M.R.O. 14—18,000—27-6-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2784 Press ~~Mis.~~

229-230

Dated 18 — 11. 1865.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
15th November 1865.

No. 229 Read the following Proceedings of the Madras Government in the Legislative Department :—

Directing the introduction, with certain modifications, of the Bill to enable Government to prescribe and enforce Rules for regulating the navigation of inland waters and for the management of ferries, &c., into the next Legislative Council. } (Here enter 4th November 1865, No. 411.)

No. 230. ORDER THEREON, 15th November 1865, No. 2,784.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) J. GROSE,

Acting Under Secretary to Government.

Erd. S. T. Augustin.

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Proceedings of the Madras Government, Legislative Department,
4th November 1865.

Read the following papers:—

No. 1. Proceedings of Government in the Revenue Department.

Forwarding, for submission to the Council for making Laws and Regulations, a 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. } (Dated 18th October 1865, No. 2533.)

No. 2. Draft Bill prepared in the Revenue Department, and revised by the Acting Assistant Secretary.

A Bill to enable the Government to prescribe Rules for regulating the navigation of rivers, canals, and other inland waters, and for the management of ferries, and for the levying of tolls and license fees.

1. Whereas it is expedient to enable the Government to prescribe rules for the protection of rivers, canals, and other inland waters, 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 inland waters, and generally to regulate the traffic on the same, it is enacted as follows:—

2. It shall be lawful for the Governor of Fort Saint George in Council to make rules, and bye-laws not inconsistent with this Act, for regulating and prescribing all matters necessary for carrying into effect the provisions of this Act with respect to the several ferries, rivers, State canals, and other inland waters, the property of the State in this Presidency, provided that any person or persons having any vested interest in any existing ferry, whose interest shall be damaged or destroyed, by reason of the said rules or bye-laws, shall be duly compensated for the same.

3. The said rules or bye-laws, after they have been published in the Fort Saint George Gazette, and in the English and Vernacular languages in four successive issues of the local Gazette of the District to which they relate, shall have the same force and effect as if they had been herein enacted, and any person infringing the provisions thereof, or any of them, 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 two hundred Rupees, or to both.

4. It shall be lawful for the Governor of Fort Saint George in Council, by an order in Council, to declare any rivers, canals, or other inland waters, or the rivers, canals, or other inland waters in any particular District, subject to the provisions of this Act, and, by rules or bye-laws made and published as hereinbefore directed, to fix and prescribe tolls and license fees on licenses to be granted to boat owners or others, leviable at such rates and in such manner as shall be therein provided, and the same shall be levied at all ferries and upon boat owners and others, and upon all boats, timber-rafts, and floats plying on, or conveyed through, or within any part of such rivers, canals, or other inland waters declared subject to the provisions of this Act as aforesaid.

5. It shall be lawful for the Governor in Council to authorize the Board of Revenue to rent out the collection of the said fees or tolls to such persons, and in such manner, as he shall think fit.

6. The Governor in Council shall appoint, or shall authorize the appointment of toll-keepers with sufficient establishments, whose duty it shall be to levy the lawful tolls or fees fixed or approved and published as aforesaid; and to keep such accounts as the Governor in Council may from time to time direct, and all such persons shall be liable to the same responsibilities as would attach 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 such Superintending Officer as the Governor in Council may see fit to direct.

7. 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 inland waters 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.

8. 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 which they are invested by law in the exercise of their ordinary police duties.

9. It shall be lawful for any of the said toll-keepers, whether appointed by, or by order of, the Governor in Council, 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 inland waters, 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, 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 a sum not exceeding an equal amount 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.

10. 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.

Proceedings of the Madras Government, Legislative Department,
4th November 1865.

11. 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.

No. 3. ORDER THEREON, 4th November 1865, No. 411.

Upon consideration in the Legislative Department it was found desirable, for the sake of arrangement and clearness, to modify the original Draft in some respects, but the modifications do not affect the principle of the Bill. The only amendments requiring notice are the expunging of Sections 7 and 10 of the original Draft. These sections merely re-enact the existing law, and are, therefore, unnecessary.

2. The Governor in Council approves of the Bill appended to the foregoing Proceedings as now revised, and directs that it be introduced into the Council of the Governor at the next Meeting for the purpose of making Laws and Regulations. The Honorable H. D. Phillips will take charge of it.

(True Extract).

Under Secretary to Government.

To the Revenue Department.
" Board of Revenue.
" Honorable H. D. Phillips.

Exd. J. H. Burns.

4 S. Copies.

Rev = 1865. (No 5
Pro: of Govt for Fort St. 3188
Proceedings of the
Madras Govt in
the Legislative
Department

13/9

Dated 4th Novemr
Received 10th 1865.

No. 411.

Directing the re-
introduction, with cer-
tain modifications, of
the Bill to enable Govt to
prescribe & enforce Rules
for regulating the naviga-
tion of inland waters &
for the management of
ferries &c into the next
Legislative Council.

No. 2784

RECORDED.

15th Novemr
1865.