

- (1) பக்கங்களின் எண்ணிக்கை 18
 (2) புதுக்கித் திருப்பிய நாள் Dec 89
 (3) ஆதரங்குறிப்பவர் சுருக்கொப்பம் 10/9

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பெரியபாளையம் துறை

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மடிக்கவோ கண்டபடி கையாளவோ கூடாது

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ACT OF THE GOVERNMENT OF MADRAS.

The following Act of the Governor of Fort St. George in Council, which received the assent of His Excellency the Governor on the 1st April 1890 and of His Excellency the Governor-General on the 9th May 1890, is hereby published for general information:—

MADRAS ACT No. II of 1890.

An Act to make better provision for the establishment of Canals and Public Ferries in the Presidency of Madras and for the management thereof.

WHEREAS it is expedient to make better provision for the establishment of canals and public ferries in the Presidency of Madras and for the management thereof, it is enacted as follows:—

Preamble.

Short title and local extent.

1. This Act may be called the Canals and Public Ferries Act, 1890.

It extends to the whole of the Presidency of Madras.

2. From and after the date when this Act comes into operation, Act I of 1870 (Madras) and Act IV of 1878 (Madras) shall be repealed.

Repeal.

Provided that all notifications issued, rules made, licenses granted and engagements entered into under the said Acts, shall continue in force and shall be deemed so far as may be to have been issued, made, granted and entered into under this Act.

Definitions.

3. In this Act "vessel" includes any ship, barge, boat, raft, timber, bamboos or floating materials propelled in any manner.

"Channel" includes any waterway whether natural or artificial.

"Line of navigation" means any navigable channel, or series of connected navigable channels.

"Canal"

[PRICE, 1 ANNA AND 3 PIES.]

"Canal" means a line of navigation declared to be subject to the provisions of this Act.

"Ferry" means a place at which goods, animals, or passengers are conveyed across a channel by means of vessels.

"Public ferry" means a ferry declared to be subject to the provisions of this Act.

4. The Governor in Council may, by notification in the *Fort St. George Gazette*, declare any line of navigation to be subject to the provisions of this Act from a date to be named in such notification, and may in like manner cancel or modify any such notification.

Power to apply Act to any line of navigation.

Licensing and registration of vessels.

Power to fix fees and rates of toll and to establish toll stations.

5. All vessels carrying goods, animals or passengers for hire on a canal shall be licensed; and all vessels otherwise using a canal shall, if the Governor in Council so directs, be registered.

6. The Governor in Council may from time to time—

- (a) fix rates of fees payable for the licensing or registration of vessels;
- (b) establish stations at which tolls shall be levied on vessels passing along a canal or on passengers, vehicles, animals or goods landed therefrom, and fix the rates of such tolls;
- (c) fix fees for the use of public landing places, wharves, piers, jetties, docks, basins, lie-byes, sidings, sheds or warehouses provided for the accommodation of vessels using a canal or of goods or passengers carried or to be carried thereon and for demurrage on vessels or goods detained therein.

A notification of such tolls or fees under clauses (b) and (c) of this section shall be exhibited to public view in English and in the vernacular language of the district at the places where such tolls or fees are leviable.

Power of person duly authorised to impose punishment for breach of condition of license and to deal with any obstruction or with navigation in contravention of Act.

7. Any person duly empowered by Government in this behalf may—

- (i) suspend or cancel the license or registration of any vessel in case of breach of any condition thereof, or in lieu of such suspension or cancellation or of prosecution may recover from the person in charge of the vessel a penalty not exceeding five rupees for each such breach;
- (ii) remove from the canal any vessel which may be sunk or abandoned therein, and may recover any expense incurred in so doing by the sale of the vessel. A vessel left for more than three days without a competent person in charge shall be held to be abandoned;
- (iii) in case of emergency remove any other obstruction, or contrivance for fishing, or other thing which is an impediment to navigation, or in other cases serve notice upon the owner, if any, to remove any such thing within a reasonable time to be stated in the notice, failing which he may remove it himself. Expenses incurred under this clause shall be recoverable from the owner. Provided always that in cases of interference with private rights, reasonable compensation shall be payable;

(iv) prohibit

(iv) prohibit the construction of any contrivance for fishing or for any other purpose in the canal or any erection therein or on a tow-path or other land appurtenant thereto;

(v) stop any vessel navigating the canal in contravention of any of the provisions of this Act or of any rule made or any condition of license or registration prescribed thereunder, and may detain it until the same is complied with or until penalty has been paid or recovered under clause (i) of this section or until the offence, if any, has been enquired into and disposed of.

Powers under this section may be conferred either by name or in virtue of an office.

8. The Governor in Council may, by notification in the *Fort St. George Gazette*, declare any ferry to be subject to the provisions of this Act from a date to be named in such notification and may define the limits of such ferry. The Governor in Council may, in like manner, cancel or modify any such notification.

Power to apply Act to any ferry and define limits of ferry.

9. From such date all previously existing rights of ferry within the limits defined in the notification shall cease and determine, and it shall be unlawful for any person not duly authorised to convey goods, animals or passengers by means of vessels across a channel within such limits while such notification is in force. Provided that when rights of ferry are extinguished under this section, compensation shall be payable for such extinction and shall be assessed as near as may be under any law for the time being in force relating to the acquisition of land for public purposes.

Upon such application existing rights of ferry to cease.

Provide.

10. The Governor in Council may provide for the management of public ferries or may authorize any person to convey goods, animals or passengers across a channel by means of vessels at a public ferry. All vessels so used by such person shall be licensed, and the Governor in Council may fix the fees payable for such license and also the tolls leviable upon passengers, animals, vehicles and goods conveyed across such ferry. A notification of such tolls shall be exhibited to public view in English and the vernacular of the district on each side of the ferry.

Power to provide for management of ferries and fix fees and rates of toll.

11. The management of any canal or public ferry may, by order of the Governor in Council, be assigned to a Local Board or Municipal Council, and thereupon in every such case the revenue accruing therefrom shall be credited to the funds of such managing authority, which shall exercise all the powers stated in section 7, and may, subject to the control of Government, confer such powers on its servants. All persons duly empowered under section 7 shall be deemed to be public servants within the meaning of the Indian Penal Code.

Power to assign management of ferry to Local Board or Municipal Council.

12. The Governor in Council or the managing authority shall appoint persons to collect tolls or fees payable under this Act. The collection of such tolls or of fees other than license fees may, under such conditions as the Governor in Council may from time to time prescribe, be leased out, and in such case the lessee and his agents and servants shall be deemed to be so appointed.

Power to appoint persons to collect tolls or fees and to lease out collection thereof.

13. In

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MADRAS ACT No. II OF 1890.

13. In case any tolls, fees other than license fees or penalties payable under this Act are not paid when demanded by a person duly appointed or empowered to collect or impose the same, such person may seize any vessel, goods, vehicles, or animals in respect of which such toll, fee or penalty is payable or anything in the possession of a passenger or person who is liable to such toll, fee or penalty, and any person empowered by Government or the managing authority in this behalf may sell the same by auction after 15 days' public notice of the sale if such toll, fee or penalty is still unpaid. After deduction of such toll, fee or penalty and of the expenses of sale, the surplus proceeds, if any, shall be paid to the person from whose possession the thing sold was taken.

What payments may be recovered as arrears of revenue.

Form, etc., of licenses and registrations.

Power to make rules.

14. All canal and ferry rents and expenses incurred under section 7 may be recovered by the Collector of the district in like manner as if they were arrears of land revenue.

15. All licenses granted and registrations effected under this Act shall be in such form, shall be valid for a voyage or for such time, and shall contain, or be subject to, such conditions as the Governor in Council may from time to time direct.

16. The Governor in Council may make rules in respect of any canal or public ferry for all or any of the following purposes:—

- (i) declaring the powers to be exercised by any person employed under this Act;
- (ii) providing for the grant of licenses, for the inspection of licensed vessels, and for their maintenance in good condition;
- (iii) regulating the dimensions and free board of vessels using any canal or public ferry, the equipment of the same, and the number of passengers and the nature and quantity of cargo to be carried therein;
- (iv) regulating the speed at which vessels shall be moved, the passing of vessels, the lights to be exhibited by vessels moving or at anchor, the working of locks, the mooring of vessels, and the use of landing-places, wharves, piers, jetties, docks, basins, lie-byes, sidings, sheds or warehouses.
- (v) the disposal of vessels or other things confiscated or seized under this Act;
- (vi) for the convenience of passengers; and generally for the purposes of this Act.

17. Any person who breaks any rule made under this Act shall be punishable on conviction by a criminal court with fine not exceeding fifty rupees in case of a single offence, and in case of a continuing offence, not exceeding ten rupees for every day during which such offence continues. If the offence is such as to endanger human life, the punishment may extend to imprisonment of either description for one year or to fine of Rs. 500 or both.

Penalty for breach of rule.

Penalty for navigating a canal or establishing or working a ferry in contravention of section 5 or 9.

Penalty for evasion of toll or fee and for unauthorized levy of toll, &c.

18. Any person navigating a canal or establishing or working a ferry in contravention of section 5 or 9 of this Act shall be liable on conviction before a criminal court to fine not exceeding Rs. 500.

19. Any person who refuses or evades payment of any toll or fee payable under this Act, or without due authority levies any toll or fee under colour of this Act, or, being empowered to collect tolls or fees under this Act, collects or receives any sum in excess of the lawful

MADRAS ACT No. II OF 1890.

lawful due, shall on conviction by a criminal court be punishable with imprisonment of either description not exceeding one month or with fine not exceeding Rs. 100 or with both.

20. On conviction had of any offence under this Act, the Court may order that any vessel or other thing used in the commission of such offence shall be confiscated.

Power of Court to order confiscation.

(By order.)

H. V. COBB,
Ag. Assistant Secretary to Govt.,
Legislative Dept.

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GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper :—

From S. HARVEY JAMES, Esq., Secretary to the Government of India, Legislative Department, to the Chief Secretary to the Government of Madras, dated Simla, 14th May 1890, No. 807.

I am directed to return, herewith, with the assent of His Excellency the Viceroy and Governor-General signified thereon, the authentic copy of the Bill noted on the margin, which was received with your letter, Legislative No. 20, dated the 9th ultimo, to the address of the Secretary to the Government of India in the Public Works Department.

ORDER—dated 4th June 1890, No. 24, Legislative.

Communicated to the Public Works Department (Irrigation Branch) for the necessary action.

2. The Act, as assented to by His Excellency the Governor-General, will be published in the *Fort St. George Gazette* in English and in the several Vernaculars.

3. The assent of His Excellency the Governor-General to the Act will be communicated to the Council for making Laws and Regulations.

(True Extract.)

H. V. COBB,
Asst. Under Secretary.

To the Public Works Department (Irrigation Branch),
" Superintendent, Government Press,
" several Translators to Government,
" Copy to Public Works Department,
" Local and Municipal Department,

} with copy of Act.

Gobt. of {1890} Madras.
LEGISLATIVE

No. 1746 W. of 23 June 1890

Recorded

(2d) R.R.E.D.B.

W

G.O., 4th June 1890, No. 24.

JUNE.

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Note. A copy has
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