 1875).

17TH DECEMBER 1888, No. 561, MARINE.

MARINE DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
DEPARTMENT OF FINANCE AND COMMERCE.

SIR,

I am directed to acknowledge the receipt of your letter, No. 5923, dated 30th October 1888, inviting suggestions on the draft Bill to consolidate and amend the law relating to Ports and Port charges, and besides forwarding a copy of the Proceedings of this Government, No. 560, dated this day, to offer the following observations for the consideration of the Government of India.

2. *Section 3 of the draft Bill.*—(*a*) With reference to Section 7 (2) (*b*), it would be desirable to include in Section 3 a definition of a "Harbour Master" as "a person appointed by the Local Government to be a Harbour Master for the purposes of this Act."

(*b*) With reference to Sections 7, 18 and 29, it would be convenient to add a definition to the effect that the term "*Master Attendant*" includes "*Port Officer*;" the latter designation being the one now in use in this Presidency.

3. *Section* 10.—To enable the Port Conservator to exercise his discretion effectually in the matter of obstructions, it seems desirable to insert the words "or which in the opinion of such officer is likely to obstruct or impede" before the words "the free navigation thereof" in the 5th line of this section, and also after the word "impedes" in the 7th line.

4. *Section* 45.—The word "cargo" is not defined. A case has occurred in practice in this Presidency, in which a difficulty has occurred from the want of such a definition.

5. *Section* 50.—It seems unnecessary to use the words "any part of a river or channel" in clause 1 of this section. The single word "port," as defined in clause 6, section 3, would cover everything.

6. *Section* 68.—It is desirable to add the words "or harbour" after "port" in this section. Madras Act II of 1886 constitutes a Madras *Harbour* Trust.

7. *Schedule I, Part III.*—(*a*) In column 1 embodying the names of the ports, it would be desirable, for facility of reference, that the Madras ports of each group should be arranged according to districts. A few minor alterations with reference to my letter, No. 522, Marine, dated 16th November 1888, as well as in the spelling of some of the names, are also necessary. These are indicated in the accompanying list of ports.

(*b*) *Columns* 2 *and* 3.—The distinction between the various classes of vessels and the rates of dues would be much clearer if, in accordance with the headings, column 2 specified the various classes of vessels in respect to which differing charges are made, and column 3 nothing but the rates of port dues.

(*c*) *Column* 3.—(1) In my predecessor's letter, * No. 138-A, dated 30th March 1887, paragraph 2, it was recommended that the suggestion of the Chamber of Commerce to add the words "or Ceylon" after "Straits Settlements" in clauses (*a*) and (*c*) of this column should be adopted, as it was a reasonable concession in favor of certain foreign vessels plying between Calcutta and Colombo.

* To the Legislative Department.

(2) In letter,† No. 665, dated 29th November 1886, paragraph 4, it was suggested that the words "*either group*" in clause (*f*) (2) should be altered to "*Eastern group.*"

† To the Legislative Department.

The Madras Government still adhere to these suggestions.

(*d*) *Column* 4.—They also adhere to the suggestion made in my letter,‡ No. 292, dated 2nd July 1888, that the words "the due is payable *once in* 30 *days*" should be substituted in this column for the words "the due is payable on each entry into the port" opposite to clause (*f*) (2) of column 3.

‡ To the Legislative Department.

(*e*) *Definitions in the Schedule.*—The definition of "*coasting steamer*" should embrace steamers carrying a general pass under section 164 of the Sea Customs Act VIII of 1878; and in line 4 of this definition, it would be advisable to read, for the words "any port," "any port or ports."

8. It is not clear from the wording of clause (*f*) (2), column 3, of Schedule I, whether the port of Madras will be entitled, as under present arrangements, to its share of the group rate already paid by coasting steamers which call at Madras after touching at out-ports, as well as to the extra charge which they pay in Madras itself, nor whether group ports are entitled to a share of dues paid at Madras under clause (*f*) (3).

9. His Excellency the Governor in Council is strongly of opinion that in view of the increasing outlay on the Madras harbour and the facilities thereby afforded to shipping, it is necessary that the maximum rate at which port dues may be levied in Madras should stand as fixed by Act IV of 1881. It does not, of course, follow that such maximum rates will actually be levied—at present, for instance, the highest rate charged is $4\frac{1}{2}$ annas per ton—but it is essential to provide a margin of resources on which the Local Government may fall back without having to resort to fresh legislation.

10. A further communication will be addressed to you regarding the entire separation of the Madras port from the eastern group on the receipt of the report from the Chamber of Commerce and the Harbour Trust Board called for in paragraph 2 of G.O., dated 17th December 1888, No. 560.

I have the honor to be,
Sir,
Your most obedient servant,

J. F. PRICE,
Chief Secretary.

FORT ST. GEORGE,
17th December 1888.

Exd. A. Raitt.

APPENDIX.

Districts.	Ports.	Districts.	Ports.
	MADRAS.		
	Eastern Group.		
Ganjam	1. Gopálpur. 2. Sonnapuram. 3. Baruva. 4. Púndi. 5. Calingapatam.	South Arcot ..	47. Marakanam. 48. Cuddalore. 49. Porto Novo.
Vizagapatam ..	6. Konada. 7. Bimlipatam. 8. Vizagapatam. 9. Pudimadaka. 10. Pentakota.		50. Tirumalavasal. 51. Kodiyampalaiyam. 52 Tranquebar. 53. Nagore. 54. Negapatam. 55. Velankani. 56. Topputurai.
Godávari	11. Uppada. 12. Cocanada. 13. Coringa. 14. Bendamurulanka. 15. Narsápur. 16. Perupalem.	Tanjore	57. Point Calimere. 58. Mutupet. 59. Adirampatnam. 60. Gopalapatnam. 61. Kattumavadi. 62. Krishnajipatnam. 63. Ammapatnam. 64. Kottaipatnam. 65. Sundarapandiyapatnam.
Kistna	17. Masulipatam. 18. Penumudi. 19. Morutota. 20. Nagayalanka. 21. Kottapalem. 22. Gangadipalem. 23. Nizampatnam. 24. Ipurupalem. 25. Bodduvanipalem. 26. Motupalle.		66. Pasipatnam. 67. Damodarapatnam. 68. Tondi. 69. Nambitalai. 70. Pudupatnam. 71. Karangadu. 72. Tiruppalankudi.
Nellore	27. Kanuparti. 28. Kottapatnam. 29. Itamukkala. 30. Pakala. 31. Karedu. 32. Ramayapatnam. 33. Chennayyapalem. 34. Tummalapenta. 35. Juvaladinne. 36. Iskapalle. 37. Ponnapudi. 38. Maipadu. 39. Kistnapatam. 40. Pamanji. 41. Tupili. 42. Dugarazpatnam. 43. Pudi.	Madura	73. Devipatnam. 74. Mudiyanpatnam. 75. Attankarai. 76. Emanangundu. 77. Pillaimadum. 78. Pámbam. 79. Rámesvaram. 80. Mandapam. 81. Vedalai. 82. Marakkayapatnam. 83. Muttupettai. 84. Kilakarai. 85. Ervadi. 86. Valinokkam.
Chingleput ..	44. Pulicat. 45. Ennore. 46. Covelong.	Tinnevelly ..	87. Vaippar. 88. Tuticorin. 89. Kayalpatnam. 90. Kulasekharapatnam.
	Western Group.		
Malabar	91. Cochin. 92. Arrupuram. 93. Kukkuyi. 94. Madayi. 95. Attakuri. 96. Chávakád. 97. Veliyangod. 98. Ponáni. 99. Kuttayi. 100. Parapanna. 101. Tanúr. 102. Parpanangádi. 103. Kadalvandi. 104. Beypore. 105. Molakkadava. 106. Calicut. 107. Pudiyangadi. 108. Elatturu. 109. Kappatta. 110. Quilandi. 111. Kollam. 112. Kadalura. 113. Trikodi. 114. Kottakkal. 115. Badagara. 116. Muttankal. 117. Chompayi. 118. Kallayi. 119. Talayi.	Malabar—*cont.* ..	120. Tellicherry. 121. Dharmapatnam. 122. Ezhara. 123. Cannanore. 124. Pudiyangadi. 125. Palapatnam (Baliapatam). 126. Ettikulam. 127. Kavvayi.
		South Canara ..	128. Hosdrug. 129. Baikal. 130. Kásaragód. 131. Kumbale. 132. Manjesvara. 133. Mangalore. 134. Mulki. 135. Padubidri. 136. Ermala. 137. Uchhila. 138. Kaph. 139. Udiyavara. 140. Malpé. 141. Barkur or Hangarakatta. 142. Coondapoor. 143. Nyakinakatte (Nayakankottai). 144. Baindur. 145. Siruru.

1888.

MARINE DEPARTMENT.

From the Government of
Fort St. George.

Issued

Recd. *Encl.*

Letter, 17th Dec. 1888, No. 561.

DECEMBER.

Amendment of the Indian Ports Act.

Addressing the Government of India regarding the amendment of the Indian Ports Act XII of 1875.

801 with two enclosures Rec'd 19/12

17TH DECEMBER 1888, No. 561, MARINE.

MARINE DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF FORT ST. GEORGE,

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Your most obedient servant,

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17*th December* 1888.

J. F. PRICE,
Chief Secretary.

Exd. A. Raitt.

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1888.

MARINE DEPARTMENT.

From the Government of
Fort St. George.

Issued

Recd. *Encl.*

Letter, 17th Dec. 1888, No. 561.

DECEMBER

Amendment of the Indian Ports Act.

Addressing the Govt of India regarding the amendment of the Indian Ports Act of 1875.

Correct
draft Pt.
15/12.

1P
1040

No. 3723

Government of India

Department of Finance and Commerce

Simla, the 30th October 1888.

Print

(Mar 560 6/11/12/88

To

The Secretary to the Government of Madras.

Sir,

I am directed to enclose copy of the first draft of a Bill to consolidate and amend the law relating to ports and port charges which it is proposed to introduce shortly into the Council of the Governor General for making Laws and Regulations. I am to request that the schedule attached to the Bill may be carefully examined and that such additions and alterations as may be required in consequence of the omission of names of ports or of changes in the rates

rates of port dues may be made therein. I am also to request that the Government of India may be favoured with the suggestions of His Excellency the Governor in Council as to the amendment of the schedule, and on the Bill generally by the 1st of December 1888.

I have the honour to be
Sir,
Your most obedient Servant.

R. O'Conor
Assistt Secretary to the Govt of India

Marine 1040

From
The Govt of India
(Finance & Commerce)

No. 5923

dy 30 Oct 88.
Rec'd 5-11-88

Encl: 1- 10 forms

Subject

Enclosing ~~first~~ copy of the first draft of a Bill to consolidate & amend the law relating to Ports & Port Charges & requesting to be favored with the suggestions of the Madras Govt as to the amendment of the Schedule attached to the Bill & on the Bill generally by the 1st of December next.

Marine. Ch. 1040.

Note.

Only 2 copies of the Bill have been received; but very extensive alterations are made in the substance as well as the arrangement of Act XII of 1875. One copy will be required in connection with the revision of Port rules, a note on which will be put up immediately: meanwhile as India require a reply by 1st December, the following draft reference is submitted.

Refer

Referred to the Secretary to the Board of Port officers & Harbour Trust Boards & to the Chairman of the Chamber of Commerce with the request that the Chamber will ~~Commerce Madras~~ send their views upon the Bill, & also their opinion as to whether the Bill is suitable for the Ports & Harbours to which it is intended to apply & whether the provisions of the Bill are sufficient to arrange the Port dues & charges & whether any special provision is required in connection with the revision of the rules (XII of 1870) under which some of the charges are levied.

* Chiefly §. 8, 28 & 34 amended, 47 & 48 recast; ~~modified~~

no need for the rule quoted under heads to new people & little legal points to arise

Bill repealing the Indian Ports Act XII of 1875: to come into force on 1st April 1889

2. As only 2 copies of the Bill have been received from the Govt of India, it will be convenient to discuss the amendments at a joint conference.

3. It is requested that the Govt may be favored with the reply by the 23rd of November at the latest.

4. Later than the 23rd inst. it would be convenient if the Presy Port officer & Chairman of the Harbour Trust could meet to discuss the bill together & submit a joint report. In the meantime the copy of the Bill is sent to the Presy Port officer who is requested to endeavour to effect the meeting above suggested

S. F. Officer & Chairman of the Harbour Trust

Make a clear copy of this for issue with draft Bill

The Presy Port officer with copy of draft bill
The Chairman of T. B.
Chamber of Commerce

Marine Ct. 1040.

Reference on C No. 1040.

Referred to the Presidency Port Officer and the Chairman Harbour Trust Board for report, and to the Chairman of the Chamber of Commerce with the request that the Chamber will favor Government with its views upon the Bill. As only one copy of the draft bill is available and the Government desire to be in possession of the replies to this reference not later than the 23rd Nov., it would be convenient if the Presy Port officer and Chairman of the Harbour Trust could arrange to meet the Chamber of Commerce, discuss the bill, and submit a joint report. In the meantime, the copy will be sent to the Presy Port officer who is requested to endeavour to effect the meeting above suggested.

8 Encl.

To the Presidency Port Officer with copy of draft bill
The Chairman Harbour Trust Board
The Chairman Chamber of Commerce

Despd 8/11/88

2 The dues as now proposed are much the same as those sanctioned by Government on the Board's letter No. 6974 dated 5th March 1888 disposed of in G.O No. 161 Marine dated 27th April 1888, and the inducement to casual callers then desired by the Board, but negatived as illegal, has now been provided for, but we individually should have preferred to see the old rates, as enhanced by Act IV of 1881, maintained, so that they could be reintroduced by Government Notification hereafter, if necessary; for we are not in a position at present to know exactly what the Madras Share of the General expenses debitable to the Port Fund may be, or the exact result of the recent reduction of rates

3. We agree with the Chamber of Commerce that it would be very desirable to sever Madras entirely from the Eastern group; but this could not be done without recasting Part III of the first Schedule (f) 1, 2, & 3; indeed, even as now drafted, these require explanation, to show that this Port is entitled to her share of the 3 anna group rate, as hitherto; but from the note annexed to (f) 3 it is presumed that this is the case. Madras could not possibly afford to lose entirely her share of the group rate, as regards vessels not first entering here, and simply collect one and half annas, which represents what she was entitled to draw, specially, for the improvements brought about by the Artificial Harbour, under the provisions of Act IV of 1881, which it is now proposed to abolish in toto; and it would become essentially necessary to fix Madras a special maximum rate, of say 3 annas on coasters, of which 1/2 would be in payment for the improvements effected by the artificial Harbour.

We have the honour to be
Sir
Your most obedient Servants

per proxy

H. A. Street

Rec

EXTRACT of Proceedings of the TRUSTEES of the HARBOUR of MADRAS, at a Meeting held at the Offices of the Board on Friday the 16th day of November 1888.

× × ×

2. Read Proceedings of Government, Revenue in Marine No C 1040 dated 8th November 1888, forwarding draft of the Indian Ports Bill 1889.

Read note by the chairman proposing certain amendments; enclosing memo of current rates of Port Dues, pointing out the incidence of proposed alterations; and further suggesting that Madras should be severed from all connections with the Eastern group, as regards such Dues.

Read minutes by the Hon: Govr. J. A. Boyson, Messrs W. S. Sales, J. R. Hunter, Cowasjee Eduljee Panday, A. V. D. Best, George King and the chairman -

Resolved

Resolved that the following alterations be suggested to Government.

(a) Chapter I 3 Definition of "Pilot" (3); insert definition of "Harbour Master" (3A) as follows:- Harbour Master means a person for the time being authorized by the Local Government to berth Vessels.

(b) The Board observe that the clause relating to gunpowder Chapter I Section 4 of Act XII of 1875 has now been omitted.

(c) Chapter III 7 (A) (a) and (b) and elsewhere in the bill where "Master Attendant" occurs substitute "Port officer"

Chapter III 10 add "or which in the opinion of such Officer is likely to cause an obstruction or impediment.

Chapter VI 50 (1) " x x or within the limits of any part of a river & Channel or Port subject to this act shall signify the name of the vessel x x x" (remove from

this

Extract of Proceedings of the TRUSTEES of the HARBOUR of MADRAS, at a Meeting held at the Offices of the Board on Monday the 19th day of November 1888.

× × ×

On the motion of the Honorable Mr. J. A. Bozson it was resolved to suggest the following alterations and additions to the first Schedule Part III Rules of Port Dues - The Madras Presidency:

Foreign vessels (a) and (c)

In the case of a foreign ship or steamer engaged in trade with the Straits Settlements or Ceylon calling at Madras × × × &c

Coasting vessels

Resolved further that in (of X) for × × × either Group × × × read in the case of a coasting steamer calling at Madras within 30 days after payment of a due in the Eastern group not exceeding one and half annas a ton, and for the due is payable on Each entry into the Port read the due is payable only once

Read Section 16 and Section 3 of Act VIII of 1878.

Read

Read also General Rules issued by Collector of Sea Customs to Coasting Steamers

38/

Definitions

In this part of the Schedule (2) "a Coasting Ship" or "Coasting Steamer" means respectively (a) a ship or Steamer ✓c ✓c x x x and the South Eastern most part of Burma or (b) a Ship or Steamer carrying a General Pass under Section 164 of the Sea Customs Act VIII of 1878.

x x x

True Extract



C Pinsent

Secretary, Harbour Trust Board.

C. No. 1110

MARINE DEPARTMENT.

FROM

THE CHAIRMAN,

HARBOUR TRUST BOARD,

MADRAS,

& The Presidency Port officer

TO

THE CHIEF SECRETARY TO GOVERNMENT,

Marine Department.

DATED 23d
RECEIVED } November 1888.

ENCLOSURE (3)

No. 3296

C No 1040

SUBJECT.

Indian Ports Bill

Replying to reference on C 1040 dated 8th Novr 1888.

C. No. 1120

5P

UNDER SECY TO GOVT
24 NOV 88
PUBLIC ETC DEPT

The Madras Chamber of Commerce,

Madras, 23rd Nov 1888

FROM

D. Rachakan Cope,

CHAIRMAN CHAMBER OF COMMERCE,

MADRAS.

TO

The Chief Secretary to Government,

Fort Saint George.

Sir,

I have the honor to acknowledge receipt of the Reference, dated the 8th instant, on the subject of the Indian Ports Bill of the Government of India.

It will be within the recollection of the Government that the Bill formed the subject of communications from the Chamber on the 27th August 1886 and 22nd March 1887. In the former letter the Chamber expressed the opinion that the Coasting Steamers should be allowed to pay 3 annas per ton, and be free for 30 days of the group in respect of which payment is made, that the port of Madras should be kept entirely separate from, and independent of the Eastern group; and that having once paid dues at Madras, or at any one or more ports in either group, Foreign steamers should be free for 90 days,

and Coasting steamers for 30 days and those trading with the Straits Settlements for 60 days. In the latter letter the Chamber suggested the desirability of inserting the words "or Ceylon" after the words "Straits Settlements" in paras (a) and (c) of the Schedule attached to the Bill in justice to foreign vessels such as those of the Messageries Maritimes and Austrian Lloyds Companies, trading with Madras, Calcutta and Colombo.

The Chamber continues to think that these suggestions are deserving of the attention of the Government of India. It submits that in the interest of trade any increase of rates must be regarded as a retrogressive step, and it, therefore, deprecates the intention to render Home Line London steamers liable under the Schedule (as it now stands) to pay 3 annas on the up, and 3 annas on the down voyage, or 6 as per ton in all, instead of 4½ annas as heretofore. It also thinks that the charge of 1½ annas per ton on Coasting steamers, No 2 of Section F, should be made payable "only once" and not on every entry into the Port - which would compel steamers on the Madras - Rangoon line, which run down by Negapatam, to pay 1½ annas on two or three occasions in a month. The Chamber desires to reiterate the opinion that if the words "or Ceylon" are not inserted in sections (a) and (c), foreign steamers will be driven away; while section (b) will have the effect of prohibiting the vessels of the Austrian Lloyds to from calling at this port to of stifling a steadily increasing trade with the Mediterranean Levant, and Black Sea Ports. The addition of the words "and carrying a General Pass under Section 164 of the Sea Customs Act VIII of 1878" seems to the Chamber to be desirable and necessary at the conclusion of No 2 of the Definition at foot of page 26, to avoid ambiguity.

I have the honor to be,
Sir,
Your most obedt Servant,
D. Restotlow.
Chairman.

C. No. 1120

From

The Chairman,
Chamber of Commerce

D/ 23/11/88

Submitting remarks on the Indian Ports Bill.

Vouchers

Comparative Statement of Harbour Dues Collections from 1st April to 31st October 1888 as Compared with those of the ~~Corresponding~~ period of the preceding year.

23 NOV 88

26 NOV 88

Month	1887-88.	1888-89	Increase or Decrease	Remarks
	Rs A P	Rs A P	Rs A P	
April	22,408 6 3	29,587 15 1	+ 7179 8 10	
May	21,916 1 7	24,178 10 7	+ 2262 9 -	
June	32,391 7 -	24,793 6 4	- 7,598 - 8	
July	35,206 10 4	24,874 14 9	- 10,331 11 7	
August	30,393 4 5	28,057 8 5	- 2341 12 -	
September	26,826 1 9	17,109 1 4	- 9717 - 5	
October	21,342 - 8	22,556 7 1	+ 1214 6 5	
Total	1,90,484 - -	1,71,151 15 7	- 19332 0 5	

Harbour Trust Board's Office
Madras 21st November 1888

C Sinnett
Secretary, Harbour Trust Board.

No 2044 D

HARBOUR TRUST BOARD
21 NOV 88
MADRAS

Brundell & Co

Chairman, Harbour Trust Board

By his Assistant

Received

Custom House

26.11.88-43

CHIEF SECRETARY
26 NOV 88
GOVERNMENT OF MADRAS

My dear Price -

In reference to the Indian Ports Bill, now before Government, I request permission to make certain general remarks demi-officially, regarding the future financial position of the Harbour, as regards dues under Act II of 1886 as well as "Port Dues" proper. It will be in the recollection of the Government that I had the honor of being President of the Committee under G. O. No. 121, Marine, dated 21st February 1883, which fixed "Harbour Dues," as well as Chairman ever since the Trust was Constituted.

2. In

2. In Considering the question of Port Dues, I beg to point out, that while it is desirable to encourage foreign callers (liners) in every manner possible - hence the recommendation in the joint report from the Presidency Port officer and myself, dated 23rd Instant - there is no reason whatever, I submit, why the dues on Coasters, should not be raised to 6, or even 8 annas, should the financial position of the artificial Harbour render this necessary - though 4½ annas suffice for the present. After the passing of Act IV of 1881, the rates on Coasters were levied at 6 annas per ton, and the reduction of these rates was sanctioned in G. O. No. 211, Marine, dated 21st May 1885, under

Notification

Notification of Government dated 23rd.
February 1885, only because the real
facts were not before Government.
A large surplus of "Port Funds" was
quoted, but this was really, in great
part, the result of the dues, enhanced
under Act IV of 1881 (maximum 8 annas),
not having been applied to the expense
of, and interest on, Harbour Construction,
so Madras not only lost - till the re-
-distribution ordered by Government in
G. O. No. 15, Marine, dated 17th January 1888
is brought about - what she should have
got, but the error re-acted, as she
became, and is now, only entitled to
her share of 3 annas instead of of 4½ annas
on a Coaster's first entering at any outport

of the Eastern group, and to 4½ annas
(3 annas being shared with the group)
instead of 6 annas, when such vessels
first enter here. Coasters have benefitted
enormously, as regards rapid entering
and clearing, and general facilities
at this Port - entering several times
in the 30 days - and their profits are very
large, so there seems no reason whatever
to treat them as tenderly as liners, in
respect to which, competition for low
freights is most keen, and the amount
charged to London, often not being
much more per ton, than a coaster gets
from - say Calcutta to Cocanada - and
this without Suez Canal fees.

3. Next, as regards "Harbour Dues"

they

they were originally fixed by the late Committee at Rs 1-9-6 per ton for pier, and Rs 1-5-6 per ton for beach, after grave deliberation, the totals being arrived at in reference to the items noted in the margin. These dues were never oppressive, and practically nearly recouped by the saving in boat hire, the result of the Harbour even in its present un-finished state, and the saving will be still greater in the future. Unfortunately however, with the imposition of Harbour Dues, no Trust was inaugurated, and improvements and outlay were properly postponed by the Master Attendant - who was only in temporary charge, pend-ing such Constitution; accumulations of course resulted, which the Chamber

⊙ Vide G.O. No 370 Marine dated 14th July 1883

* For interest on 75 lakhs .. Rs -15-0
Pier charges .. " 1-4-"
Preventive service .. " -1-6
Total 1-9-6

For interest on 75 lakhs 1-4-"
Preventive service " -1-6
Total 1-5-6

*

of Commerce, perhaps not unreasonably, pointed to as a reason for reduction of dues. Government for some time resisted this. Vide G. O. No. 495 Marine dated 10th November 1884 but ultimately on further delays occurring in legislating for a Port Trust, they allowed some reduction and the present rates are the result. In G. O. No. 309 Mis: dated 27th July 1885 Government forcibly pointed out that the new Trust should not start empty handed, as large expenditure would be imperative for general improvements. This reduction was felt to no appreciable extent as regards goods imported and exported, though the difference in receipts to the Trust is very serious, and the advocates of the reduction

did

did not, I submit, appear to go beyond the question of the moment, and not to have realized the necessarily heavy increasing demands for interest to be met, as outlay on the Harbour Construction progressed towards Completion.

4. Further, at the present moment owing to general depression, there has been a Considerable falling off in the Collections of "Harbour Dues" (vide Statement enclosed) and how long this may last it is difficult to forecast; while the reduction in the rates on liners recently sanctioned by Government, and now re-affirmed by both the Harbour Trust and Chamber, must result in falling off

in

in "Port Dues" Collections, and all this is happening just when the North East Entrance, and an increase of about 24 lakhs in expenditure, is under Considera-tion, and the decision may possibly lee affected by apprehensions as regards assured funds. I desire, therefore, most respectfully to urge on Government, that some provision for raising Port Dues hereafter, if necessary, is required, and that should the Construction of a North East Entrance turn out to be even more expensive than our Engineer Estimates, such expenditure should be incurred rather than that an unsatisfactory Harbour - and one with an Eastern Entrance must always be unsatisfactory

should

should be handed down to posterity, and that the expenditure would further be most justifiable, for we have in reserve, higher "Port Dues" on Coasters, and enhanced "Harbour Dues" on goods - both of which have existed before - to fall back on, and which besides not having been oppressive in the past, will be saved to the trade of the Port in the future, owing to the facilities afforded to traffic by smooth water and Harbour improvements.

Yours very sincerely

W. H. Marlow
C.E.

Hon. J. F. Price C.E.
Chief Secretary

Mm 209- 27- 7—85-
L 15— 17—1— 85
L 211 — 21—5— 85-
L 495- 10—11— 86.
L 220- 14- 7— 85.
L 121 — 21— 2— 85.
Mm 79- 24- 2—85-

Marine Cons. No 1178

To From,

R W. Burlow Esqr

Cons. Nos 3 26/11/88

Encl 1

Regarding
the future financial position
of the Harbour as regards
Loans under Act II of 1886.

F C²

Cons. L S

INDIAN TELEGRAPH.

8 heading not

01225

Local No.

To (Station) Madras

From (Station) Calcutta

Words.	Day.	Hour.	Minute	Official Instruction.
18	3	17	2	defd

CHIEF SECRETARY
GOVERNMENT OF MADRAS
14 DEC 88

To (Person) Madras

From (Person) Finance

1 My letter 5923 30th
2 October indian ports
bill very early reply
requested
5
6
7
8
9
10
11
12
13

RECD. FROM AT Hrs. L. N. Mts., By

SENT TO AT Hrs. L. N. Mts., By

Date MADRAS 3-12-88 Telegraph Master

CURRENT No. 457

[9] DEPARTMENT.

From

The Govt of I.
Finl & Comc.

No.

Dated 3/12/58

Received

Enclosures

SUBJECT.

Requesting very early reply to their letter 5923 of 30 October re Indian Ports Bill.

OUR TRUST 1 NOV 88 MADRAS. 65

THE INDIAN PORTS BILL.

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THE FIRST SCHEDULE.—PORTS, VESSELS CHARGEABLE, RATE OF PORT-DUES AND FREQUENCY OF PAYMENT.

THE SECOND SCHEDULE.—ENACTMENTS REPEALED.

A

BILL

TO

Consolidate and amend the law relating to Ports and Port Charges.

WHEREAS it is expedient to consolidate and amend the law relating to ports and port charges; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title, commencement and extent.

1. (1) This Act may be called the Indian Ports Act 1889; and

(2) It shall come into force on the first day of April 1889.

(3) It shall extend, save as otherwise appears from its subject of context,—

(*a*) to the ports mentioned in the first schedule, and to such parts of the navigable rivers and channels leading to such ports respectively as have been declared to be subject to Act XXII of 1855 (*for the regulation of Ports and Port-dues*) or to the Indian Ports Act, 1875;

(*b*) to the other ports or parts of rivers or channels to which the Local Government, in exercise of the power hereinafter conferred, applies the provisions of this Act:

(4) But nothing in this Act shall—

(i) apply to any vessel belonging to, or in the service of, Her Majesty or the Government of India, or to any vessel of war belonging to any Foreign Prince or State, or

(ii) deprive any person of any right of property or other private right, except as hereinafter expressly provided, or

(iii) affect any law or rule relating to the customs or any order or direction lawfully made or given pursuant thereto:

(5) And nothing in any of the following sections, namely, 29, 30, 31 and 32, shall apply to any port, river or channel to which the section has not been specially extended by the Local Government.

Repeal.

2. (1) The Acts mentioned in the second schedule are hereby repealed to the extent specified in the third column of that schedule.

(2) Every declaration, appointment or rule made under any of those Acts or any enactment repealed by any of them shall, if in force at the commencement of this Act, be deemed to have been made under this Act: and

(3) Any enactment or document referring to any such repealed Act or enactment shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

3. In this Act, unless there is something repugnant in the subject or context,— Definitions.

(1) "vessel" includes anything made for the conveyance by water of human beings or of property:

(2) "master," when used in relation to any vessel, means, subject to the provisions of any other enactment for the time being in force, any person (except a pilot or harbour-master) having for the time being the charge or control of the vessel:

(3) "pilot" means a person for the time being authorized by the Local Government to pilot vessels:

(4) "owner" includes also any agent to whom a vessel is consigned:

(5) "Magistrate" means a person exercising powers under the Code of Criminal Procedure, 1882, not less than those of a Magistrate of the second class, and includes, in the towns of Calcutta, Madras and Bombay, a Presidency Magistrate: and

(6) "port" includes also any part of a river or channel in which this Act is for the time being in force.

"Harbour master" means a person for the time being authorized by the Local Government to berth vessels.

NB The Board observe that the clause relating to Gunpowder Chapter I section 4 of Act XI of 1878 has now been omitted.

CHAPTER II.

POWERS OF THE LOCAL GOVERNMENT.

4. (1) With the previous sanction of the Governor-General in Council, the Local Government may, by notification in the official Gazette,— Power to extend or withdraw the Act or certain portions thereof.

(*a*) extend this Act to any port or to any part of any navigable river or channel leading thereto in which this Act is not in force;

(*b*) specially extend the provisions of any of the following sections, viz., 29, 30, 31 and 32, to any port or to any part of any such river or channel to which the provisions have not been so extended:

(*c*) withdraw this Act from any port or any part thereof in which it is for the time being in force.

(2) A notification under clause (*a*) or clause (*b*) of sub-section (1) may define the limits of the port, river or channel to which it refers.

(3) Limits defined under sub-section (2) may include any piers, jetties, landing-places, wharves, quays, docks and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance and good government of the port, river or channel, whether within or without high-water mark, and, subject to any rights of private property therein, any portion of the shore or bank within fifty yards of high-water mark.

(4) In sub-section (3) the expression "high-water mark" means the highest point reached by ordinary spring-tides at any season of the year.

5. The Local Government may, with the previous sanction of the Governor-General in Council and subject to any rights of private property, alter the limits of any port in which this Act is in force, and declare or describe, by notification in the official Gazette, and by such other means, if any, as it thinks fit, the precise extent of such limits. Alteration of limits of ports.

6. The Local Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary for any of the following purposes, namely:— Power to make port-rules.

(*a*) for regulating the time at which, and the manner in which, vessels shall enter into or go out of any port subject to this Act;

(*b*) for regulating the berths, stations and anchorages to be occupied by vessels in any such port;

(*c*) for striking the yards and top-masts, and for rigging-in the booms and yards, of vessels in any such port, and for swinging or taking-in davits, boats and other things projecting from such vessels;

(*d*) for the removal or proper hanging or placing of anchors, spars and other things, in or attached to vessels in any such port;

(*e*) for regulating vessels whilst taking-in or discharging ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged;

(*f*) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharves, quays, docks, moorings and other works in or adjoining to the same, and for marking out the spaces so to be kept free;

(*g*) for regulating the anchoring, fastening, mooring and unmooring of vessels in any such port;

(*h*) for regulating the moving and warping of all vessels within any such port and the use of warps therein;

(*i*) for regulating the use of the mooring buoys, chain and other moorings, in any such port;

(*j*) for fixing the rates to be paid for the use of such moorings when belonging to the Government, or of any boat, hawser or other thing belonging to the Government;

(*k*) for licensing and regulating cargo and other boats, and catamarans plying for hire in any such port;

(*l*) for regulating the use of fires and lights within any such port;

(*m*) for enforcing and regulating the use of signal-lights by vessels at night in any such port;

(*n*) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port.

CHAPTER III.

PORT-OFFICERS AND THEIR POWERS AND DUTIES.

Appointment of conservator.

7. (1) The Local Government shall appoint some person to be conservator of every port subject to this Act, and may suspend or remove such person.

(2) Subject to any direction by the Local Government to the contrary—

(*a*) in ports where there is a master-attendant, the master-attendant shall be the conservator:

(*b*) in ports where there is no master-attendant, but where there is a harbour-master, the harbour-master shall be the conservator.

(3) Where the harbour-master is not conservator, the harbour-master and his assistants shall be subordinate to, and subject to the control of, the conservator.

(4) The conservator shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

Power of conservator to give and enforce directions for certain specified purposes.

8. (1) The conservator of any port subject to this Act may, in respect of any vessel within the port, give directions for carrying into effect any rule for the time being in force therein under section 6.

(2) If any person wilfully, and without lawful excuse, refuses or neglects to obey any lawful direction of the conservator, after notice thereof has been given to him, he shall, for every such offence, be punished with fine which may extend to one hundred rupees, and with further fine which may extend to one hundred rupees for every day on which, after such notice as aforesaid, he wilfully and without lawful excuse continues to disobey the direction.

(3) In case of such refusal or neglect, the conservator may do, or cause to be done, all acts necessary for the purpose of carrying the direction into execution, and may hire and employ proper persons for that purpose, and all reasonable expenses incurred in doing such acts shall be recoverable by him from the person so refusing or neglecting to obey the direction.

Power to cut warps and ropes.

9. The conservator of any such port may, in case of urgent necessity, cut, or cause to be cut, any warp, rope, cable or hawser endangering the safety of any vessel in the port or at or near to the entrance thereof.

Removal of obstructions within limits of port.

10. (1) The conservator may remove, or cause to be removed, any timber, raft or other thing floating or being in any part of any such port, which obstructs or impedes the free navigation thereof, or anything which obstructs or impedes the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring or other work, on any part of the shore or bank which has been declared to be within the limits of the port and is not private property.

(2) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such navigation, he shall also be punished with fine which may extend to one hundred rupees.

(3) The conservator or any Magistrate having jurisdiction over the offence may cause any such nuisance to be abated.

Recovery of expenses of removal.

11. If the owner of any such timber, raft or other thing, or the person who has caused any such obstruction, impediment or public nuisance as is mentioned in the last foregoing section, neglects to pay the expenses of the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the official Gazette or in such other manner as the Local Government by general or special order directs, such expenses may be recovered in the same manner as any fine under this Act;

and the conservator may cause such timber, raft or other thing, or the materials of any obstruction, impediment or public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction;

and may retain all the expenses of such removal and sale out of the proceeds of the sale, and shall pay the surplus of such proceeds, or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same;

and, if no such person appears, shall cause the same to be kept and deposited in such manner as the Local Government directs;

and may, if necessary, from time to time, realize the expenses of keeping the same, together with the expenses of sale, by a further sale of so much of the thing or materials as may remain unsold.

Removal of lawful obstructions.

12. (1) If any obstruction or impediment to the navigation of any port subject to this Act has been lawfully made, or has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the conservator shall report the same for the information of the Local Government, and shall, with the sanction of that Government, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.

(2) Any dispute arising concerning such compensation shall be determined according to the law relating to like disputes in the case of land required for public purposes.

Fouling of Government moorings.

13. (1) If any vessel hooks or gets foul of any of the buoys or moorings laid down by, or by the authority of, the Local Government in any such port, the master of such vessel shall not, nor shall any other person, except in case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the conservator;

and the conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel;

and the master of such vessel shall, upon demand, pay such reasonable expense as may be incurred in clearing the same.

(2) Any master offending against the provisions of this section shall, for every such offence, be punished with fine which may extend to one hundred rupees.

Raising or removal of wreck impeding navigation within limits of port.

14. (1) If any vessel is wrecked, stranded or sunk in any such port, so as to impede, or be likely to impede, the navigation thereof, the conservator may cause the vessel to be raised, removed or destroyed.

(2) If any property recovered by a conservator acting under sub-section (1) is unclaimed or the person claiming it fails to pay the expenses incurred by the conservator under that sub-section, the conservator may sell the property by public auction, if the property is of a perishable nature, forthwith, and, if it is not of a perishable nature, at any time not less than six months after the recovery thereof.

(3) The expenses incurred by the conservator under sub-section (1) shall be payable to him out of the sale-proceeds of the property, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall be held in deposit for payment, without interest, to any person thereafter establishing his right thereto:

Provided that the person makes his claim within one year from the date of the sale.

(4) If any dispute arises as to the amount of the expenses incurred by the conservator, it shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.

Power to board vessels.

15. (1) The conservator or any of his assistants may, whenever he suspects that any offence against this Act has been, or is about to be, committed, or whenever it is necessary for him so to do in the discharge of any duty imposed upon him by this Act,

and the person appointed under this Act to receive any port-dues, fees or other charges payable in respect of any vessel, may, whenever it is necessary for him so to do for the performance of any duty imposed upon him by this Act,

either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.

(2) If the master of the vessel, or any person in possession or occupation of the building or place, without lawful excuse, refuses to allow any such person as is mentioned in sub-section (1) to board or enter such vessel, building or place in the discharge or for the performance of any duty imposed upon him by this Act, he shall for every such offence be punished with fine which may extend to two hundred rupees.

Power to require crews to prevent or extinguish fire.

16. (1) For the purpose of preventing or extinguishing fire in any port subject to this Act, the conservator may require the master of any ship within the port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the orders of such master.

(2) Any master refusing or neglecting to comply with such requisition shall be punished with fine which may extend to five hundred rupees, and any seaman then under his orders who, after being directed by the master to obey the orders of the conservator for the purpose aforesaid, refuses to obey such orders shall be punished with fine which may extend to twenty-five rupees.

Appointment and powers of health-officer.

17. (1) The Local Government may appoint at any port subject to this Act an officer to be called the health-officer, and may suspend or remove from office any officer so appointed.

(2) A health-officer shall, subject to the control of the Local Government, have the following powers within the limits of the port for which he is appointed, namely:—

(*a*) with respect to any ship, the powers conferred on a shipping-master by Act I of 1859, section 71;

(*b*) power to enter on board any ship and medically examine all or any of the seamen or apprentices on board the ship;

(*c*) power to require and enforce the production of the log-book and any other books, papers or documents which he thinks necessary for the purpose of inquiring into the health and medical condition of the persons on board the ship;

(*d*) power to call before him and examine for any such purpose all or any of those persons and to require answers to any inquiries he thinks fit to make;

(*e*) power to require any person so examined to make and subscribe a declaration of the truth of the statements made by him.

Indemnity to Government against act or default of port-officer.

18. The Government shall not be answerable for any act or default of any master-attendant, harbour-master or conservator of any port subject to this Act, or of any pilot, or of any

deputy or assistant of any of the officers aforesaid, or of any person acting under the authority or direction of any such officer, deputy or assistant, nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Government which may be used by the vessel:

Provided that nothing in this section shall protect the Secretary of State for India in Council from a suit in respect of any act done by or under the express order or sanction of the Government.

CHAPTER IV.

RULES FOR THE SAFETY OF SHIPPING AND THE PRESERVATION OF PORTS.

General Rules.

Injuring buoys, beacons and moorings.

19. (1) No person shall, without lawful excuse, lift, injure, loosen or set adrift any buoy, beacon or mooring fixed or laid down by, or by the authority of, the Local Government in any port subject to this Act.

(2) If any person offends against the provisions of this section, he shall for every such offence be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.

Wilfully loosening vessel from moorings.

20. If any person wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port without leave or authority from the owner or master of the vessel, he shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.

Improperly discharging ballast.

21. (1) No ballast or rubbish, and no other thing likely to form a bank or shoal, or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port, or into or upon any place on shore from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods.

(2) Any person who by himself or another so casts or throws any ballast or rubbish or any such other thing, and the master of any vessel from which the same is so cast or thrown, and any person employed to remove any ballast or rubbish or any such other thing whose agents or servants so cast or throw the same or cause the same to be so cast or thrown, shall be punished with fine which may extend to five hundred rupees over and above any expenses which may be incurred in removing the same.

(3) If, after receiving notice from the conservator of the port to desist from so casting or throwing any ballast or rubbish or such other thing, any master continues so to cast or throw it, he shall also be liable to simple imprisonment for a term which may extend to two months.

(4) Nothing in this section applies to any case in which the ballast or rubbish or such other thing is cast or thrown into any such port with the consent in writing of the conservator, or within any limits within which such act may be authorized by the Local Government.

Graving vessel within prohibited limits.

22. If any person graves, breams or smokes any vessel in any such port, contrary to the directions of the conservator, or at any time or within any limits at or within which such act is prohibited by the Local Government, he and the master of the vessel shall, for every such offence, be punished with fine which may extend to five hundred rupees each.

Boiling pitch on board vessel within prohibited limits.

23. If any person boils or heats any pitch, tar, resin, dammer, turpentine, oil or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the Local Government, or contrary to the directions of the conservator, he and the master of the vessel shall for every such offence be punished with fine which may extend to two hundred rupees each.

Drawing spirits by unprotected artificial light.

24. If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, he and the master of the vessel shall for every such offence be punished with fine which may extend to two hundred rupees each.

Warping.

25. (1) Every master of a vessel in any port subject to this Act shall, when required so to do by the conservator, permit warps to be made fast to the vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp to be let go until required so to do.

(2) A master offending against sub-section (1) shall be punished for every such offence with fine which may extend to two hundred rupees.

Leaving out warp or hawser after sunset.

26. (1) A master of a vessel shall not cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act after sunset in such a manner as to endanger the safety of any other vessel navigating in the port.

(2) A master offending against sub-section (1) shall be punished for every such offence with fine which may extend to two hundred rupees.

Guns not to be discharged in port.

27. If any person, without lawful excuse, discharges any gun, musket or other fire-arm in any port subject

to this Act, or on or from any landing-place, pier, wharf or quay thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the Local Government, he shall, for every such offence, be punished with fine which may extend to fifty rupees.

Penalty on master omitting to take order to extinguish fire.

28. If the master of any vessel in which fire takes place while lying in any such port wilfully omits to take order to extinguish the fire, he shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Special Rules.

Moving of vessels without pilot or permission of harbour-master.

29. (1) No vessel of the burden of two hundred tons or upwards shall enter or be moved in any port to which this section has been specially extended without having a pilot, harbour-master or assistant of the ~~master-attendant~~ or harbour-master on board, and no vessel of any burden less than two hundred tons and exceeding one hundred tons shall enter or be moved in any such port without having on board a pilot, harbour-master or assistant of the ~~master-attendant~~ or harbour-master, unless authority in writing so to do has been obtained from the conservator or some officer empowered by him to give such authority.

(2) If any vessel, except in case of urgent necessity, enters or is moved in the port contrary to the provisions of sub-section (1), the master of the vessel shall for every such offence be punished with fine which may extend to two hundred rupees, unless upon application to the proper officer the master was unable to procure a pilot, harbour-master or assistant of the ~~master-attendant~~ or harbour-master to go on board the vessel.

(3) Nothing in sub-sections (1) and (2) shall apply to Native vessels when they are moved in the port of Bombay.

(4) If any question arises as to whether any vessel is a Native vessel within the meaning of this section, the decision thereon of such authority as the Governor of Bombay in Council may appoint in this behalf shall be conclusive.

Provision of certain vessels with fire-extinguishing apparatus.

30. (1) Every vessel exceeding the burden of two hundred tons and lying in any port to which this section has been specially extended shall be provided with a proper force pump and hose and appurtenances, for the purpose of extinguishing any fire which may occur on board.

(2) The master of such a vessel who, having been required by the conservator to comply with the provisions of sub-section (1), neglects or refuses, without lawful excuse, so to do for the space of seven days after such requisition, shall be punished with fine which may extend to five hundred rupees.

Unauthorized person not to search for lost stores.

31. (1) No person, unless duly authorized by the conservator, shall in any port to which this section has been specially extended creep or sweep for anchors, cables or other stores lost or supposed to be lost therein.

(2) If any person offends against the provisions of sub-section (1), he shall be punished with fine which may extend to one hundred rupees.

Removing stones or injuring shores of port prohibited.

32. (1) No person without the permission of the conservator shall, in any port to which this section has been specially extended, remove or carry away any rock, stones, shingle, gravel or soil or any artificial protection from any part of the bank or shore of the port;

and no person shall sink or bury in any part of such bank or shore, whether the same is public or private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure, or to be used so as to injure, such bank or shore, except with the permission of the conservator, and with the aid or under the inspection of such person, if any, as he may appoint to take part in, or overlook the performance of, such work.

(2) If any person offends against sub-section (1), he shall for every such offence be punished with fine which may extend to one hundred rupees and shall pay the expenses of repairing the injury, if any, done by him to the bank or shore.

CHAPTER V.

Port-dues, Fees and other Charges.

Levy of port-dues.

33. (1) In each of the ports mentioned in the first schedule, such port-dues, not exceeding the amount specified for the port, in the third column of the schedule, as the Local Government or, in the case of the port of Bombay, the Board of Trustees of that port from time to time directs, shall be levied on vessels entering the port and described in the second column of the schedule, but not oftener than the time fixed for the port in the fourth column of the schedule.

(2) Whenever the Local Government, with the previous sanction of the Governor-General in Council, declares any other port to be subject to this Act, it may, with the like sanction, by the same or any subsequent declaration, further declare the vessels which are to be chargeable with port-dues on entering the port, and the rates at which, and circumstances in which, those dues are to be levied in respect of vessels chargeable therewith.

(3) All port-dues now leviable in any port shall continue to be so leviable until it is otherwise declared in exercise of the powers conferred by this section.

(4) An order increasing or imposing port-dues under this section shall not take effect till

the expiration of sixty days from the day on which the order was published in the local official Gazette.

Variation of port-dues by Local Government.

34. The Local Government, or, in the case of the port of Bombay, the Board of Trustees of that port, may from time to time exempt vessels entering a port subject to this Act from the levy of port-dues and cancel the exemption, or may from time to time vary the rate at which port-dues are to be levied in the port, in such manner as, having regard to the receipts and charges on account of the port, it thinks expedient, by reducing or raising the dues, or any of them:

Provided that the rates shall not in any case exceed the amount authorized to be taken by or under this Act.

Receipt, expenditure and account of port-charges.

35. (1) The Local Government shall appoint some person at every port at which any dues, fees or other charges are authorized to be taken by or under this Act to receive the same, and, subject to the control of the Local Government, to expend the receipts on any of the objects authorized by this Act.

(2) Such person shall keep for the port a distinct account, to be called the port fund account, showing, in such detail as the Local Government prescribes, the receipts and expenditure of the port, and shall publish annually as soon after the first day of May as may be practicable an abstract in such form as that Government prescribes of the account for the past financial year.

(3) If, for any of the purposes of this Act, an advance of money has been or shall be made by the Government on account of any port subject to this Act, simple interest upon that advance, or upon so much of it as remains or shall remain unrepaid, at such rate as the Governor-General in Council may determine, shall be charged in the port fund account of the port.

(4) All moneys, excluding receipts on account of pilotage but including fines and proceeds of waifs, received under this Act at or on account of any port subject to this Act shall be credited in the port fund account of the port.

(5) All expenses incurred for the sake of any such port, excluding expenses on account of pilotage but including—

(*a*) the pay and allowances of all persons upon the establishment of the port,

(*b*) the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in or entering or leaving the port or passing through the rivers or channels leading thereto,

(*c*) pensions, allowances and gratuities of persons who have been employed in the port under this or any other enactment relating to ports and port-dues, or such portion of those pensions, allowances and gratuities as the Local Government may by rule determine,

(*d*) with the previous sanction of the Local Government, contributions towards the support of public hospitals or dispensaries suitable for the reception or relief of seamen or otherwise towards the provision of sanitary superintendence and medical aid for the shipping in the port and for seamen, whether ashore or afloat, belonging to ships in the port, and

(*e*) with the like sanction, contributions towards sailors' homes, institutes, rest-houses and coffee-houses and for other purposes connected with the health, recreation and temporal well-being of sailors,

shall be charged to the port fund account of the port.

(6) The Local Government may direct that for the purposes of this section any number of ports shall be regarded as constituting a single port, and thereupon all moneys to be credited to the port fund account under sub-section (4) shall form a common port fund account which shall be available for the payment of all expenses incurred for the sake of any of the ports.

(7) Any balance standing to the credit of a port fund account may be temporarily invested in such manner as the Local Government may direct.

Receipts for port-charges.

36. The person to whom any dues, fees or other charges authorized to be taken by or under this Act are paid shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the dues, fees or other charges are paid, and the name, tonnage and other proper description of the vessel in respect of which the payment is made.

Master to report arrival.

37. (1) Within twenty-four hours after the arrival within the limits of any port subject to this Act of any vessel liable to the payment of port-dues under this Act or any subsequent enactment, the master of the vessel shall report the arrival to the conservator of the port.

(2) A master failing without lawful excuse to make such report within the time aforesaid shall for every such offence be punished with fine which may extend to one hundred rupees.

(3) Nothing in this section applies to tug-steamers, ferry-steamers or river-steamers plying in any of the ports subject to this Act.

Conservator may in certain cases ascertain draught and charge expense to master.

38. If any vessel liable to the payment of port dues is in any such port without proper marks on the stem and stern posts thereof for denoting her draught, the conservator may cause the same to be ascertained by means of the operation of hooking, and the master of the vessel shall be liable to pay the expenses of the operation.

Ascertainment of tonnage of vessel liable to port-dues.

39. In order to ascertain the tonnage of any vessel liable to pay port-dues, the following rules shall be observed:—

(*a*) (1) If the vessel is a British registered vessel, or a vessel registered under Act X of 1841 or Act XI of 1850 or under the law for the time being in force for the registration of vessels in India, the conservator may require the owner or master of the vessel or any person having possession of her register to produce the register for inspection.

(2) If the owner or master or such person neglects or refuses to produce the register or otherwise to satisfy the conservator as to what is the true tonnage of the vessel in respect of which the port-dues are payable, he shall be punished with fine which may extend to one hundred rupees, and the conservator may cause the vessel to be measured, and the tonnage thereof to be ascertained, and in such case the owner or master of the vessel shall also be liable to pay the expenses of the measurement.

(*b*) If the vessel is not a British registered vessel or a vessel registered under Act X of 1841 or Act XI of 1850, or under the law for the time being in force for the registration of vessels in India, and the owner or master thereof fails to satisfy the conservator as to what is her true tonnage according to the mode of measurement prescribed by the law in force for the time being for regulating the measurement of British registered vessels, the conservator shall cause the vessel to be measured and the tonnage thereof, according to the mode aforesaid, to be ascertained, and in such case the owner or master of the vessel shall be liable to pay the expenses of the measurement.

Distraint and sale on refusal to pay port charges.

40. If the master of any vessel in respect of which any port-dues, fees or other charges are payable under this Act refuses or neglects to pay the same on demand, the person appointed to receive such port-dues, fees or other charges may distrain or arrest the vessel, and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount due is paid;

and in case any part of the port-dues, fees or other charges, or of the costs of the distress or arrest or of the keeping of the vessel or other thing distrained or arrested, remains unpaid for the space of five days next after any such distress or arrest, may cause the vessel or other thing distrained or arrested to be sold, and with the proceeds of such sale may satisfy the port-dues, fees or other charges and the costs, including the costs of sale, remaining unpaid, and shall render the surplus, if any, to the master of the vessel upon demand.

No port-clearance to be granted until port-charges are paid.

41. The officer of Government whose duty it is to grant a port-clearance for any vessel shall not grant such clearance—

(*a*) until her owner or master, or some other person, has paid or secured to

the satisfaction of such officer the amount of all port-dues, fees and other charges, and of all fines, penalties and expenses to which the vessel or her owner or master is liable under this Act;

(*b*) until all expenses, which by the Merchant Shipping Act, 1854, section 228, are to be borne by her owner, incurred since her arrival in the port from which he seeks clearance, have been paid.

Port charges payable in one port recoverable at any other port.

42. (1) If the master of any vessel in respect of which any such sum as is mentioned in the last foregoing section is payable causes her to leave any port without having paid the sum, the person appointed to receive port-dues, fees and other charges at the port under this Act may require in writing the person appointed to receive port-dues, fees and other charges under this Act at any other port in British India to which she may proceed, or in which she may be, to levy the sum.

(2) The person to whom the requisition is directed shall proceed to levy such sum in the manner prescribed in section 40, and a certificate purporting to be made and signed by the person appointed to receive port-dues, fees and other charges at the port where such sum as is mentioned in the last foregoing section became payable, stating the amount payable, shall be sufficient *primâ facie* proof of such amount in any proceeding under section 40, and also (in case the amount payable is disputed) in any subsequent proceeding under section 58.

Penalty for evading payment of port-charges.

43. (1) If the master of a vessel evades the payment of any such sum as is mentioned in section 41, he shall be punished with fine which may extend to five times the amount of the sum.

(2) In any proceeding before a Magistrate on a prosecution under sub-section (1), any such certificate as is mentioned in section 42, sub-section (2), stating that the master has evaded such payment, shall be sufficient *primâ facie* proof of the evasion, unless the master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure.

(3) Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed, or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.

Port-due on vessels in ballast.

44. A vessel entering any port subject to this Act (other than a port in Burma) in ballast and not carrying passengers shall be charged with a port-due not exceeding three-fourths of the port-due with which she would otherwise be chargeable.

Port-due on vessels not discharging or taking in cargo.

45. When a vessel enters a port subject to this Act, but does not discharge or take in any cargo or passengers therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), the port-due chargeable in respect of the vessel shall be at a rate not exceeding one-half the rate chargeable in respect of other vessels:

Provided that no vessel entering any of the ports within the territories administered by the Governor of Fort St. George in Council and leaving the same within forty-eight hours, without discharging or taking in any passengers or cargo, shall be charged with any port-dues.

Port-dues not chargeable on pleasure-yachts or on vessels re-entering from stress of weather.

46. No port-due shall be chargeable in respect of any pleasure-yacht, nor shall any such due be chargeable in respect of any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage.

Power to impose hospital port-dues.

47. (1) The Local Government may, by notification in the official Gazette, order that there shall be paid in respect of every ship entering any port subject to this Act, within a reasonable distance of which there is a public hospital or dispensary suitable for the reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the Local Government thinks fit.

(2) Such port-dues shall be called hospital port-dues, and the Local Government shall, in making any order under sub-section (1), have regard to any contributions made under section 35, sub-section (5), clause (*d*).

(3) An order imposing or increasing hospital port-dues shall not take effect till the expiration of sixty days from the day on which the order was published in the official Gazette.

(4) Whenever the Local Government is satisfied that proper provision has been made by the owners or agents of any ship or class of ships for giving medical aid to the seamen employed on board such ship or class of ships, it may, by notification in the official Gazette, exempt such ship or class of ships from any payment under this section.

(5) The Local Government may, by notification in the official Gazette, cancel any order under sub-section (1) or withdraw any exemption under sub-section (4).

Application of hospital port-dues.

48. Hospital port-dues shall be applied, as the Local Government may direct, to the support of any such hospital or dispensary as aforesaid, or otherwise for providing sanitary superintendence and medical aid for the shipping in such port and for the seamen belonging to such ships, whether such seamen are ashore or afloat.

Fees for pilotage and certain other services.

49. (1) Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, re-mooring, hooking,

measuring and other services rendered to vessels, at such rates as the Local Government may direct:

Provided that, in the case of fees for pilotage, the previous sanction of the Governor-General in Council has been obtained.

(2) The fees now chargeable for such services shall continue to be chargeable unless and until they are altered in exercise of the power conferred by sub-section (1).

CHAPTER VI.

Hoisting Signals.

Master to hoist number of vessel.

50. (1) The master of every inward or outward bound vessel, on arriving within signal-distance of any signal-station established within the limits of the river Hooghly, or within the limits of any part of a river or channel subject to this Act, shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.

(2) If the master of a vessel arriving as aforesaid offends against sub-section (1), he shall be punished for every such offence with fine which may extend to one thousand rupees.

Pilot to require master to hoist number.

51. (1) Every pilot in charge of a vessel shall require the number of the vessel to be duly signalled as provided by the last foregoing section.

(2) When, on such requisition from the pilot, the master refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the pilot may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.

Penalty on pilot disobeying provisions of this Chapter.

52. Any pilot in charge of a vessel who disobeys, or abets within the meaning of the Indian Penal Code disobedience to, any of the provisions of this Chapter shall be punished with fine which may extend to five hundred rupees for each instance of such disobedience or abetment, and in addition shall be liable to have his authority to act as a pilot withdrawn.

CHAPTER VII.

Provisions with respect to Penalties.

Penalty for disobedience to rules and orders of the Local Government.

53. If any person disobeys any rule or order which a Local Government has made in pursuance of this Act and for the punishment of disobedience to which express provision has not

been made in this Act, he shall be punished for every such offence with fine which may extend to one hundred rupees.

Offences how triable, and penalties how recovered.

54. All offences against this Act shall be triable by a Magistrate, and any Magistrate may, by warrant under his hand, cause the amount of any fine imposed upon the owner or master of any vessel, for any offence committed on board of the vessel, or in the management thereof, or otherwise in relation thereto, whereof the owner or master is convicted, to be levied by distress and sale of the vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Costs of conviction.

55. (1) In case of any conviction under this Act the convicting Magistrate may order the offender to pay the costs of the conviction, in addition to any fine or expenses to which he may be liable.

(2) Such costs may be assessed by the Magistrate, and may be levied and recovered in the same manner as any fine under this Act.

Ascertainment and recovery of damages and expenses payable under this Act.

56. Whenever any person is liable, under the provisions of this Act, to pay any sum of money, damages or expenses not exceeding one thousand rupees, the same may be recovered and levied in the same manner as any fine under this Act, and, if necessary, the amount thereof may be fixed and assessed by the Magistrate before whom the case is tried.

Costs of distress.

57. Whenever any fine, damages or expenses is or are levied under this Act by distress and sale, the costs of the distress and sale may be levied in addition to such fine, damages or expenses, and in the same manner.

Magistrate to determine the amount to be levied in case of dispute.

58. If any dispute arises concerning the amount leviable by any distress or arrest under this Act or the charges or costs payable under the last foregoing section, the person making the distress or using the arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine the amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable, and payment of such costs, if not paid on demand, shall be enforced in the same manner as a fine.

Jurisdiction over offences beyond local limits of jurisdiction.

59. (1) Any person offending against the provisions of this Act in any port subject to this Act shall be punishable by any Magistrate having jurisdiction over any district or place adjoining the port.

(2) Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the

offence had been committed locally within the limits of his jurisdiction, notwithstanding that the offence may not have been committed locally within such limits, and, in case any such Magistrate exercises the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

Conviction to be quashed on merits only.

60. (1) No conviction, order or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.

(2) If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in the depositions.

CHAPTER VIII.

Supplemental Provisions.

Hoisting unlawful colours in port.

61. (1) If any vessel belonging to any of Her Majesty's subjects, or sailing under British colours, hoists, carries or wears, within the limits of any port subject to this Act, any flag, jack, pendant or colours, the use whereof on board such vessel has been prohibited by the Statute 17 and 18 Victoria, Chapter 104, or any other statute now or hereafter to be in force, or by any proclamation made or to be made in pursuance of any such statute, or by any of Her Majesty's regulations in force for the time being, the master of the vessel shall, for every such offence, be punished with fine which may extend to fifty rupees.

(2) Such fine shall be in addition to any other penalty recoverable in respect of such an offence.

(3) Any officer of Her Majesty's navy or of the Indian Marine Service within the limits of such port, or the conservator of such port, may enter on board any such vessel, and seize and take away any flag, jack, pendant or colours so unlawfully hoisted, carried or worn on board the same.

Foreign deserters.

62. Any Magistrate, upon an application being made to him by the Consul of any Foreign Power to which the Foreign Deserters Act, 1852, has by an order of Her Majesty in Council been, or shall hereafter be, declared to be applicable, or by the representative of such Consul, and upon complaint on oath of the desertion of any seaman, not being a slave, from any ship of such Foreign Power, may, until a revocation of such Order in Council has been publicly notified, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be

detained in custody until the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month:

Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during the detention, and that the detention of the deserter shall not be continued beyond twelve weeks.

Application of sections 10 and 21.

63. (1) The provisions of sections 10 and 21 shall be applicable to all ports heretofore or hereafter declared by the Local Government to be ports for the shipment and landing of goods, but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject.

(2) Any penalties imposed by him, and any expenses incurred by his order under the said provisions, shall be recoverable respectively in the manner provided in sections 54 and 56.

(3) In any of the said reports for the shipment and landing of goods the consent referred to in section 21, sub-section (4), may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the Local Government.

Application of Maulmain and Bassein port-dues.

64. The port-due leviable under this Act in either of the ports of Maulmain and Bassein shall, to the extent of one anna and six pie per ton, be applicable in the first place to defray the expenses of maintaining the existing port-lights of Burma.

Validation of irregular contributions.

65. Any money contributed before the passing of this Act from any port fund for any purpose connected with the health, recreation and well-being of sailors shall be deemed to have been lawfully contributed to the fund.

Grant of sites for sailors' institutes.

66. Any local authority in which any immoveable property in or near a port is vested may appropriate, and either retain and apply, or transfer by way of gift or otherwise, the whole or any part of the property as a site for, or for use as, a sailors' home or other institution for the health, recreation and temporal well-being of sailors.

Exemptive provisions with respect to naval and military stores.

67. Notwithstanding anything in this Act, or in any Act for the time being in force relating to the Commissioners for making improvements in the Port of Calcutta, the Trustees of the Harbour of Madras, the Trustees of the Port of Bombay or Karáchi, the Commissioners for or of the Port of Rangoon or Chittagong, or any like body hereafter created for any other port, the Governor-General in Council may exempt any naval or military material or stores, and, to such extent as he thinks fit, the vessels carrying the same, from all or any of the dues, fees or other charges to which, but for such exemption, the same would be liable under this Act or under any Act relating to any such

body as aforesaid, and may authorise naval or military material or stores to be landed or shipped at any place within the limits of any port, whether the place has or has not been authorised as a place for the landing or shipping of goods and whether the limits of the port are those defined under this Act or under any other enactment for the time being in force.

Saving of Port Trust Acts.

68. Save as otherwise expressly provided, nothing in this Act shall affect any law for the time being in force relating to any such body of port commissioners or trustees as is mentioned in the last foregoing section.

Exercise of powers of conservator by harbour-master.

69. (1) All acts, orders or directions by this Act authorized to be done or given by any conservator may, subject to his control, be done or given by any harbour-master or any assistant of such conservator or harbour-master.

(2) Any person authorized by this Act to do any act may call to his aid such assistance as may be necessary.

Service of written notices of directions.

70. Any written notice of a direction given under this Act, left for the master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of the vessel, shall, for the purposes of this Act, be deemed to have been given to the master thereof.

Publication of orders of Local Government.

71. Every declaration, order and rule of a Local Government made in pursuance of this Act shall be published in the Official Gazette, and a copy thereof shall be fixed up in some conspicuous place in the office of the conservator, and at the custom-house, if any, of every port to which the declaration, order or rule relates.

THE FIRST SCHEDULE.

PORTS, VESSELS CHARGEABLE, RATE OF PORT-DUES AND FREQUENCY OF PAYMENT.

(*See sections* 1 *and* 33.)

PART I.—BURMA.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Maulmain	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Not exceeding four annas per ton.	Once in sixty days.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pie per ton.	Do.
Rangoon	Sea-going vessels of ten tons and upwards.	Not exceeding six annas per ton.	Do.
Kyook-Phyoo ...	Do. do. ...	Not exceeding four annas per ton.	Do.
Akyab	Do. do. ...	Do. do. ...	Do.
Bassein	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Do. do. ...	Do.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pie per ton.	Do.
Mergui	...	...	...
Tavoy	...	...	...

PART II.—THE LOWER PROVINCES.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Chittagong ...	Sea-going vessels of ten tons and upwards.	Not exceeding four and a half annas per ton.	Once in sixty days.
Port Canning ...	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton: provided that, in the case of *dhonis* and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port, except in the case of *dhonis* and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in ninety days.
	Tug-steamers and river-steamers belonging to Port Canning.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December, in each year.
Calcutta ...	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton; provided that, in the case of *dhonis* and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port, except in the case of *dhonis* and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in sixty days.
	Tug-steamers and river-steamers.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and 31st December, in each year.
Cuttack Ports.—namely, Balasore, Chúráman, Laichhunpur, Chánua, Subarnrekha, Chandbally (Dhamra) and Sartha.	Sea-going vessels of three hundred maunds and upwards.	Not exceeding four annas per ton.	Whenever the vessel enters the port.
False Point ...	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton: provided that, in the case of *dhonis* and country vessels employed in the coasting trade, the rate shall not exceed one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port, except in the case of *dhonis* and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in sixty days.
Puri ...	Do. ...	Do. ...	Do.

PART III.—THE MADRAS PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessels.
Madras.			
Eastern Group.			
1. Ganjam ...	Sea-going vessels of fifteen tons and upwards.	*Foreign Vessels.* (a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton. (b) In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton. (c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, or at more than one port in Western group, not exceeding four-and-half annas a ton. (d) In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four-and-a-half annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port. The due is payable on each entry into the port.
2. Gopálpur ...			
3. Calingapatam ...			
4. Bimlipatam ...			
5. Vizagapatam ...			
6. Cocanada ...			
7. Coringa ...			
8. Masulipatam ...			
9. Cuddalore ...			
10. Porto Novo ...			
11. Tranquebar ...			
12. Negapatam ...			
13. Nagore ...			
14. Pámban ...			
15. Tuticorin ...			
16. Sonapore ...			
17. Báruva ...			
18. Púndi			
19. Bapanapadu ...			
20. Conada ...			
21. Pudimadaka ...			
22. Pentakota ...			
23. Uppada ...			
24. Bendamanlanka ...			
25. Narsápur ...			
26. Perupalem ...			
27. Penumudi ...			
28. Moratota ...			
29. Nagayalanka ...			
30. Kottapalem ...			
31. Gangadipalem ...			
32. Nizampatam ...			
33. Iburupálem ...			
34. Badduranipalem ...			
35. Motupalli ...			
36. Kanuparti ...			
37. Kottapatam ...			
38. Itamukkala ...			
39. Pákala ...			
40. Ramayapatam ...			
41. Connayapalem ...			
42. Tummalapenta ...			
43. Juvaladinne ...			
44. Iskápalle ...			
45. Ponnapudi ...			
46. Mypaud ...			
47. Kistnapatam ...			
48. Pamanji ...			
49. Tupili ...			
50. Dugarázpatnam ...			
51. Pudi ...			
52. Pulicat ...			
53. Ennore ...			
54. Covelong ...			
55. Merkanam ...			
56. Thirumalavasel ...			
57. Kodimpalliem ...			
		Coasting Vessels. (e) In the case of a coasting ship calling at any port, not exceeding one-and-a-half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
		(f) In the case of a coasting steamer— (1) calling at one or more ports in the eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the western group, not exceeding three annas a ton; (2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton; (3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group. The due is payable on each entry into the port.
			The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.

PART III.—THE MADRAS PRESIDENCY—*cont.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessels.
Eastern Group—cont.		*Foreign vessels.*	
58. Velangani ...	Sea-going vessels of fifteen tons and upwards.	(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton. (b) In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton. (c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton. (d) In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port. The due is payable on each entry into the port.
59. Thopputorai ...			
60. Point Calimere ...			
61. Muttupettai ...			
62. Adirámpatnam ...			
63. Ammapatam ...			
64. Kristnajipatam ...			
65. Kattumavadi ...			
66. Kottaipatam ...			
67. Gopalapatam ...			
68. Sundrapandiapatam.			
69. Pasipatam ...			
70. Damodarapatam ...			
71. Tondi			
72. Nambidalai ...			
73. Pudupatam ...			
74. Carungudu ...			
75. Tirupalakudi ...			
76. Devipatam ...			
77. Mudiapatam ...			
78. Attangarai ...			
79. Pillaimadam ...			
80. Emanagudu ...			
81. Rámesvaram ...			
82. Mandapam ...			
83. Vedalai			
84. Marakayapatam ...			
85. Muttupettai ...			
86. Kilakarai			
87. Eruvadi ...			
88. Valinokam ...			
89. Vaippár ...			
90. Koilpatam ...			
91. Kulasekharapatnam.			
Western Group.			
1. Mangalore ...			
2. Cannanore ...			
3. Tellicherry ...			
4. Calicut ...			
5. Beypore ...			
6. Cochin ...			
7. Badagara ...			
8. Quilandi ...			
9. Ponáni ...			
10. Attaprom ...			
11. Kurkuye ...			
12. Madayi ...			
13. Attukuye ...			
14. Chowghat ...			
15. Velliangode ...			
16. Kuttayi ...			
17. Parony ...			
18. Tánúr ...			
19. Parpanangádi ...			
20. Cadalondi ...			
		Coasting Vessels. (e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
		(f) In the case of a coasting steamer— (1) calling at one or more ports in the Eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the Western group, not exceeding three annas a ton; (2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton; (3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group. The due is payable on each entry into the port.
			The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.

PART III.—THE MADRAS PRESIDENCY—*cont.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Western Group—cont.	Sea-going vessels of fifteen tons and upwards.	*Foreign Vessels.*	
21. Molankadava ...		(*a*) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
22. Pudiangadi ...		(*b*) In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
23. Ellatur ...		(*c*) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, or at more than one port in the Westsrn group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
24. Kapat		(*d*) In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
25. Kollan		*Coasting Vessels.*	
26. Cuddalore ...		(*e*) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
27. Trikodi ...		(*f*) In the case of a coasting steamer— (1) calling at one or more ports in the Eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the Western group, not exceeding three annas a ton;	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
28. Kottakal ...		(2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton;	The due is payable on each entry into the port.
29. Muttungal ...		(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.
30 Chombayi ...			
31. Kallai			
32. Talai			
33. Dharmapatnam ...			
34. Egara			
35. Pudiangadi ...			
36. Paliapatam ...			
37. Etticollam ...			
38. Kavai			
39. Katkacheri ...			
40. Bekal ...			
41. Kásaragód ...			
42. Kumbla ...			
43. Manjeshwara ...			
44. Mulki			
45. Padubidri ...			
46. Yermal ...			
47. Uchil			
48. Kap			
49. Udayavar ...			
50 Malpe			
51. Bárkúr, or Hangarkotta.			
52. Kundapura ...			
53. Baindur ...			
54. Naikinkatta ...			
55. Serur			

Definitions.

In this Part of the Schedule—

(1) "ship" means a sailing vessel, and "steamer" a steam-vessel:

(2) "coasting ship" or "coasting steamer" means respectively a ship or steamer which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port in the island of Ceylon or in any part of India between the western-most part of Sindh and the south-easternmost part of Burma:

(3) "foreign ship" or "foreign steamer" means respectively a ship or steamer not being a coasting ship or coasting steamer.

NOTE.—As regards the levy of port-dues, each of the following pairs of ports (namely), Cocanada and Coringa, Negapatam and Nagore, Calicut and Beypore, shall be treated as if it were only one port; every vessel in respect of which such dues have been charged and taken at one of any of the said pairs being exempted from the charge on entering the other of the same pair.

PART IV.—THE BOMBAY PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Bombay	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding four annas per ton, for each class of vessels, as the Trustees incorporated under the Bombay Port Trust Act, 1879, may, from time to time, direct.	Once in the same month.
	Tug-steamers, ferry-steamers and river-steamers.	Do. ...	Once between the 1st January and the 30th June, and once between the 1st July and 31st December, in each year.
Northern Group of Ports—			
1. Gogo	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port: provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same time or any other port of the same group within thirty days.
2. Bávliári	Do. ...	Do. ...	Do.
3. Khun	Do. ...	Do. ...	Do.
4. Tankária	Do. ...	Do. ...	Do.
5. Dehegám ...	Do. ...	Do. ...	Do.
6. Dehej	Do. ...	Do. ...	Do.
7. Broach	Do. ...	Do. ...	Do.
8. Bhagwá	Do. ...	Do. ...	Do.
9. Surat	Do. ...	Do. ...	Do.
10. Matwád	Do. ...	Do. ...	Do.
11. Bulsar	Do. ...	Do. ...	Do.
12. Umarsári	Do. ...	Do. ...	Do.
13. Kolak	Do. ...	Do. ...	Do.
14. Kálai	Do. ...	Do. ...	Do.
15. Maroli	Do. ...	Do. ...	Do.
16. Umbargám ...	Do. ...	Do. ...	Do.
17. Gholwad	Do. ...	Do. ...	Do.
18. Dáhánu creek ...	Do. ...	Do. ...	Do.
19. Tárápur	Do. ...	Do. ...	Do.
20. Alivárá Návapur.	Do. ...	Do. ...	Do.
21. Sátpáti creek ...	Do. ...	Do. ...	Do.
22. Máhim (Kelva) ...	Do. ...	Do. ...	Do.
23. Kelva	Do. ...	Do. ...	Do.
24. Dántivra	Do. ...	Do. ...	Do.
25. Arnála	Do. ...	Do. ...	Do.

PART IV.—THE BOMBAY PRESIDENCY—*cont.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Southern Group of Ports—	Sea-going vessels of ten tons and upwards (except fishing boats).		
1. Bandora			
2. Veráva			
3. Manori			
4. Utan			
5. Bassein			
6 Bhiwandi ...			
7. Kallian			
8. Tanna			
9. Trombay			
10. Panwel			
11. Karanja			
12. Rewas			
13. Nagothna ...			
14. Thal			
15. Alibág			
16. Revdandá ...			
17. Thalkhári ...			
18. Bánkot		Not exceeding three annas per ton, provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port: provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
19. Kelsi			
20. Harnai			
21. Anjanwel ...			
22. Boryá			
23. Jaygarh			
24. Ratnágiri ...			
25. Purnaghar ...			
26. Yeshwantghar ...			
27. Viziádurg ...			
28. Debgarh			
29. Achara			
30. Málwan			
31. Nivti			
32. Vengorla			
33. Reri			
34. Tirekhol			
35. Karwar, including Baitkhol.			
36. Chendya			
37. Ankola			
38. Gangawli ...			
39. Tadri			
40. Honáwar			
41. Shiráli			
42. Coomta			
43. Murdheshwar ...			
44. Bhatkal			
45. Waraora			
Karáchi	Do .. Tug-steamers and river-steamers.	Four annas per ton	Once in three months.
		Do.	Once between the 1st January and the 30th day of June, and once between the 1st July and the 31st December, in each year.
Aden	Sea-going vessels of ten tons and upwards.	Three annas per ton	Once a month.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(*See Section 2.*)

Number and year.	Subject or title.	Extent of repeal.
XII of 1875 ...	Indian Ports Act, 1875	So much as has not been repealed.
IX of 1879 ...	Burma Coast-lights Act, 1879 ...	Section 17 and the preamble to that section.
VII of 1880 ..	Indian Merchant Shipping Act, 1880.	The first paragraph of section 72, from and inclusive of the word "Chapter" down to and inclusive of the word "repealed."
IV of 1881 ...	Madras Port-dues Act, 1881 ...	The whole.
XVII of 1882 ...	Indian Ports Act, 1882	The whole.
V of 1883 ...	Indian Merchant Shipping Act, 1883.	Section 31.
XI of 1883 ...	Reduction of Port-dues in the Port of Bombay.	The whole.
IV of 1884 ...	Indian Explosives Act, 1884 ...	Section 3.
V of 1885 ...	Amendment of the Indian Ports Act, 1875.	The whole.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

A

BILL

TO

Consolidate and amend the law relating to Ports and Port Charges.

(.)

Mi 1110/28
3

THE INDIAN PORTS BILL.

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THE SECOND SCHEDULE.—ENACTMENTS REPEALED.

(3) Any enactment or document referring to any such repealed Act or enactment shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

3. In this Act, unless there is something repugnant in the subject or context,— Definitions.

(1) "vessel" includes anything made for the conveyance by water of human beings or of property:

(2) "master," when used in relation to any vessel, means, subject to the provisions of any other enactment for the time being in force, any person (except a pilot or harbour-master) having for the time being the charge or control of the vessel:

(3) "pilot" means a person for the time being authorized by the Local Government to pilot vessels:

(4) "owner" includes also any agent to whom a vessel is consigned:

(5) "Magistrate" means a person exercising powers under the Code of Criminal Procedure, 1882, not less than those of a Magistrate of the second class, and includes, in the towns of Calcutta, Madras and Bombay, a Presidency Magistrate: and

(6) "port" includes also any part of a river or channel in which this Act is for the time being in force.

CHAPTER II.

Powers of the Local Government.

4. (1) With the previous sanction of the Governor-General in Council, the Local Government may, by notification in the official Gazette,— Power to extend or withdraw the Act or certain portions thereof.

(*a*) extend this Act to any port or to any part of any navigable river or channel leading thereto in which this Act is not in force;

(*b*) specially extend the provisions of any of the following sections, viz., 29, 30, 31 and 32, to any port or to any part of any such river or channel to which the provisions have not been so extended:

(*c*) withdraw this Act from any port or any part thereof in which it is for the time being in force.

(2) A notification under clause (*a*) or clause (*b*) of sub-section (1) may define the limits of the port, river or channel to which it refers.

(3) Limits defined under sub-section (2) may include any piers, jetties, landing-places, wharves, quays, docks and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance and good government of the port, river or channel, whether within or without high-water mark, and, subject to any rights of private property therein, any portion of the shore or bank within fifty yards of high-water mark.

(4) In sub-section (3) the expression "high-water mark" means the highest point reached by ordinary spring-tides at any season of the year.

5. The Local Government may, with the previous sanction of the Governor-General in Council and subject to any rights of private property, alter the limits of any port in which this Act is in force, and declare or describe, by notification in the official Gazette, and by such other means, if any, as it thinks fit, the precise extent of such limits. Alteration of limits of ports.

6. The Local Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary for any of the following purposes, namely:— Power to make port-rules.

(*a*) for regulating the time at which, and the manner in which, vessels shall enter into or go out of any port subject to this Act;

(*b*) for regulating the berths, stations and anchorages to be occupied by vessels in any such port;

(*c*) for striking the yards and top-masts, and for rigging-in the booms and yards, of vessels in any such port, and for swinging or taking-in davits, boats and other things projecting from such vessels;

(*d*) for the removal or proper hanging or placing of anchors, spars and other things, in or attached to vessels in any such port;

(*e*) for regulating vessels whilst taking-in or discharging ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged;

(*f*) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharves, quays, docks, moorings and other works in or adjoining to the same, and for marking out the spaces so to be kept free;

(*g*) for regulating the anchoring, fastening, mooring and unmooring of vessels in any such port;

(*h*) for regulating the moving and warping of all vessels within any such port and the use of warps therein;

(*i*) for regulating the use of the mooring buoys, chain and other moorings, in any such port;

(*j*) for fixing the rates to be paid for the use of such moorings when belonging to the Government, or of any boat, hawser or other thing belonging to the Government;

(*k*) for licensing and regulating cargo and other boats, and catamarans plying for hire in any such port

(*l*) for regulating the use of fires and lights within any such port;

(*m*) for enforcing and regulating the use of signal-lights by vessels at night in any such port;

(*n*) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port.

CHAPTER III.

PORT-OFFICERS AND THEIR POWERS AND DUTIES.

Appointment of conservator.

7. (1) The Local Government shall appoint some person to be conservator of every port subject to this Act, and may suspend or remove such person.

(2) Subject to any direction by the Local Government to the contrary—

(*a*) in ports where there is a ~~master-attendant~~, the ~~master-attendant~~ shall be the conservator;

(*b*) in ports where there is no ~~master-attendant~~, but where there is a harbour-master, the harbour-master shall be the conservator.

(3) Where the harbour-master is not conservator, the harbour-master and his assistants shall be subordinate to, and subject to the control of, the conservator.

(4) The conservator shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

Power of conservator to give and enforce directions for certain specified purposes.

8. (1) The conservator of any port subject to this Act may, in respect of any vessel within the port, give directions for carrying into effect any rule for the time being in force therein under section 6.

(2) If any person wilfully, and without lawful excuse, refuses or neglects to obey any lawful direction of the conservator, after notice thereof has been given to him, he shall, for every such offence, be punished with fine which may extend to one hundred rupees, and with further fine which may extend to one hundred rupees for every day on which, after such notice as aforesaid, he wilfully and without lawful excuse continues to disobey the direction.

(3) In case of such refusal or neglect, the conservator may do, or cause to be done, all acts necessary for the purpose of carrying the direction into execution, and may hire and employ proper persons for that purpose, and all reasonable expenses incurred in doing such acts shall be recoverable by him from the person so refusing or neglecting to obey the direction.

Power to cut warps and ropes.

9. The conservator of any such port may, in case of urgent necessity, cut, or cause to be cut, any warp, rope, cable or hawser endangering the safety of any vessel in the port or at or near to the entrance thereof.

Removal of obstructions within limits of port.

10. (1) The conservator may remove, or cause to be removed, any timber, raft or other thing floating or being in any part of any such port, which obstructs or impedes the free navigation thereof, or anything which obstructs or impedes the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring or other work, on any part of the shore or bank which has been declared to be within the limits of the port and is not private property.

(2) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such navigation, he shall also be punished with fine which may extend to one hundred rupees.

(3) The conservator or any Magistrate having jurisdiction over the offence may cause any such nuisance to be abated.

Recovery of expenses of removal.

11. If the owner of any such timber, raft or other thing, or the person who has caused any such obstruction, impediment or public nuisance as is mentioned in the last foregoing section, neglects to pay the expenses of the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the official Gazette or in such other manner as the Local Government by general or special order directs, such expenses may be recovered in the same manner as any fine under this Act;

and the conservator may cause such timber, raft or other thing, or the materials of any obstruction, impediment or public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction;

and may retain all the expenses of such removal and sale out of the proceeds of the sale, and shall pay the surplus of such proceeds, or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same;

and, if no such person appears, shall cause the same to be kept and deposited in such manner as the Local Government directs;

and may, if necessary, from time to time, realize the expenses of keeping the same, together with the expenses of sale, by a further sale of so much of the thing or materials as may remain unsold.

Removal of lawful obstructions.

12. (1) If any obstruction or impediment to the navigation of any port subject to this Act has been lawfully made, or has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the conservator shall report the same for the information of the Local Government, and shall, with the sanction of that Government, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.

(2) Any dispute arising concerning such compensation shall be determined according to the law relating to like disputes in the case of land required for public purposes.

Fouling of Government moorings.

13. (1) If any vessel hooks or gets foul of any of the buoys or moorings laid down by, or by the authority of, the Local Government in any such port, the master of such vessel shall not, nor shall any other person, except in case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the conservator;

and the conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel;

and the master of such vessel shall, upon demand, pay such reasonable expense as may be incurred in clearing the same.

(2) Any master offending against the provisions of this section shall, for every such offence, be punished with fine which may extend to one hundred rupees.

Raising or removal of wreck impeding navigation within limits of port.

14. (1) If any vessel is wrecked, stranded or sunk in any such port, so as to impede, or be likely to impede, the navigation thereof, the conservator may cause the vessel to be raised, removed or destroyed.

(2) If any property recovered by a conservator acting under sub-section (1) is unclaimed, or the person claiming it fails to pay the expenses incurred by the conservator under that sub-section, the conservator may sell the property by public auction, if the property is of a perishable nature, forthwith, and, if it is not of a perishable nature, at any time not less than six months after the recovery thereof.

(3) The expenses incurred by the conservator under sub-section (1) shall be payable to him out of the sale-proceeds of the property, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall be held in deposit for payment, without interest, to any person thereafter establishing his right thereto:

Provided that the person makes his claim within one year from the date of the sale.

(4) If any dispute arises as to the amount of the expenses incurred by the conservator, it shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.

Power to board vessels.

15. (1) The conservator or any of his assistants may, whenever he suspects that any offence against this Act has been, or is about to be, committed, or whenever it is necessary for him so to do in the discharge of any duty imposed upon him by this Act,

and the person appointed under this Act to receive any port-dues, fees or other charges payable in respect of any vessel, may, whenever it is necessary for him so to do for the performance of any duty imposed upon him by this Act,

either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.

(2) If the master of the vessel, or any person in possession or occupation of the building or place, without lawful excuse, refuses to allow any such person as is mentioned in sub-section (1) to board or enter such vessel, building or place in the discharge or for the performance of any duty imposed upon him by this Act, he shall for every such offence be punished with fine which may extend to two hundred rupees.

Power to require crews to prevent or extinguish fire.

16. (1) For the purpose of preventing or extinguishing fire in any port subject to this Act, the conservator may require the master of any ship within the port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the orders of such master.

(2) Any master refusing or neglecting to comply with such requisition shall be punished with fine which may extend to five hundred rupees, and any seaman then under his orders who, after being directed by the master to obey the orders of the conservator for the purpose aforesaid, refuses to obey such orders shall be punished with fine which may extend to twenty-five rupees.

Appointment and powers of health-officer.

17. (1) The Local Government may appoint at any port subject to this Act an officer to be called the health-officer, and may suspend or remove from office any officer so appointed.

(2) A health-officer shall, subject to the control of the Local Government, have the following powers within the limits of the port for which he is appointed, namely:—

(*a*) with respect to any ship, the powers conferred on a shipping-master by Act I of 1859, section 71;

(*b*) power to enter on board any ship and medically examine all or any of the seamen or apprentices on board the ship;

(*c*) power to require and enforce the production of the log-book and any other books, papers or documents which he thinks necessary for the purpose of inquiring into the health and medical condition of the persons on board the ship;

(*d*) power to call before him and examine for any such purpose all or any of those persons and to require answers to any inquiries he thinks fit to make;

(*e*) power to require any person so examined to make and subscribe a declaration of the truth of the statements made by him.

Indemnity to Government against act or default of port-officer.

18. The Government shall not be answerable for any act or default of any ~~master-attendant~~, harbour-master or conservator of any port subject to this Act, or of any pilot, or of any

deputy or assistant of any of the officers aforesaid, or of any person acting under the authority or direction of any such officer, deputy or assistant, nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Government which may be used by the vessel:

Provided that nothing in this section shall protect the Secretary of State for India in Council from a suit in respect of any act done by or under the express order or sanction of the Government.

CHAPTER IV.

RULES FOR THE SAFETY OF SHIPPING AND THE PRESERVATION OF PORTS.

General Rules.

Injuring buoys, beacons and moorings.

19. (1) No person shall, without lawful excuse, lift, injure, loosen or set adrift any buoy, beacon or mooring fixed or laid down by, or by the authority of, the Local Government in any port subject to this Act.

(2) If any person offends against the provisions of this section, he shall for every such offence be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.

Wilfully loosening vessel from moorings.

20. If any person wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port without leave or authority from the owner or master of the vessel, he shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.

Improperly discharging ballast.

21. (1) No ballast or rubbish, and no other thing likely to form a bank or shoal, or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port, or into or upon any place on shore from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods.

(2) Any person who by himself or another so casts or throws any ballast or rubbish or any such other thing, and the master of any vessel from which the same is so cast or thrown, and any person employed to remove any ballast or rubbish or any such other thing whose agents or servants so cast or throw the same or cause the same to be so cast or thrown, shall be punished with fine which may extend to five hundred rupees over and above any expenses which may be incurred in removing the same.

(3) If, after receiving notice from the conservator of the port to desist from so casting or throwing any ballast or rubbish or such other thing, any master continues so to cast or throw it, he shall also be liable to simple imprisonment for a term which may extend to two months.

(4) Nothing in this section applies to any case in which the ballast or rubbish or such other thing is cast or thrown into any such port with the consent in writing of the conservator, or within any limits within which such act may be authorized by the Local Government.

Graving vessel within prohibited limits.

22. If any person graves, breams or smokes any vessel in any such port, contrary to the directions of the conservator, or at any time or within any limits at or within which such act is prohibited by the Local Government, he and the master of the vessel shall, for every such offence, be punished with fine which may extend to five hundred rupees each.

Boiling pitch on board vessel within prohibited limits.

23. If any person boils or heats any pitch, tar, resin, dammer, turpentine, oil or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the Local Government, or contrary to the directions of the conservator, he and the master of the vessel shall for every such offence be punished with fine which may extend to two hundred rupees each.

Drawing spirits by unprotected artificial light.

24. If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, he and the master of the vessel shall for every such offence be punished with fine which may extend to two hundred rupees each.

Warping.

25. (1) Every master of a vessel in any port subject to this Act shall, when required so to do by the conservator, permit warps to be made fast to the vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp to be let go until required so to do.

(2) A master offending against sub-section (1) shall be punished for every such offence with fine which may extend to two hundred rupees.

Leaving out warp or hawser after sunset.

26. (1) A master of a vessel shall not cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act after sunset in such a manner as to endanger the safety of any other vessel navigating in the port.

(2) A master offending against sub-section (1) shall be punished for every such offence with fine which may extend to two hundred rupees.

Guns not to be discharged in port.

27. If any person, without lawful excuse, discharges any gun, musket or other firearm in any port subject

to this Act, or on or from any landing-place, pier, wharf or quay thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the Local Government, he shall, for every such offence, be punished with fine which may extend to fifty rupees.

Penalty on master omitting to take order to extinguish fire.

28. If the master of any vessel in which fire takes place while lying in any such port wilfully omits to take order to extinguish the fire, he shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Special Rules.

Moving of vessels without pilot or permission of harbour-master.

29. (1) No vessel of the burden of two hundred tons or upwards shall enter or be moved in any port to which this section has been specially extended without having a pilot, harbour-master or assistant of the ~~master-attendant~~ or harbour-master on board, and no vessel of any burden less than two hundred tons and exceeding one hundred tons shall enter or be moved in any such port without having on board a pilot, harbour-master or assistant of the ~~master-attendant~~ or harbour-master, unless authority in writing so to do has been obtained from the conservator or some officer empowered by him to give such authority.

(2) If any vessel, except in case of urgent necessity, enters or is moved in the port contrary to the provisions of sub-section (1), the master of the vessel shall for every such offence be punished with fine which may extend to two hundred rupees, unless upon application to the proper officer the master was unable to procure a pilot, harbour-master or assistant of the ~~master-attendant~~ or harbour-master to go on board the vessel.

(3) Nothing in sub-sections (1) and (2) shall apply to Native vessels when they are moved in the port of Bombay.

(4) If any question arises as to whether any vessel is a Native vessel within the meaning of this section, the decision thereon of such authority as the Governor of Bombay in Council may appoint in this behalf shall be conclusive.

Provision of certain vessels with fire-extinguishing apparatus.

30. (1) Every vessel exceeding the burden of two hundred tons and lying in any port to which this section has been specially extended shall be provided with a proper force pump and hose and appurtenances, for the purpose of extinguishing any fire which may occur on board.

(2) The master of such a vessel who, having been required by the conservator to comply with the provisions of sub-section (1), neglects or refuses, without lawful excuse, so to do for the space of seven days after such requisition, shall be punished with fine which may extend to five hundred rupees.

Unauthorized person not to search for lost stores.

31. (1) No person, unless duly authorized by the conservator, shall in any port to which this section has been specially extended creep or sweep for anchors, cables or other stores lost or supposed to be lost therein.

(2) If any person offends against the provisions of sub-section (1), he shall be punished with fine which may extend to one hundred rupees.

Removing stones or injuring shores of port prohibited.

32. (1) No person without the permission of the conservator shall, in any port to which this section has been specially extended, remove or carry away any rock, stones, shingle, gravel or soil or any artificial protection from any part of the bank or shore of the port ;

and no person shall sink or bury in any part of such bank or shore, whether the same is public or private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure, or to be used so as to injure, such bank or shore, except with the permission of the conservator, and with the aid or under the inspection of such person, if any, as he may appoint to take part in, or overlook the performance of, such work.

(2) If any person offends against sub-section (1), he shall for every such offence be punished with fine which may extend to one hundred rupees and shall pay the expenses of repairing the injury, if any, done by him to the bank or shore.

CHAPTER V.

Port-dues, Fees and other Charges.

Levy of port-dues.

33. (1) In each of the ports mentioned in the first schedule, such port-dues, not exceeding the amount specified for the port, in the third column of the schedule, as the Local Government or, in the case of the port of Bombay, the Board of Trustees of that port from time to time directs, shall be levied on vessels entering the port and described in the second column of the schedule, but not oftener than the time fixed for the port in the fourth column of the schedule.

(2) Whenever the Local Government, with the previous sanction of the Governor-General in Council, declares any other port to be subject to this Act, it may, with the like sanction, by the same or any subsequent declaration, further declare the vessels which are to be chargeable with port-dues on entering the port, and the rates at which, and circumstances in which, those dues are to be levied in respect of vessels chargeable therewith.

(3) All port-dues now leviable in any port shall continue to be so leviable until it is otherwise declared in exercise of the powers conferred by this section.

(4) An order increasing or imposing port-dues under this section shall not take effect till

the expiration of sixty days from the day on which the order was published in the local official Gazette.

Variation of port-dues by Local Government.

34. The Local Government, or, in the case of the port of Bombay, the Board of Trustees of that port, may from time to time exempt vessels entering a port subject to this Act from the levy of port-dues and cancel the exemption, or may from time to time vary the rate at which port-dues are to be levied in the port, in such manner as, having regard to the receipts and charges on account of the port, it thinks expedient, by reducing or raising the dues, or any of them:

Provided that the rates shall not in any case exceed the amount authorized to be taken by or under this Act.

Receipt, expenditure and account of port-charges.

35. (1) The Local Government shall appoint some person at every port at which any dues, fees or other charges are authorized to be taken by or under this Act to receive the same, and, subject to the control of the Local Government, to expend the receipts on any of the objects authorized by this Act.

(2) Such person shall keep for the port a distinct account, to be called the port fund account, showing, in such detail as the Local Government prescribes, the receipts and expenditure of the port, and shall publish annually as soon after the first day of May as may be practicable an abstract in such form as that Government prescribes of the account for the past financial year.

(3) If, for any of the purposes of this Act, an advance of money has been or shall be made by the Government on account of any port subject to this Act, simple interest upon that advance, or upon so much of it as remains or shall remain unrepaid, at such rate as the Governor-General in Council may determine, shall be charged in the port fund account of the port.

(4) All moneys, excluding receipts on account of pilotage but including fines and proceeds of waifs, received under this Act at or on account of any port subject to this Act shall be credited in the port fund account of the port.

(5) All expenses incurred for the sake of any such port, excluding expenses on account of pilotage but including—

(*a*) the pay and allowances of all persons upon the establishment of the port,

(*b*) the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in or entering or leaving the port or passing through the rivers or channels leading thereto,

(*c*) pensions, allowances and gratuities of persons who have been employed in the port under this or any other enactment relating to ports and port-dues, or such portion of those pensions, allowances and gratuities as the Local Government may by rule determine,

(*d*) with the previous sanction of the Local Government, contributions towards the support of public hospitals or dispensaries suitable for the reception or relief of seamen or otherwise towards the provision of sanitary superintendence and medical aid for the shipping in the port and for seamen, whether ashore or afloat, belonging to ships in the port, and

(*e*) with the like sanction, contributions towards sailors' homes, institutes, rest-houses and coffee-houses and for other purposes connected with the health, recreation and temporal well-being of sailors,

shall be charged to the port fund account of the port.

(6) The Local Government may direct that for the purposes of this section any number of ports shall be regarded as constituting a single port, and thereupon all moneys to be credited to the port fund account under sub-section (4) shall form a common port fund account which shall be available for the payment of all expenses incurred for the sake of any of the ports.

(7) Any balance standing to the credit of a port fund account may be temporarily invested in such manner as the Local Government may direct.

Receipts for port-charges.

36. The person to whom any dues, fees or other charges authorized to be taken by or under this Act are paid shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the dues, fees or other charges are paid, and the name, tonnage and other proper description of the vessel in respect of which the payment is made.

Master to report arrival.

37. (1) Within twenty-four hours after the arrival within the limits of any port subject to this Act of any vessel liable to the payment of port-dues under this Act or any subsequent enactment, the master of the vessel shall report the arrival to the conservator of the port.

(2) A master failing without lawful excuse to make such report within the time aforesaid shall for every such offence be punished with fine which may extend to one hundred rupees.

(3) Nothing in this section applies to tug-steamers, ferry-steamers or river-steamers plying in any of the ports subject to this Act.

Conservator may in certain cases ascertain draught and charge expense to master.

38. If any vessel liable to the payment of port dues is in any such port without proper marks on the stem and stern posts thereof for denoting her draught, the conservator may cause the same to be ascertained by means of the operation of booking, and the master of the vessel shall be liable to pay the expenses of the operation.

Ascertainment of tonnage of vessel liable to port-dues.

39. In order to ascertain the tonnage of any vessel liable to pay port-dues, the following rules shall be observed:—

(*a*) (1) If the vessel is a British registered vessel, or a vessel registered under Act X of 1841 or Act XI of 1850 or under the law for the time being in force for the registration of vessels in India, the conservator may require the owner or master of the vessel or any person having possession of her register to produce the register for inspection.

(2) If the owner or master or such person neglects or refuses to produce the register or otherwise to satisfy the conservator as to what is the true tonnage of the vessel in respect of which the port-dues are payable, he shall be punished with fine which may extend to one hundred rupees, and the conservator may cause the vessel to be measured, and the tonnage thereof to be ascertained, and in such case the owner or master of the vessel shall also be liable to pay the expenses of the measurement.

(*b*) If the vessel is not a British registered vessel or a vessel registered under Act X of 1841 or Act XI of 1850, or under the law for the time being in force for the registration of vessels in India, and the owner or master thereof fails to satisfy the conservator as to what is her true tonnage according to the mode of measurement prescribed by the law in force for the time being for regulating the measurement of British registered vessels, the conservator shall cause the vessel to be measured and the tonnage thereof, according to the mode aforesaid, to be ascertained, and in such case the owner or master of the vessel shall be liable to pay the expenses of the measurement.

Distraint and sale on refusal to pay port charges.

40. If the master of any vessel in respect of which any port-dues, fees or other charges are payable under this Act refuses or neglects to pay the same on demand, the person appointed to receive such port-dues, fees or other charges may distrain or arrest the vessel, and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount due is paid;

and in case any part of the port-dues, fees or other charges, or of the costs of the distress or arrest or of the keeping of the vessel or other thing distrained or arrested, remains unpaid for the space of five days next after any such distress or arrest, may cause the vessel or other thing distrained or arrested to be sold, and with the proceeds of such sale may satisfy the port-dues, fees or other charges and the costs, including the costs of sale, remaining unpaid, and shall render the surplus, if any, to the master of the vessel upon demand.

No port-clearance to be granted until port-charges are paid.

41. The officer of Government whose duty it is to grant a port-clearance for any vessel shall not grant such clearance—

(*a*) until her owner or master, or some other person, has paid or secured to the satisfaction of such officer the amount of all port-dues, fees and other charges, and of all fines, penalties and expenses to which the vessel or her owner or master is liable under this Act;

(*b*) until all expenses, which by the Merchant Shipping Act, 1854, section 228, are to be borne by her owner, incurred since her arrival in the port from which he seeks clearance, have been paid.

Port charges payable in one port recoverable at any other port.

42. (1) If the master of any vessel in respect of which any such sum as is mentioned in the last foregoing section is payable causes her to leave any port without having paid the sum, the person appointed to receive port-dues, fees and other charges at the port under this Act may require in writing the person appointed to receive port-dues, fees and other charges under this Act at any other port in British India to which she may proceed, or in which she may be, to levy the sum.

(2) The person to whom the requisition is directed shall proceed to levy such sum in the manner prescribed in section 40, and a certificate purporting to be made and signed by the person appointed to receive port-dues, fees and other charges at the port where such sum as is mentioned in the last foregoing section became payable, stating the amount payable, shall be sufficient *primâ facie* proof of such amount in any proceeding under section 40, and also (in case the amount payable is disputed) in any subsequent proceeding under section 58.

Penalty for evading payment of port-charges.

43. (1) If the master of a vessel evades the payment of any such sum as is mentioned in section 41, he shall be punished with fine which may extend to five times the amount of the sum.

(2) In any proceeding before a Magistrate on a prosecution under sub-section (1), any such certificate as is mentioned in section 42, sub-section (2), stating that the master has evaded such payment, shall be sufficient *primâ facie* proof of the evasion, unless the master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure.

(3) Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed, or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.

Port-due on vessels in ballast.

44. A vessel entering any port subject to this Act (other than a port in Burma) in ballast and not carrying passengers shall be charged with a port-due not exceeding three-fourths of the port-due with which she would otherwise be chargeable.

Port-due on vessels not discharging or taking in cargo.

45. When a vessel enters a port subject to this Act, but does not discharge or take in any cargo or passengers therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), the port-due chargeable in respect of the vessel shall be at a rate not exceeding one-half the rate chargeable in respect of other vessels:

Provided that no vessel entering any of the ports within the territories administered by the Governor of Fort St. George in Council and leaving the same within forty-eight hours, without discharging or taking in any passengers or cargo, shall be charged with any port-dues.

Port-dues not chargeable on pleasure-yachts or on vessels re-entering from stress of weather.

46. No port-due shall be chargeable in respect of any pleasure-yacht, nor shall any such due be chargeable in respect of any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage.

Power to impose hospital port-dues.

47. (1) The Local Government may, by notification in the official Gazette, order that there shall be paid in respect of every ship entering any port subject to this Act, within a reasonable distance of which there is a public hospital or dispensary suitable for the reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the Local Government thinks fit.

(2) Such port-dues shall be called hospital port-dues, and the Local Government shall, in making any order under sub-section (1), have regard to any contributions made under section 35, sub-section (5), clause (*d*).

(3) An order imposing or increasing hospital port-dues shall not take effect till the expiration of sixty days from the day on which the order was published in the official Gazette.

(4) Whenever the Local Government is satisfied that proper provision has been made by the owners or agents of any ship or class of ships for giving medical aid to the seamen employed on board such ship or class of ships, it may, by notification in the official Gazette, exempt such ship or class of ships from any payment under this section.

(5) The Local Government may, by notification in the official Gazette, cancel any order under sub-section (1) or withdraw any exemption under sub-section (4).

Application of hospital port-dues.

48. Hospital port-dues shall be applied, as the Local Government may direct, to the support of any such hospital or dispensary as aforesaid, or otherwise for providing sanitary superintendence and medical aid for the shipping in such port and for the seamen belonging to such ships, whether such seamen are ashore or afloat.

Fees for pilotage and certain other services.

49. (1) Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, re-mooring, hooking,

measuring and other services rendered to vessels, at such rates as the Local Government may direct:

Provided that, in the case of fees for pilotage, the previous sanction of the Governor-General in Council has been obtained.

(2) The fees now chargeable for such services shall continue to be chargeable unless and until they are altered in exercise of the power conferred by sub-section (1).

CHAPTER VI.

Hoisting Signals.

Master to hoist number of vessel.

50. (1) The master of every inward or outward bound vessel, on arriving within signal-distance of any signal-station established within the limits of the river Hooghly, or within the limits of any part of a river or channel subject to this Act, shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.

(2) If the master of a vessel arriving as aforesaid offends against sub-section (1), he shall be punished for every such offence with fine which may extend to one thousand rupees.

Pilot to require master to hoist number.

51. (1) Every pilot in charge of a vessel shall require the number of the vessel to be duly signalled as provided by the last foregoing section.

(2) When, on such requisition from the pilot, the master refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the pilot may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.

Penalty on pilot disobeying provisions of this Chapter.

52. Any pilot in charge of a vessel who disobeys, or abets within the meaning of the Indian Penal Code disobedience to, any of the provisions of this Chapter shall be punished with fine which may extend to five hundred rupees for each instance of such disobedience or abetment, and in addition shall be liable to have his authority to act as a pilot withdrawn.

CHAPTER VII.

Provisions with respect to Penalties.

Penalty for disobedience to rules and orders of the Local Government.

53. If any person disobeys any rule or order which a Local Government has made in pursuance of this Act and for the punishment of disobedience to which express provision has not

been made in this Act, he shall be punished for every such offence with fine which may extend to one hundred rupees.

Offences how triable, and penalties how recovered.

54. All offences against this Act shall be triable by a Magistrate, and any Magistrate may, by warrant under his hand, cause the amount of any fine imposed upon the owner or master of any vessel, for any offence committed on board of the vessel, or in the management thereof, or otherwise in relation thereto, whereof the owner or master is convicted, to be levied by distress and sale of the vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Costs of conviction.

55. (1) In case of any conviction under this Act the convicting Magistrate may order the offender to pay the costs of the conviction, in addition to any fine or expenses to which he may be liable.

(2) Such costs may be assessed by the Magistrate, and may be levied and recovered in the same manner as any fine under this Act.

Ascertainment and recovery of damages and expenses payable under this Act.

56. Whenever any person is liable, under the provisions of this Act, to pay any sum of money, damages or expenses not exceeding one thousand rupees, the same may be recovered and levied in the same manner as any fine under this Act, and, if necessary, the amount thereof may be fixed and assessed by the Magistrate before whom the case is tried.

Costs of distress.

57. Whenever any fine, damages or expenses is or are levied under this Act by distress and sale, the costs of the distress and sale may be levied in addition to such fine, damages or expenses, and in the same manner.

Magistrate to determine the amount to be levied in case of dispute.

58. If any dispute arises concerning the amount leviable by any distress or arrest under this Act or the charges or costs payable under the last foregoing section, the person making the distress or using the arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine the amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable, and payment of such costs, if not paid on demand, shall be enforced in the same manner as a fine.

Jurisdiction over offences beyond local limits of jurisdiction.

59. (1) Any person offending against the provisions of this Act in any port subject to this Act shall be punishable by any Magistrate having jurisdiction over any district or place adjoining the port.

(2) Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding that the offence may not have been committed locally within such limits, and, in case any such Magistrate exercises the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

Conviction to be quashed on merits only.

60. (1) No conviction, order or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.

(2) If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in the depositions.

CHAPTER VIII.

Supplemental Provisions.

Hoisting unlawful colours in port.

61. (1) If any vessel belonging to any of Her Majesty's subjects, or sailing under British colours, hoists, carries or wears, within the limits of any port subject to this Act, any flag, jack, pendant or colours, the use whereof on board such vessel has been prohibited by the Statute 17 and 18 Victoria, Chapter 104, or any other statute now or hereafter to be in force, or by any proclamation made or to be made in pursuance of any such statute, or by any of Her Majesty's regulations in force for the time being, the master of the vessel shall, for every such offence, be punished with fine which may extend to fifty rupees.

(2) Such fine shall be in addition to any other penalty recoverable in respect of such an offence.

(3) Any officer of Her Majesty's navy or of the Indian Marine Service within the limits of such port, or the conservator of such port, may enter on board any such vessel, and seize and take away any flag, jack, pendant or colours so unlawfully hoisted, carried or worn on board the same.

Foreign deserters.

62. Any Magistrate, upon an application being made to him by the Consul of any Foreign Power to which the Foreign Deserters Act, 1852, has by an order of Her Majesty in Council been, or shall hereafter be, declared to be applicable, or by the representative of such Consul, and upon complaint on oath of the desertion of any seaman, not being a slave, from any ship of such Foreign Power, may, until a revocation of such Order in Council has been publicly notified, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be

detained in custody until the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month:

Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during the detention, and that the detention of the deserter shall not be continued beyond twelve weeks.

Application of sections 10 and 21.

63. (1) The provisions of sections 10 and 21 shall be applicable to all ports heretofore or hereafter declared by the Local Government to be ports for the shipment and landing of goods, but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject.

(2) Any penalties imposed by him, and any expenses incurred by his order under the said provisions, shall be recoverable respectively in the manner provided in sections 54 and 56.

(3) In any of the said reports for the shipment and landing of goods the consent referred to in section 21, sub-section (4), may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the Local Government.

Application of Maulmain and Bassein portdues.

64. The port-due leviable under this Act in either of the ports of Maulmain and Bassein shall, to the extent of one anna and six pie per ton, be applicable in the first place to defray the expenses of maintaining the existing port-lights of Burma.

Validation of irregular contributions.

65. Any money contributed before the passing of this Act from any port fund for any purpose connected with the health, recreation and well-being of sailors shall be deemed to have been lawfully contributed to the fund.

Grant of sites for sailors' institutes.

66. Any local authority in which any immoveable property in or near a port is vested may appropriate, and either retain and apply, or transfer by way of gift or otherwise, the whole or any part of the property as a site for, or for use as, a sailors' home or other institution for the health, recreation and temporal well-being of sailors.

Exemptive provisions with respect to naval and military stores.

67. Notwithstanding anything in this Act, or in any Act for the time being in force relating to the Commissioners for making improvements in the Port of Calcutta, the Trustees of the Port Harbour of Madras, the Trustees of the Port of Bombay or Karáchi, the Commissioners for or of the Port of Rangoon or Chittagong, or any like body hereafter created for any other port, the Governor-General in Council may exempt any naval or military material or stores, and, to such extent as he thinks fit, the vessels carrying the same, from all or any of the dues, fees or other charges to which, but for such exemption, the same would be liable under this Act or under any Act relating to any such

body as aforesaid, and may authorise naval or military material or stores to be landed or shipped at any place within the limits of any port, whether the place has or has not been authorised as a place for the landing or shipping of goods and whether the limits of the port are those defined under this Act or under any other enactment for the time being in force.

Saving of Port Trust Acts.

68. Save as otherwise expressly provided, nothing in this Act shall affect any law for the time being in force relating to any such body of port commissioners or trustees as is mentioned in the last foregoing section.

Exercise of powers of conservator by harbour-master.

69. (1) All acts, orders or directions by this Act authorized to be done or given by any conservator may, subject to his control, be done or given by any harbour-master or any assistant of such conservator or harbour-master.

(2) Any person authorized by this Act to do any act may call to his aid such assistance as may be necessary.

Service of written notices of directions.

70. Any written notice of a direction given under this Act, left for the master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of the vessel, shall, for the purposes of this Act, be deemed to have been given to the master thereof.

Publication of orders of Local Government.

71. Every declaration, order and rule of a Local Government made in pursuance of this Act shall be published in the Official Gazette, and a copy thereof shall be fixed up in some conspicuous place in the office of the conservator, and at the custom-house, if any, of every port to which the declaration, order or rule relates.

PART III.—THE MADRAS PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
		Foreign Vessels.	
Madras.	Sea-going vessels of fifteen tons and upwards.	(*a*) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
Eastern Group.		(*b*) In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
1. Ganjam ...		(*c*) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, or at more than one port in Western group, not exceeding four-and-half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group. The due is payable once for the voyage.
2. Gopálpur ...			
3. Calingapatam ...			
4. Bimlipatam ...			
5. Vizagapatam ...			
6. Cocanada ...			
7. Coringa ...			
8. Masulipatam ...			
9. Cuddalore ...			
10. Porto Novo ...			
11. Tranquebar ...			
12. Negapatam ...			
13. Nagore ...			
14. Pámban ...			
15. Tuticorin ...			
16. Sonapore ...			
17. Báruva ...			
18. Púndi			
19. Bapanapadu ...			
20. Conada ...			
21. Pudimadaka ...			
22. Pentakota ...			
23. Uppada ...			
24. Bendamanlanka ...			
25. Narsápur ...			
26. Perupalem ...			
27. Penumudi ...			
28. Moratota ...			
29. Nagayalanka ...			
30. Kottapalem ...			
31. Gangadipalem ...			
32. Nizampatam ...			
33. Iburupálem ...			
34. Badduranipalem ...			
35. Motupalli ...			
36. Kanuparti ...			
37. Kottapatam ...			
38. Itamukkala ...			
39. Pákala ...			
40. Ramayapatam ...			
41. Connayapalem ...			
42. Tummalapenta ...			
43. Juvaladinne ...			
44. Iskápalle ...			
45. Ponnapudi ...			
46. Mypaud ...			
47. Kistnapatam ...			
48. Pamanji ...			
49. Tupili ...			
50. Dugarázpatnam ...			
51. Pudi ...			
52. Pulicat ...			
53. Ennore ...			
54. Covelong ...			
55. Merkanam ...			
56. Thirumalavasel ...			
57. Kodimpalliem ...			
		Coasting Vessels.	
		(*e*) In the case of a coasting ship calling at any port, not exceeding one-and-a-half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
		(*f*) In the case of a coasting steamer—	
		(1) calling at one or more ports in the eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the western group, not exceeding three annas a ton;	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group. The due is payable on each entry into the port.
		(2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton;	
		(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.

Vessels chargeable	Rate of Port dues chargeable	For how many days the payment of the dues will exempt the vessel.
2	3	4
Sea going vessels of 15 tons & upwards		
Foreign vessels. (Vessels Ships or steamers)		
Trading with the Straits or Ceylon (a) Calling at any one port	Three annas a ton	For sixty days at that port
Trading with the Straits or Ceylon (b) Calling at two or more than one port within a group	Four and half annas a ton	For sixty days within the group in question.
Any other foreign vessels (c) calling at any one port	Three annas a ton	None; the due is payable on each entry into the port
Any other foreign vessels (d) Calling at more than one port within a group.	Four and half annas a ton	None, the due is payable once for the voyage.
Coasting vessels.		
Ships or sailing vessels (e) Calling at any port	One and a half annas a ton	For sixty days at that port.
Coasting Steamers. (f) (i) Calling at Madras & within the Eastern group.	Four and a half annas a ton	For thirty days at Madras & within the Eastern group.
(ii) Calling at Madras within 30 days after paying due in the Eastern group	one and a half annas a ton	For thirty days
(iii) (i) Calling at any port in the Eastern group or the Western group (except Madras)	Three annas a ton	For thirty days within the group

Definitions.

In this Part of the Schedule—

(1) "ship" means a sailing vessel, and "steamer" a steam-vessel:

(2) "coasting ship" or "coasting steamer" means respectively a ship or steamer which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port in the island of Ceylon or in any part of India between the western-most part of Sindh and the south-easternmost part of Burma:

(3) "foreign ship" or "foreign steamer" means respectively a ship or steamer not being a coasting ship or coasting steamer.

(4) "Port" means (i) the port of Madras, (ii) any port in the Eastern group or (iii) any port in the Western group.

NOTE.—As regards the levy of port-dues, each of the following pairs of ports (namely), Cocanada and Coringa, Negapatam and Nagore, Calicut and Beypore, shall be treated as if it were only one port: every vessel in respect of which such dues have been charged and taken at one of any of the said pairs being exempted from the charge on entering the other of the same pair.

Ganjam ..	
Gopalpur ..	
Nonapur ..	
Barwa ..	
Pundi ..	
Bapunapadu ..	
Calingapatam	
Vizagapatam	Conada ..
	Bimlipatam ..
	Vizagapatam
	Pudimadaka ..
	Pentakota ..
	Uppada ..
	Cocanada ..
	Coringa ..
Godavari	Bendamanlanka
	Narsapur ..
	Parupalem ..
	Masulipatam
	Pennamudi ..
	Moratota ..
	Nagayalanka
	Kottapatam ..
Kistna	Gangadipalem
	Ni ampatam ..
	Epurupalem ..
	Baduranipalem
	Motupalli ..
	Pulicat ..
Chingleput ..	Ennore ..
	Covelong ..
	Kanuparti ..
	Kottapatam ..
	Itamukala ..
	Pakala ..
	Ramayapatam
	Connayapatam
	Tummalapenta
	Juvaladinne ..
Nellore	Iskapalle ..
	Ponnapudi ..
	Mypand ..
	Kistnapatam ..
	Pamanjee ..
	Tupuli ..
	Dugarazpatam
	Pudi .. ..
	Merkanum ..
South Arcot ..	Cuddalore ..
	Porto Novo ..
	Terumalavasel
	Kodiumpaliem
	Tranquebar ..
	Nagore ..
	Negapatam ..
	Velangani ..
	Toputorai ..
	Point Calimere
Tanjore	Mutupettai ..
	Adrampatam ..
	Gopalapatam ..
	Katumavadi ..
	Kistnajeepatam
	Ammapatam ..
	Kottaipatam ..
	Sundrapandiapatam
	Viappur ..
	Tuticorin ..
Tinnevelly ..	Koilpatam ..
	Kulasekrapatam
	Pasipatam ..
	Damodarapatam
	Tondi .. ..
	Nambudalai ..
	Pudupatam ..
	Carungudu ..
	Terupalakudi ..
	Devipatam ..
	Mudiapatam ..
	Attangarai ..
Madura	Emanagudu ..
	Pillaimadum ..
	Pamban ..
	Ramasweram ..
	Mundapam ..
	Vedalai ..
	Marakayapatam
	Muttupettai ..
	Keelakarai ..
	Eruvadi ..
	Valinokam ..
Madras	Madras
	Cochin ..
	Attaprom ..
	Kurkuyee ..
Malabar ..	Madayee ..
	Attakuyee ..
	Chowghat ..
	Villiangode ..
	Ponani ..
	Kuttayee ..
	Paronee ..
	Tanur .. ..
	Perpengadi ..
	Cadalondi ..
	Beypore ..
	Molankadava ..
	Calicut ..
	Pundiangadi ..
	Ellatur ..
	Kapat ..
	Quilandi ..
	Kollum ..
Malabar—*cont.* ..	Cuddalore ..
	Trikodi ..
	Kottakal ..
	Badagara ..
	Muthungal ..
	Chambayee ..
	Kalai ..
	Talai ..
	Tellicherry ..
	Durmapatam ..
	Egara ..
	Cannanore ..
	Pudiyangadi ..
	Baliapatam ..
	Etticolum ..
	Kavai ..
	Hosdrug ..
	Bekal ..
	Kárasagód ..
	Kumbla ..
	Manjeshwara ..
	Mangalore ..
	Mulki ..
	Padubidri ..
South Canara ..	Yermal ..
	Uchil .. ..
	Kap .. ..
	Uddyavar ..
	Malpe .. ..
	Barkur or Hangar Kotta ..
	Kundapura ..
	Naikinkatta ..
	Baindur ..
	Serur .. ..

PART III.—THE MADRAS PRESIDENCY—*cont.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessels.
Eastern Group—cont.	Sea-going vessels of fifteen tons and upwards.	*Foreign vessels.*	
58. Velangani ...		(*a*) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
59. Thopputorai ...			
60. Point Calimere ...			
61. Muttupettai ...			
62. Adirámpatnam ...			
63. Ammapatam ...			
64. Kristnajipatam ...			
65. Kattumavadi ...			
66. Kottaipatam ...			
67. Gopalapatam ...			
68. Sundrapandiapatam.		(*b*) In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
69. Pasipatam ...		(*c*) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
70. Damodarapatam ...			
71. Tondi ...			
72. Nambidalai ...			
73. Pudupatam ...			
74. Carungudu ...			
75. Tirupalakudi ...			
76. Devipatam ...			
77. Mudiapatam ...			
78. Attangarai ...			
79. Pillaimadam ...			
80. Emanagudu ...			
81. Rámesvaram ...			
82. Mandapam ...			
83. Vedalai			
84. Marakayapatam ...			
85. Muttupettai ...			
86. Kilakarai			
87. Eruvadi ...			
88. Valinokam ...			
89. Vaippár ...			
90. Koilpatam ...			
91. Kulasekharapatnam.			
		(*d*) In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group. The due is payable on each entry into the port.
Western Group.			
1. Mangalore ...			
2. Cannanore ...			
3. Tellicherry ...			
4. Calicut ...			
5. Beypore ...			
6. Cochin ...			
7. Badagara ...			
8. Quilandi ...			
9. Ponáni ...			
10. Attaprom ...			
11. Kurkuye ...			
12. Madayi ...			
13. Attukuye ...			
14. Chowghat ...			
15. Velliangode ...			
16. Kuttayi ...			
17. Parony ...			
18. Tánúr ...			
19. Parpanangádi ...			
20. Cadalondi ...			
		Coasting Vessels.	
		(*e*) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
		(*f*) In the case of a coasting steamer—	
		(1) calling at one or more ports in the Eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the Western group, not exceeding three annas a ton ;	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group. The due is payable on each entry into the port.
		(2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton ;	
		(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.

PART III.—THE MADRAS PRESIDENCY—*cont.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Western Group—cont.	Sea-going vessels of fifteen tons and upwards.	*Foreign Vessels.*	
21. Molakadava ...		(*a*) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
22. Pudiangadi ...		(*b*) In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
23. Ellatur ...		(*c*) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
24. Kapat		(*d*) In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
25. Kollan		*Coasting Vessels.*	
26. Cuddalore ...		(*e*) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
27. Trikodi ...		(*f*) In the case of a coasting steamer—	
28. Kottakal ...		(1) calling at one or more ports in the Eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the Western group, not exceeding three annas a ton;	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
29. Muttungal ...			The due is payable on each entry into the port.
30 Chombayi ...		(2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton;	
31. Kallai		(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.
32. Talai			
33. Dharmapatnam ...			
34. Egara			
35. Pudiangadi ...			
36. Paliapatam ...			
37. Etticollam ...			
38. Kavai			
39. Katkacheri ...			
40. Bekal			
41. Kásaragód ...			
42. Kumbla ...			
43. Manjeshwara ...			
44. Mulki			
45. Padubidri ...			
46. Yermal ...			
47. Uchil			
48. Kap			
49. Udayavar ...			
50. Malpe			
51. Bárkúr, or Hangarkotta.			
52. Kundapura ...			
53. Baindur ...			
54. Naikinkatta ...			
55. Serur			

Definitions.

In this Part of the Schedule—

(1) "ship" means a sailing vessel, and "steamer" a steam-vessel:

(2) "coasting ship" or "coasting steamer" means respectively a ship or steamer which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port in the island of Ceylon or in any part of India between the westernmost part of Sindh and the south-easternmost part of Burma:

(3) "foreign ship" or "foreign steamer" means respectively a ship or steamer not being a coasting ship or coasting steamer.

NOTE.—As regards the levy of port-dues, each of the following pairs of ports (namely), Cocanada and Coringa, Negapatam and Nagore, Calicut and Beypore, shall be treated as if it were only one port: every vessel in respect of which such dues have been charged and taken at one of any of the said pairs being exempted from the charge on entering the other of the same pair.

PART IV.—THE BOMBAY PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Bombay	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding four annas per ton, for each class of vessels, as the Trustees incorporated under the Bombay Port Trust Act, 1879, may, from time to time, direct.	Once in the same month.
	Tug-steamers, ferry-steamers and river-steamers.	Do. ...	Once between the 1st January and the 30th June, and once between the 1st July and 31st December, in each year.
Northern Group of Ports—			
1. Gogo	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port: provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same time or any other port of the same group within thirty days.
2. Bávliári	Do. ...	Do. ...	Do.
3. Khun	Do. ...	Do. ...	Do.
4. Tankária	Do. ...	Do. ...	Do.
5. Dehegám ...	Do. ...	Do. ...	Do.
6. Dehej	Do. ...	Do. ...	Do.
7. Broach	Do. ...	Do. ...	Do.
8. Bhagwá	Do. ...	Do. ...	Do.
9. Surat	Do. ...	Do. ...	Do.
10. Matwád	Do. ...	Do. ...	Do.
11. Bulsar	Do. ...	Do. ...	Do.
12. Umarsári	Do. ...	Do. ...	Do.
13. Kolak	Do. ...	Do. ...	Do.
14. Kálai	Do. ...	Do. ...	Do.
15. Maroli	Do. ...	Do. ...	Do.
16. Umbargám ...	Do. ...	Do. ...	Do.
17. Gholwad	Do. ...	Do. ...	Do.
18. Dáhánu creek ...	Do. ...	Do. ...	Do.
19. Tárápur	Do. ...	Do. ...	Do.
20. Alivárá Návapur.	Do. ...	Do. ...	Do.
21. Sátpáti creek ...	Do. ...	Do. ...	Do.
22. Máhim (Kelva) ...	Do. ...	Do. ...	Do.
23. Kelva	Do. ...	Do. ...	Do.
24. Dántivra	Do. ...	Do. ...	Do.
25. Arnála	Do. ...	Do. ...	Do.

PART IV.—THE BOMBAY PRESIDENCY—*cont.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Southern Group of Ports—	Sea-going vessels of ten tons and upwards (except fishing boats).		
1. Bandora			
2. Veráva			
3. Manori			
4. Utan			
5. Bassein			
6 Bhiwandi ...			
7. Kallian			
8. Tanna			
9. Trombay			
10. Panwel			
11. Karanja			
12. Rewas			
13. Nagothna ...			
14. Thal			
15. Alibág			
16. Revdandá ...			
17. Thalkhári ...			
18. Bánkot		Not exceeding three annas per ton, provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port: provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
19. Kelsi			
20. Harnai			
21. Anjanwel ...			
22. Boryá			
23. Jaygarh			
24. Ratnágiri ...			
25. Purnaghar ...			
26. Yeshwantgad ...			
27. Viziádurg ...			
28. Debgarh			
29. Achara			
30. Málwan			
31. Nivti			
32. Vengorla			
33. Reri			
34. Tirekhol			
35. Karwar, including Baitkhol.			
36. Chendya			
37. Ankola			
38. Gangawli ...			
39. Tadri			
40. Honáwar			
41. Shiráli			
42. Coomta			
43. Murdheshwar ...			
44. Bhatkal			
45. Waraora	Do ..	Four annas per ton	Once in three months.
Karáchi	Tug-steamers and river-steamers.	Do.	Once between the 1st January and the 30th day of June, and once between the 1st July and the 31st December, in each year.
Aden	Sea-going vessels of ten tons and upwards.	Three annas per ton	Once a month.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(*See Section 2.*)

Number and year.	Subject or title.	Extent of repeal.
XII of 1875 ...	Indian Ports Act, 1875	So much as has not been repealed.
IX of 1879 ...	Burma Coast-lights Act, 1879 ...	Section 17 and the preamble to that section.
VII of 1880 ...	Indian Merchant Shipping Act, 1880.	The first paragraph of section 72, from and inclusive of the word "Chapter" down to and inclusive of the word "repealed."
IV of 1881 ...	Madras Port-dues Act, 1881 ...	The whole.
XVII of 1882 ...	Indian Ports Act, 1882	The whole.
V of 1883 ...	Indian Merchant Shipping Act, 1883.	Section 31.
XI of 1883 ...	Reduction of Port-dues in the Port of Bombay.	The whole.
IV of 1884 ...	Indian Explosives Act, 1884 ...	Section 3.
V of 1885 ...	Amendment of the Indian Ports Act, 1875.	The whole.
III of 1842.	Madras Acts for the better management of boats & watermen amending Madras Act do do	the whole.
IX of 1846.		the whole.
III of 1869		the whole.
II of 1873		the whole.
II of 1872	Madras Act relating to pilots for the purpose of pilotage.	
I of 1877	Madras Municipal Police Act	the whole.
I of 1888		

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

A

BILL

TO

Consolidate and amend the law relating to Ports and Port Charges.

(.)

Legislative Business 5 Oct

Draft as altered by Sub Committee

Marine Cls. 1119, 1120, 1128, & 1150. 137

Forwarded.

A draft is submitted on such points as have already been disposed of; the only questions requiring consideration seem to be

(i) the entire separation of the Madras Port from the Eastern group, which can easily be done by omitting clause (f)(g) & (h) of the definition of "coasting steamer" & the last words of the definition of "foreign steamer" (3)

(ii) the suggestion of the Chamber of Commerce that (a) foreign steamers should, having once paid charges, be exempt for a time, (b) coasting steamers for 90 days, & (c) foreign steamers trading with Ceylon for 60 days.

(iii) The Chamber suggest that the Rangoon steamers & those with Indian Ocean ports should have 6 months & those with Straits ports 4½ months

(iv) Mr. Ballard suggests to increase the dues on coasting steamers & reduce those on foreign vessels

I don't know what the Chamber mean, & they have never explained what they mean by this phrase. If they mean that ports at Eastern groups & ports at Madras & Vizagapatam, the object is not effected by the proposal here made. Cl (f) 3 state retains a flat rate

Further Madras will get no share of the groups 3 & 5. This won't do.

According to the draft schedule as it now stands the periods of exemption are

(a) Foreign vessels not trading with Straits — Nil

(b) Coasters — 60 days except as regards clause b(c)

(c) Foreign vessels trading with Straits — 60 days

Where is this made. See para 3 of letter & cls 2 (5) 11 (3) & 65

L.D. provide a margin for unforeseen contingencies in connection with the Harbour —

The original amendment of the Schedule (see p. 29 para 88 4/15) provided for a maximum 4/- tonnage charge on coasting steamers the present maximum rate. The maximum has now been reduced to 3cs. This it is submitted should be objected to. Although only 3cs are at present charged on coasting steamers in this Port it may at some future time be desirable to raise the rates as shown in para 11 of Sec. 17 Jan 88 15 & para 7 of Sec. 6 Feb 88 16 coasting steamers pay much less than they ought to in comparison with other vessels.

Again in view of possible requirements it seems desirable to provide for the levy of higher rates of charges than at Madras than that allowed by the new Schedule - At present foreign vessels pay 4/- annas a ton in Madras, coasting steamers 1½ annas + 3 annas for pilots, & coasting vessels and steamers ½ steamer rates (see Schedule appended to Sec. 27 of 4 Feb 88 161) under the new schedule (a) & exempts foreign vessels

The schedule in the papers in this order is identical with that in the Bill.
(see Schedule B clause 6 (3) entitled 7 (c) cross

We must clearly retain existing maximum rates at Madras. As to the separation of Madras which the Chamber of Commerce again suggest. They must say what they mean. It simplifies separate rates on foreign vessels & coasters & coasting steamers, & separate periods of exemption. We cannot judge of decide regarding such proposals unless they are definitely put down in the form of a Schedule, which has never been done. Let the H.T. Board & the Chamber be called on to submit a draft schedule for the port of Madras, on the understanding that the pay.to should be entirely independent of any made or to be made in any other port. This should be put in a Gov. on the paper & a further com.n on the point promised to Indra. Add a para accordingly to the Draft & send it to me (c) Gained

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harbour till he can clear with at least 3cs a ton

(b) From coasting steamers she will get 4½ as a maximum rate

(c) From coasting ships other steamers 1½ annas only

It would seem desirable to fix harbour as a maximum 4½ as on foreign vessels if the Chamber's recommendation is accepted & harbour be separated from the eastern ports for the purpose of assessment on coasting steamers. 3cs a ton on such steamers. This payment would then be altogether independent of the payments made by the coasters for the western & eastern ports

If the connection of harbour with the Eastern ports made in the Schedule be retained then a charge of 6cs at Madras, as at which would be the proper rate

For the coasting sailing ships we only the charge on coasting steamers.

Agreed

Letter
to the Secretary to the
Govt of India
Dept of Finance & Com.

Sir.

I am directed to acknowledge the receipt of your letter No. 5928 of 30th Oct 1888 inviting suggestions on the draft bill to consolidate and amend the laws relating to Ports and Port charges, and in reply to offer the following observations for the consideration of the Govt of India:-

Sect 3 (3) The "Pilots" in the Madras Harbours are at present designated "Harbour masters" and it is desirable that the definition should embrace this term also.

Section 6. To the list of purposes for which

N.B. regd to sec 7(2)(b) I submit it would be better to define "Harbour master" as a person appd by the Govt for the purposes of the H.M. for the purposes of this act"

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DAS

rules may be framed by the Local Port should be added those enumerated in Madras Act III of 1872, which is kept alive by such 3 of Act XII of 1875 which should clearly be expressly repealed by the proposed new Act. It is further desirable that the entire power control in connection with, as well as the power of making rules for the management of, and control of boats & catamarans plying within the limits of a port should be vested in the Local Port; Subsection (K) provides for this to a considerable extent, but most of the rules now in force in this Presidency have been framed under certain local acts which are nearly obsolete and may well be repealed on the present occasion, a few words being added to subsection (K) to embrace the objects of these enactments - Those are -

Madras Acts III of 1842
IX of 1846
IV of 1864
II of 1873
III of 1877
I of 1881.

I think it would be better to keep this to be dealt with in a consolidating Draft to be framed by the P.W.D. Do this.

Defines Master attendant as including a Port Officer Master attendant is a term which ought not to be part of allowed.

Surely the H.T. Board is a person

We object to bound it in.

The addition proposed by the H.Y.B. & sec 10 ought to be rejected. The words should be omitted the power should be given to the Dept. handing over the Dept. handing over to the Port Officer

* Submitted that the words Master Attendant or Master Attendant or Port Officer the Harbour Master Attendant or Port Officer should be used in the case among the P. Officer Harbour Master Attendant or Port Officer should be used.

Submitted that it is not necessary to make this a provision of law. In every little thing entering the a port to be obliged to hoist a British flag? Such regulation is not necessary in regard to flags might be made as rules under sec 6(a)

H.C.S. 12/11

* It seems unnecessary to use the words "river or channel" used in this Section. The simple word "port" (clause 6 sec 3 would cover everything. H.C.S. 23 Dec

Sect 7 (1) The Trustees of the Madras Harbours have been appointed to be Conservator for the port of Madras, and it is desirable that for the words "or body of persons", which appear in sect. 8 of Act XII of 1875, should be substituted the words "Port Officer" or "Master Attendant" as the case may be.

Sects 7, 18, & 29 incorrect in this respect to order the term "Port Officer" might with advantage be substituted for "Master attendant" should be substituted

Sects 50 & 51 Whereas there is occasionally arriving within the limits of a port vessels or boats in addition to the number of the vessels the master of which is required to display also the national flag of the country to which they belong.

sec 50 The words "or port" should be inserted after "channel" in line 7 of this section

Sections 6 & 7 of the accompanying Act are also necessary for the due enforcement of the Act

First schedule - Part III

In Column 1 embodying the names of the ports it is desirable, ~~for the sake of uniformity~~, that the ports should be arranged in each group by districts, and that ~~the major ports where a higher scale of dues is leviable should be distinguished from the subordinate ports where lower rates have always been levied~~. A few minor alterations in the ~~typography~~ wording are also necessary.

Columns 2, 3 & 4. The distinction between the various classes of vessels & the rates & conditions of the levy of dues ~~is much obscured by the mass of verbiage with which this part of the schedule is burdened; it~~ would be much clearer if, ~~according~~ to the heading, ~~columns~~ 2 specified the ~~classes of vessels~~ & column 3 nothing but the rates of port dues.

A copy of the draft bill is annexed embodying the alterations suggested by this Government is annexed

vide reference my letter No. 522 Marine D 16th Nov 1888 as well as

this had better not go. I believe it to be all wrong.

Column 3 Foreign vessels

In my predecessor's letter to the Legislative dept of the Govt of India No. 138 A D 30th March 1887 para 2, it was recommended that at the suggestion of the Chamber of Commerce to add the words "or Ceylon" after words "Straits Settlements" in clauses (a) & (c) of this column should be adopted as it was a reasonable concession in favor of certain foreign vessels plying between Calcutta & Colombo.

To Govt Legislative dept

In letter No. 665 D 29th Nov 1886 para 4, it was suggested that the words "either ports" in clause (2) (2) should be altered to "eastern ports".

Also

To Govt Legislative dept.

In letter No. 292 D 2nd July 1887 it was recommended that in col. 4 of this part of the schedule the words "the dues is payable once in 30 days" may be substituted for the words "the dues is payable on each entry into the port" opposite to clause (2) (2)

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there was known to this
fact, why the above suggest-
ions were not adopted
by the Legislature dept of the
Govt of India to whom the letters
were addressed.

The matter fact still where
these suggestions where
seemingly embodied them in
the draft Act & the bill
above referred to

Definition. The definition of
after term "coasting vessels
should embrace ships
or steamers carrying a
special pass under Sect
164 of the Sea Customs
Act VIII of 1878. and in line 4 of this definition it
is desirable to read for the words
"any port" "any port or port"

"coasting steamer"

I am not sure. Put up
the general Pass rules as
recently revised.

General. It is not clear
from the wording of clause
(f) (a) whether the port of
Madras will be entitled
to her share of the group
rate as under present
arrangements. The Chamb
er of Commerce Madras
have repeatedly reiterated
the opinion that Madras
should be kept entirely
separate from and
independent of the Eastern
group, and with a
view to the ever
increasing value of the
Madras Harbour and the
undoubted facilities it
affords the shipping
generally it seems highly
desirable to maintain the key

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rate of 8 annas for
ton leviable under Sect
VIII of 1881, which is
about to be repealed,
or if not it ought to be amended
It is essential to
provide for a large margin
between which the local port
may fall back upon
without having recourse to
resort to fresh legislation.

Further points which
might be brought to notice
The proviso "subject to any rights
Sec 5 in "private property" as inserted in
this section seems too vague
& might give trouble e.g. a man
might say that the value of his
land had been affected & an
alteration of port limits

12 Dec.

* The old act is to
the same effect and
no differents - Less
(PWD) it is believed would
13 Dec. be consequence of this

149

<u>Order</u>. The Govt are of opinion that the existing maximum rates at Madras should be retained. 2. As to the entire separation of the port of Madras from the Eastern group which the Chamber of Commerce have often suggested it is observed that they ~~[illegible]~~ have never explained what they exactly mean by this phrase. As ~~[illegible]~~ different [illegible] of rates on foreign vessels & coasting steamers, & separate period of exemption ~~from subsequent payments~~. The Govt cannot decide regarding such proposals unless they are definitely put down in the form of a schedule, which has never been done. The [illegible] & the Ch of Commerce will submit as early as possible a draft schedule for the port of Madras on the understanding that the payment of dues shall be entirely independent of any made on the made in any other port or [illegible]. The Govt of India will be addressed regarding the other <u>proposals</u> made ~~[illegible]~~ in the ~~[illegible]~~ ~~papers~~ pressing correspondence.

Notes & drafts should not be circulated on detached slips like this.
Let it be a rule that nothing in Chinese or any hand writing is ever sent to me.

H.S
13 Dec.

C.12/12

Read Marine Cs 1110, 1120, 1128 and 1150

Order. 19th Dec/88 No: 560

Gentlemen

The Government are of opinion that the existing maximum rates at Madras should be retained.

2. As to the entire separation of the port of Madras from the Eastern group, which the Chamber of Commerce has several times often suggested, it is observed that they have never explained what they Chamber

exactly mean by this phrase. It apparently implies entirely separate rates on all vessels calling at Madras, foreign vessels and Coasters and Coasting steamers and Native Craft separate periods of exemption. The Government cannot express any definite opinion as regarding such proposals until they are clearly set forth definitely put down in the form of a Scheme, which has never been done.

The Harbour Trust Board and the Chamber of Commerce will accordingly be asked to submit as early as possible a draft schedule for the port of Madras on the understanding that the payment of dues there shall be entirely independent of any made or to be made in any other port.

3. The Government of India will be addressed regarding the other proposals made in the foregoing Correspondence.

Sd
16 Dec

3 The port do not consider it necessary to adopt the suggestion of the Harbour Trust Board further amendments are of the draft bill should contain a provision for the hoisting of their national flag by vessels entering a port

To, The Presidency Port officer
The Chairman, Harbour Trust Board.
Chairman, Chamber of Commerce.

16/12

Letter
to the Secretary to the Government of India
Department of Finance & Commerce.

Sir,

I am directed to acknowledge the receipt of your letter No 5923, dated 30th October 1888, inviting Suggestions on the draft bill to consolidate and amend the law relating to Ports and Port charges, and, in forwarding a copy of the Proceedings of this Government No dated this day, to offer the following observations for the Consideration of the Govt of India

2 Sec 3 (2) of the draft bill. ~~The "Pilots" in the Madras Harbour are at present designated~~

(a) ~~"Harbour Masters"~~ and with reference to sec 7 (2)(b) it is desirable to define or include in section 3 a definition of a Harbour Master as a person appointed by the Local Government

to be a Harbour Master for the purposes of this Act.

3(b) with ref. to secs 7, 18, & 25,

See 3(m) It would be convenient to add a definition to the effect that the term "Master Attendant" includes "port officer", as the latter term occurs in secs 7, 18 & 25.

designation being the one in use in this Pres.y

4 Sec 6 To the list of purposes for which rules may be framed by the Local Government should be added those enumerated in Madras Act II of 1872, which is kept alive by sec 3 of Act XII of 1875. an enactment which will be entirely repealed by the proposed new Act.

3 Sec 10. To enable the Port Conservator to exercise his discretion effectually in the matter of obstructions, it seems desirable to insert the words "or which in the opinion of such officer is likely to obstruct or impede" before the words "the free navigation thereof" in the 6th line of this section, and also after the word "impedes" in the 7th line.

4 Sec 45. The word Cargo is not defined

5 Sec 50. It seems unnecessary to use the words "any part of a river or channel" in clause 1, 6 used in this section. The single word "port" as defined in clause 6 sec 3 would cover everything.

6. sec 68. It seems desirable to add the words "or harbour" after "port" in this section. Madras Act II of 1886 constitutes a Madras Harbour Trust.

7 Port Schedule I Part III

(a) In Column 1 embodying the names of the ports it would be desirable, for facility of reference, that the ports should be arranged according to headers, each group by districts. A few minor alterations with reference to my letter No 522 Marine, dated 16th November 1888 as well as in the or the case, specifying the cause, are also necessary. These are indicated in the accompanying list of ports.

8 Columns 2 & 3 and 4

The distinction between the various classes of vessels and the rates and conditions of the levy of dues would be much clearer if in accordance with

the headings, Column 2 specifies the various classes of vessels in respect to which differing charges are made, and Column 3 nothing but the rates of port dues.

(c)
Column 3 of the schedule ~~Foreign vessels~~.

(1) In my predecessors letter* No 1381 dated 30th March 1887, para 2, it was recommended that the suggestion of the Chamber of Commerce to add the words "or Ceylon" after "Straits Settlements" in clauses (a) & (c) of this Column should be adopted as it was a reasonable concession in favour of certain foreign vessels plying between Calcutta and Colombo.

* To the Legve dept

(2) In letter* No 665 dated 29th November 1886 para 4, it was suggested that the words "either group" in clause (f) (2) should be altered to "eastern group"

* To the Legve dept

(3) The Madras Govt still adhere to these suggestions

~~(3) In letter No 292 dated 2nd July~~

~~* To the Legve dept~~

(d) vol 4.

The also adhere to the suggestion made in their* letter No 292 d/ 2nd July 1888 (para 5)

* To the 4th Govt

1888, it was recommended that in col 4 of this part of the schedule the words "the due is payable once in 30 days" should be substituted in this column for the words "the due is payable on each entry into the port" opposite to clause (f) (2) of vol 3.

(4) The Madras Government still adhere to these suggestions.

(2)
15. Definitions in the schedule. The definition of "Coasting ship or Coasting steamer" should embrace Ships or steamers carrying a general pass under Sec 164 of the Sea Customs Act VIII of 1878, and in line 4 of this definition it would be advisable to read for the words "any port" "any port or ports".

Mde Madras Port Trust Proceedings No 10 Rev no 497 d 20th July 1888

8
16. General. It is not clear from the wording of clause (f) (2) of Schedule I whether the port of Madras will be entitled, as under present arrangements, to its share of the group rate already

~~paid by existing steamers which~~ ~~under present arrangements~~

subsequently ~~can~~ ~~not~~ readers often ~~taking~~ ~~of~~ ~~not~~ pay is well as ~~the~~ extra charges which they ~~then~~ pay in readers Self

2. H. E the Governor in Council is strongly of opinion that, with a view to the ~~over~~ increasing outlay on the Madras Harbour and the facilities thereby affords to the shipping ~~thereby~~ it ~~will be~~ is necessary to retain that the ~~the existing~~ maximum rates of ~~chit~~ port dues ~~may be levied in~~ Madras ~~viz~~ 8 annas per ~~taffeiable~~ ~~rs~~ stand as fixed by under Act IV of 1881, ~~which~~ is ~~about to be repealed~~) or at most to ~~reduce~~ ~~the rate to~~ 6 annas only.

max^m rates will actually be levied – at present for instance the highest rate charged is 4½ annas per ton – but

3. It is essential to provide a margin of resources on which the Local Government may fall back without having to resort to fresh legislation. ~~It does not~~ ~~cannot follow that such~~ ~~maximum rates will actually~~ ~~be levied at~~

4. A further communication will be addressed to you regarding the entire separation of the Madras port from the Eastern group on the receipt of the ~~replies~~ from the Chamber of Commerce

and the Harbour Trust Board called for in para 2 of G.O. No. dated

Amendment of
the Indian Ports
Act XII of 1875

V. E.

161/98

Read Marine Cts 1110, 1120, 1128 and 1150

Order:- No 560 d 17 Nov 88

The Madras Government are of opinion that the existing maximum rates at Madras should be retained.

2. As to the 'entire separation' of the port of Madras from the Eastern group, which the Chamber of Commerce have several times suggested, it is observed that the Chamber have never explained what they exactly mean by this phrase. It apparently implies entirely separate rates on all vessels calling at Madras, and separate periods of exemption. The Government cannot express any definite opinion on such proposals until they are clearly set forth in the form of a Schedule. The Harbour Trust Board and the Chamber of Commerce will accordingly be asked to submit as early as

Issd 7 Dec

possible a draft schedule for the port of Madras on the understanding that the payment of dues there shall be entirely independent of any made or to be made in any other port.

3. The Government do not consider it necessary to adopt the suggestion of the Harbour Trust Board that Sec 50 of the draft bill should contain a provision for the hoisting of their national flag by vessels entering a port.

4. The Government of India will be addressed regarding the other proposals made in the foregoing correspondence.

Mar 560 & 17/12/88
3 Proofs

To,
The Presidency Port officer &
" Chairman, Harbour Trust Board &
" Chairman, Chamber of Commerce

11 P
10 P

Marine
Desps with Progs.
20/12/88
52 Each abt
22/12/88

163

Letter No 5601 Dated 17th Dec 1888
to the Secretary to the Government
of India
Department of Finance and Comce

Sir,

I am directed to acknowledge the receipt of your letter No 5923, dated 30th October 1888, inviting suggestions on the draft bill to consolidate and amend the law relating to Ports and Port charges, and I am to forward a copy of the Proceedings of this Government No 5600, dated this day, to offer the following observations for the Consideration of the Govt of India.

Sec 3 of the draft bill

(a) With reference to Sec 7(2)(b) it would be desirable to include in Sec 3 a definition of a "Harbour Master" as "a person appointed

by the Local Government to be a Harbour Master for the purposes of this Act.

(b). With reference to Secs 7, 18 & 29, it would be convenient to add a definition to the effect that the term "Master Attendant" includes "port officer"; the latter designation being the one now in use in this Presidency.

3 Sec 6. To the list of purposes for which rules may be framed by the Local Government should be added those enumerated in Madras Act II of 1872, which is kept alive by Sec 3 of Act XII of 1875, an enactment which will be entirely repealed by the proposed new Act.

3 Sec 10. To enable the port Conservator to exercise his discretion effectually in the matter of obstructions, it seems desirable to insert the words "or which in the opinion of such officer is likely to obstruct or impede" before the words "the free navigation thereof" in the 5th line of this section, and also after the word "impedes" in the 7th line.

4 Sec 45. The word "Cargo" is not defined.

5 Sec 50. It seems unnecessary to use the words "any part of a river or channel" in clause 11 of this section. The single word "port" as defined in clause 6 Sec 3 would cover everything.

6 Sec 68. It is desirable to add the words "or harbour" after "port" in this section. Madras Act II of 1886 constitutes a Madras Harbour Trust.

7 Schedule I Part III

(a). In Column 1 embodying the names of the ports it would be desirable, for facility of reference, that the Madras ports of each group should be arranged according to districts. A few minor alterations with reference to my letter No 522, Marine, dated 16th November 1888, as well as in the spelling of some of the names, are also necessary.

These are indicated in the accompanying list of ports.

(b). Columns 2 and 3

The distinction between the various classes of vessels and the rates of dues would be much clearer if in accordance with the headings, Column 2 specified the various classes of vessels in respect to which differing charges are made, and Column 3 nothing but the rates of port dues.

(c). Column 3

(1). In my predecessor's letter, No. 138* dated 30th March 1887, para 2, it was recommended that the suggestion of the Chamber of Commerce to add the words "or Ceylon" after "Straits Settlements" in Clauses (a) & (c) of this Column should be adopted as it was a reasonable Concession in favour of certain foreign vessels plying between Calcutta and Colombo.

(2). In letter* No. 665 dated 29th Nov.

* To the Legre dept

* To the Legre dept

Districts.	Ports.	Districts.	Ports.
	Madras.		
Ganjam.	1. Gopálpur.	South Arcot.	48. Marakanam.
	2. Sonnapuram.		49. Cuddalore.
	3. Báruva.		50. Porto Novo.
	4. Púndi.		
	5. Calingapatam.		51. Tirumalavasal.
			52. Kodiyampalaiyam.
Vizagapatam.	6. Konada.		53. Tranquebar.
	7. Bimlipatam.		54. Nagore.
	8. Vizagapatam.		55. Negapatam.
	9. Pudimadaka.		56. Velankani.
	10. Pentakota.		57. Topputurai.
			58. Point Calimere.
Godávari.	11. Uppada.	Tanjore.	59. Mutupet.
	12. Cocanada.		60. Adirámpatnam.
	13. Coringa.		61. Gopalapatnam.
	14. Bendamurulanka.		62. Kattumavadi.
	15. Narsápur.		63. Krishnajipatnam.
	16. Perupalem.		64. Ammapatnam.
			65. Kottaipatnam.
			66. Sundarapandiyapatnam.
Kistna.	17. Masulipatam.		
	18. Penumudi.		
	19. Morutota.		
	20. Nagayalanka.		67. Pasipatnam.
	21. Kottapalem.		68. Damodarapatnam.
	22. Gangadipalem.		69. Tondi.
	23. Nizampatnam.		70. Nambitalai.
	24. Ipurupalem.		71. Pudupatnam.
	25. Bodduvanipalem.		72. Karangadu.
	26. Motuppalle.		73. Tiruppalankudi.
			74. Devipatnam.
Nellore.	27. Kanuparti.		75. Mudiyanpatnam.
	28. Kottapatnam.		76. Áttankarai.
	29. Itamukkala.		77. Emanangundu.
	30. Pakala.	Madura.	78. Pillaimadum.
	31. Karedu.		79. Pámban.
	32. Ramayapatnam.		80. Periatorai.
	33. Chennayyapalem.		81. Rámesvaram.
	34. Tummalapenta.		82. Mandapam.
	35. Juvaladinne.		83. Vedalai.
	36. Iskapalle.		84. Marakkayapatnam.
	37. Ponnapudi.		85. Muttupettai.
	38. Maipadu.		86. Kilakarai.
	39. Kistnapatam.		87. Nadupand.
	40. Pamanji.		88. Muchir.
	41. Tupili.		89. Ervadi.
	42. Dugarázpatnam.		90. Valinokkam.
	43. Pudi.		
			91. Vaippár.
Chingleput and Madras.	44. Pulicat.		92. Tuticorin.
	45. Ennore.	Tinnevelly.	93. Káyalpatnam.
	46. Madras.		94. Kulasekharapatnam.
	47. Covelong.		

Districts.	Ports.	Districts.	Ports.
Malabar.	95. Cochin.	Malabar —*cont.*	125. Dharmapatnam.
	96. Arrupuram.		126. Ezhara.
	97. Kukkuyi.		127. Cannanore.
	98. Madayi.		128. Pudiyangadi.
	99. Attakuri.		129. Palapatnam (Baliapatam).
	100. Chávakád.		130. Ettikulam.
	101. Veliyangod.		131. Kavvayi.
	102. Ponáni.		
	103. Kuttayi.		
	104. Parapanna.	South Canara.	132. Hosdrug.
	105. Tánúr.		133. Baikal.
	106. Parpanangady.		134. Kásaragód.
	107. Kadalvandi.		135. Kumbale.
	108. Beypore.		136. Manjesvara.
	109. Molakkadava.		137. Mangalore.
	110. Calicut.		138. Mulki.
	111. Pudiyangadi.		139. Padubidri.
	112. Elatturu.		140. Ermala.
	113. Kappatta.		141. Uchhila.
	114. Quilandi.		142. Kaph.
	115. Kollam.		143. Udiyavara.
	116. Kadalura.		144. Malpe.
	117. Trikodi.		145. Barkur or Hangarakatta.
	118. Kottakkal.		146. Coondapoor.
	119. Badagara.		147. Nyakinakatte (Nayakkankottai).
	120. Muttankal.		148. Baindur.
	121. Chompayi.		149. Siruru.
	122. Kallayi.		
	123. Talayi		
	124. Tellicherry.		

The limits of the several ports in the Madras Presidency are hereby declared to be as specified in the third column of the schedule hereto annexed:—

Districts.	Ports.	Limits.
Ganjam. .	Ganjam . .	*North.*—The boundary-pillar on the north point of the river entrance. *South.*—The boundary-pillar on the sea-shore about ½ mile south and by west of the custom-house. The sea-shore between them to within 50 yards of high-water-mark, spring tides. *East.*—The space enclosed by two lines running south-east from the boundary pillars to 10 fathoms water. *West.*—The river from the northern boundary to a distance of ¾ mile beyond the custom-house and so much of the shores thereof, whether of the mainland or the islands, as are within 50 yards of high-water-mark, spring tides.

(Notification under Act XXII of 1855, *Fort St. George Gazette*, 12th July 1864, page 73.)

14

Districts.	Ports.	Districts.

Upper Burma

17

1886 para 4. it was suggested that the words "either ports" in clause (f) (2) should be altered to "Eastern ports"

The Madras Government still adhere to these suggestions.

(d). Column 4

They also adhere to the suggestion made in my letter* No. 292, dated 2nd July 1888 that the words "the due is payable once in 30 days" should be substituted in this Column for the words "the due is payable on Each entry into the port" opposite to clause (f) (2) of column 3.

(e). Definitions in the Schedule The definition of "Coasting Ship" or Coasting Steamer" should embrace Ships or Steamers Carrying a general pass under Sec 164 of the Sea Customs Act VIII of 1878, and in line 4 of this definition it would be advisable to read for the

* To the Legislative Dept.

Note Please see Revised General Pass rules in Gl. Rev. No 697 dt 20th July 1888 General Pass encounters to coasting steamers only.

words "any port" to "any port or ports".

8 It is not clear from the wording of clause (f) (2) Column 3 of Schedule I whether the port of Madras will be entitled, as under present arrangements, to its share of the groups rate already paid by Coasting steamers which call at Madras after touching at out ports, as well as to the extra charge which they pay in Madras itself. nor whether Group port are entitled to a share of Dues paid at Northern under clause (f)(3).

9 H.E. the Governor in Council is strongly of opinion that in view of the increasing outlay on the Madras Harbour and the facilities thereby affordes to shipping, it is necessary that the maximum rate at which port dues may be levied in Madras should stand as fixed by Act IV of 1881. It does not of course follow that such maximum rates will actually be levied at present for instance the highest rate charged is 1½ annas per ton - but it is essential to provide a margin of resources on which the Local Government may fall back without having to resort to fresh legislation.

10 A further Communication will be addressed to you regarding the entire separation of the Madras port from the Eastern group on the receipt of the report from the Chamber of Commerce and the Harbour Trust Board called for in para 2 of G.O. [illegible]

[illegible]

Amendment of the

an Ports Act XII of 1875.

V. E.

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ORDINARY. PRINTED.

Marine DEPARTMENT.
G.G., DATED 17th December/88
No. 560/1.

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[Despatch Abstract.]

Amendments of the Indian Ports Act.

Addressing the Government of India regarding the amendments of the Indian Ports Act XII of 1875.