

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2533	Press
		<u>Mis.</u>
	328-329	
Dated	18-10-1865.	

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,
18th October 1865.*

No. 328. Read the following letter from the Acting Secretary to the Board of Revenue, to the Acting Secretary to Government, Revenue Department, dated Madras, 18th September 1865, No. 5,778:—

With reference to the Order of Government, under date 14th February 1865, No. 314, I am directed by the Board of Revenue to submit the accompanying revised Draft Act, to enable Government to prescribe and enforce rules for regulating the navigation of inland waters, rivers, canals, &c., and for the management of ferries, &c.

2. His Excellency in Council will observe that all the directions of Government, as contained in the above Order, have been duly attended to with the exception of the proposed amendment of Section 10 of the old draft, now Section XIII. The Government desired that a more summary mode of procedure, for the levy of tolls, should be provided for, but this has been already done in the previous Section of the draft, in which provision is made for the seizure and sale of all articles carried over or across rivers, canals, &c., if the proper dues are not paid.

No. 329. ORDER THEREON, 18th October 1865, No. 2,533.

Miscellaneous.

Ordered that the Draft Act alluded to in these Proceedings, as modified by Government, be forwarded to the Secretary to Government in the Legislative Department, for submission to the Legislative Council in due course.

(True Extract.)

(Signed) W. HUDLESTON,

Acting Secretary to Government.

To the Legislative Department.

„ the Board of Revenue.

Exd. S. T. Augustin.

DRAFT ACT.

I. Whereas it is expedient to enable the Government to prescribe rules and regulations for the protection of ~~inland~~ navigable rivers, canals, and other water works, the property of the State in the Madras Presidency, and for preventing damages thereto, and to provide for the management of all ferries thereon, and for the levying of tolls at ferries and on all boats, timber rafts, and floats plying on, or conveyed through such rivers, canals, and other water works, and generally to regulate the traffic on the same, it is enacted as follows.

II. It shall be lawful for the Governor of Madras in Council, to prescribe rules, or to pass bye-laws, for the enforcement of matters to which this Act relates, and which shall not be inconsistent with the provisions of this Act, so as to suit the cases of the several ferries, navigable rivers, State canals, and other water works in this Presidency, provided that any persons having any vested interests in any existing ferry shall be duly compensated for the same.

III. Any person infringing the provisions of the said rules or bye-laws after they have been published in the English and Vernacular languages in the local Gazette of the District to which they apply, shall, ~~be deemed to have committed an offence~~ ^{on conviction before a Magistrate} ~~be liable to be punished with imprisonment for a term not exceeding one month or with a fine which may extend to 200 rupees~~ ^{or with both.}

IV. Tolls or ~~fees~~ ^{either} according to such rates as shall from time to time be fixed or approved by the Governor of Madras in Council under any rule or bye-law, shall be levied at all ferries and upon all boats, timber rafts, and floats plying on, or conveyed through, or within any navigable part of such river, canal, or other water work to which the said rules may be made applicable by an Order of the Governor in Council.

V. It shall be lawful ~~to collect the said tolls or fees either by granting annual licenses to boat owners at certain fixed rates, or to collect them on behalf of the Government in any other manner which may be laid down in the said rules, or to rent them to any person for a fixed annual sum.~~ ^{either} ~~or to collect the said tolls or fees~~

VI. The Government shall appoint or shall direct their officers and every renter of ~~tolls~~ to appoint toll-keepers with establishments,

It shall be lawful to collect license fees on annual licenses granted to boat owners or others, & to collect tolls on all boats, timber rafts & floats conveyed through or within any navigable river canal or other waterwork which has been brought under the operation of this Act

It shall be lawful to collect the said tolls or fees either by granting annual licenses to boat owners at certain fixed rates, or to collect them on behalf of the Government in any other manner which may be laid down in the said rules, or to rent them to any person for a fixed annual sum.

whose duty it shall be to levy the lawful tolls *in fees*
fixed or approved and published as aforesaid;
and to keep such accounts as the Government
may from time to time direct, and all such per-
sons ~~whether employed directly under the Govern-~~
~~ment or under a renter of tolls~~, shall be ~~subject to~~
the same responsibilities as would be ~~incurred~~
by them if employed in the collection of the
Revenue, *provided that in every case*
where any person is appointed to collect
VII. Every person other than the person
so appointed to collect the tolls, under this Act,
shall levy or demand at the said ferries, or at
the said navigable rivers, State canals, and at
water works, any toll of the nature contemplated
by this Act, and also every person who
unlawfully and extortionately demand or
any other or higher toll than the lawful toll
under color of this Act seize or sell any
property, knowing such seizure and sale to be un-
lawful, or in any manner unlawfully extort
money, or any valuable thing from any person
under color of this Act, ~~shall be deemed to have~~
~~committed the offence of extortion~~, and shall
be liable to ~~the punishment~~ *the punishment* pre-
scribed for ~~the offence~~ *the offence* by the Indian Penal Code.

VIII. Any person who shall evade pay-
ment of the lawful toll, or who shall force his
way ~~over a bridge or through a lock or~~
~~over a river, dam, or other water work~~ without
paying the same, or who shall assault, or in any
way obstruct any toll-keeper, or any of his
assistants in the execution of their duty under
this Act, shall be punishable with imprison-
ment of either description for a term which
may extend to three months, or with fine which
may extend to Rupees three hundred, or with
both.

IX. All police officers shall be bound to
assist toll-keepers when required in the execu-
tion of this Act; and for this purpose shall
have the same powers ~~which they have~~ *which they are invested* in the
exercise of their ~~ordinary~~ *ordinary* police duties.

X. Any person who shall unlawfully or
maliciously interfere with, or lessen the supply
of, or damage any navigable river, canal, or
water work, or who shall unlawfully and
maliciously injure any building or construction
created for the purposes of, or in connection
with, such river, canal, or water work, shall be
liable to the penalties

*prescribed for those offences by the Indian
Penal Code*

Indian Penal Code, according to the amount of
loss or damage caused by such mischief, that
is to say, with imprisonment of either descrip-
tion for a term which may extend to three
months, if the damage caused be not to the
amount of fifty Rupees, or to two years, if the
damage be of a greater amount than fifty Ru-
pees, or with fine or with both.

XI. It shall be lawful for any of the said
toll-keepers whether appointed by the Govern-
ment or by a renter of tolls or their assistants,
to detain any animals, vehicles, merchandize,
baggage or other articles, landed at any point
on such navigable river, canal, or other water
works, or any boat, timber raft, or float, plying
or conveyed thereon until the lawful ferry
or canal tolls are paid; and in the event of
such payment being refused, or withheld, or
delayed beyond the time allowed for payment
by the established rules for such ferry, navi-
gable river, canal, &c., the case shall be brought
before the officer appointed by Government to
superintend the collection of the said toll, who
may attach and sell or cause to be sold by
public auction the said animals, vehicles, mer-
chandize, baggage or other articles, or boat,
timber raft, or float, and after deducting from
the sale proceeds all Government dues together
with an equal sum by way of fine, and also the
amount of all expenses attending such seizure,
detention, and attachment and sale, to hold
the surplus (if any) at the disposal of the
owner or consignee of the property, boat, raft,
&c., which may have been attached.

XII. Any renter, toll-keeper or other
person who, under color of this Act, shall un-
lawfully detain any animals, vehicles, merchan-
dize, cargo, baggage, or other articles, or any
boat, timber raft, or float, or who shall neglect,
or without lawful excuse, delay to report any
such detention to the ~~subordinate revenue~~ *superintendent*
officer of the district, or who shall demand or
receive as toll any larger sum than is au-
thorized by the rules or bye-laws, shall, on con-
viction before a Magistrate or other officer
exercising the powers of a Magistrate, forfeit
a sum not exceeding two hundred Rupees, *commutable*

XIII. Any tolls, fees, or other dues
leviable under this Act, may be recovered in
accordance with the procedure laid down for
the collection of Land Revenue Arrears under
Madras Act II. of 1864.

DRAFT ACT.

I. WHEREAS it is expedient to enable the Government to prescribe rules for the protection of rivers, canals, and other water works, the property of the State in the Madras Presidency, and for preventing damage thereto, and to provide for the management of all ferries thereon, and for the levying of tolls at ferries and on all boats, timber-rafts, and floats plying on, or conveyed through such rivers, canals, and other water works, and generally to regulate the traffic on the same, it is enacted as follows.

II. It shall be lawful for the Governor of Madras in Council to prescribe rules, and pass bye-laws, for the enforcement of matters to which this Act relates, and which shall not be inconsistent with the provisions of this Act, so as to suit the cases of the several ferries, rivers, State canals, and other water works, the property of the State in this Presidency, provided that any persons having any vested interests in any existing ferry, who shall be endamaged by the said rules or bye-laws shall be duly compensated for the same.

III. Any person infringing the provisions of the said rules or bye-laws after they have been published in the English and Vernacular languages in four successive issues of the local Gazette of the District to which they apply, shall, on conviction before a Magistrate, be liable to simple imprisonment for a period that may extend to one month, or to fine which may extend to 200 Rupees, or to both.

IV. Tolls or license fees on annual licenses granted to boat owners or others, according to such rates as shall from time to time be fixed or approved by the Governor of Madras in Council under any rule or bye-law, shall be levied at all ferries, and upon all boats, timber-rafts, and floats plying on, or conveyed through, or within any part of such river, canal, or other water work to which the said rules may be made applicable by an Order of the Governor in Council.

V. It shall be lawful for Government to rent out the collection of the said fees or tolls to any person for a specific period and for a fixed annual sum.

VI. The Government shall appoint, or shall direct their officers to appoint toll-keepers with establishments, whose duty it shall be to levy the lawful tolls or fees fixed or approved and published

Enacted in the Council of the Governor of Madras on the 18th day of April 1865.

Rev. J. B. G. 1865.

Rev. J. B. G. 1865.

Drafts etc.

as aforesaid; and to keep such accounts as the Government may from time to time direct, and all such persons shall be liable to the same responsibilities as would belong to them if employed in the collection of the Land Revenue, provided that in every case in which the said tolls or fees have been rented to any person it shall be the renter's duty to appoint such toll-keepers and their establishments. All such toll-keepers shall be subject to the supervision of Superintending Officers appointed by or by Order of Government.

VII. Every person other than the persons so appointed to collect tolls or fees under this Act, who shall levy or demand at the said ferries, or upon the said rivers, State canals, and other water works, any toll or fee of the nature contemplated by this Act, and also every person who shall unlawfully and extortionately demand or take any other or higher toll or fee than the lawful toll or fee, or under color of this Act seize or sell any property, knowing such seizure and sale to be unlawful, or in any manner unlawfully extort money, or any valuable thing from any person under color of this Act, will be liable to the penalties prescribed for those offences by the Indian Penal Code.

VIII. Any person who shall evade payment of the lawful toll or fee, or who shall force his way over, into or on any of the said rivers, canals, or other water works without paying the same, or who shall assault, or in any way obstruct any toll-keeper, or any of his assistants in the execution of their duty under this Act, shall be punishable on conviction before a Magistrate with imprisonment of either description for a term which may extend to three months, or with fine which may extend to Rupees three hundred, or with both.

IX. All police officers shall be bound to assist toll-keepers when required in the execution of this Act; and for this purpose shall have the same powers with which they are invested by law in the exercise of their ordinary police duties.

X. Any person who shall unlawfully or maliciously interfere with or damage any river, canal, or other water work, or lessen the supply of water thereto, or who shall unlawfully and maliciously injure any building, or construction erected for the purposes of,

or in connection with, any system of navigation, will be liable to the penalties prescribed for those offences by the Indian Penal Code.

XI. It shall be lawful for any of the said toll-keepers, whether appointed by the Government or by a renter of tolls or their assistants, to detain any animals, vehicle, merchandize, baggage or other articles, landed at any point on such river, canal, or other water works, or any boat, timber-raft, or float, plying or conveyed thereon until the lawful ferry or tolls are paid; and in the event of such payment being refused, or withheld, or delayed beyond the time allowed for payment by the established rules for such ferry, river, canal, &c., the case shall be brought before the Superintending officer appointed by or by Order of Government to superintend the collection of the said toll, who may attach and sell or cause to be sold by public auction the said animals, vehicles, merchandize, baggage or other articles, or boat, timber-raft, or float, and after deducting from the sale proceeds all Government dues together with an equal sum by way of fine, and also the amount of all expenses attending such seizure, detention, and attachment and sale, to hold the surplus (if any) at the disposal of the owner or consignee of the property, boat, raft, &c., which may have been attached.

XII. Any renter, toll-keeper, or person who, under color of this Act, shall unlawfully detain any animals, vehicles, merchandize, cargo, baggage, or other articles, or any boat, timber-raft, or float, or who shall neglect, or without lawful excuse delay to report any such detention to the Superintending officer, or who shall demand or receive as toll or fee any larger sum than is authorized by the rules or bye-laws, shall, on conviction before a Magistrate, forfeit a sum not exceeding two hundred Rupees, commutable to simple imprisonment for one month.

XIII. Any tolls, fees, or other dues leviable under this Act, may be recovered in accordance with the procedure laid down for the collection of Land Revenue Arrears under Madras Act II. of 1864.

16
No. 5,778.

From R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue,
To W. HUDLESTON, Esq., Acting Secretary to Government, R. D.

SIR,

With reference to the Order of Government, under date 14th February 1865, No. 314, I am directed by the Board of Revenue to submit the accompanying revised Draft Act, to enable Government to prescribe and enforce rules for regulating the navigation of inland waters, rivers, canals, &c., and for the management of ferries, &c.

2. His Excellency in Council will observe, that all the directions of Government, as contained in the above Order, have been duly attended to with the exception of the proposed amendment of Section 10 of the old draft, now Section XIII. The Government desired that a more summary mode of procedure, for the levy of tolls, should be provided for, but this has been already done in the previous Section of the draft, in which provision is made for the seizure and sale of all articles carried over or across rivers, canals, &c., if the proper dues are not paid.

I have the honor to be,

Sir,

Your most obedient servant,

REVENUE BOARD OFFICE,
Madras,
18th September 1865.

To W. Hudleston, Esq., Acting Secretary to Government, R. D.,
with a Draft Act.

Exd. J. Wright.


Acting Secretary.

16
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Madras,
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Exd. J. Wright.


Acting Secretary.

100114-12649/65-12-0175
2/4/68

Dec. 1865. Department
 of War for details

No. 2664.

From the Acg. Secy. to the Board of Revenue,
To the Acting Secretary to Government R. D.

Dated 18th September 1865.

218
229

13.

El-
No. in the Legislative Deptt
No. 188

2/11 Nov. 56 No 3188
No. 5,778.

No. 5,778.

Ch 2533 - 18 February 1965

Submitting revised Draft Act to enable Government to prescribe and enforce rules for regulating the navigation of inland waters rivers, canals &c, and for the management of

5-6th Ave. New York City N.Y.

8A-2533.

Understand that the object
that alluded to in these proceed-
ings, as manifested by Appen-
dix, is to present to the de-
partment, to Government and the
Legislative Department for
their consideration the following
Council and the course.

184-0071/65

66487622

203-1968-

Yusuf Azeem