

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	314	Press
		~~Mis.~~
	275-276	
Dated	14. 2.	18 65.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
14th February 1865.*

No. 275. Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, dated Madras, 15th November 1864, No. 7,438 :—

SIR,

1. With reference to Government Order, dated 16th January 1864, No. 97, Revenue Department, and in continuation of the Board's Proceedings of this date, No. 7,437, I am directed by the Board of Revenue to submit the accompanying Draft of an Act to enable Government to prescribe and enforce rules for regulating the navigation of inland waters, rivers, canals, &c.; to levy tolls on boats plying on such canals; and to prevent damage thereto, &c.

2. The Board have caused the Bill to be drawn in such general terms as to enable Government to apply it by an order in Council prescribing rules, to any locality that may be deemed expedient, either on considerations of the safety or convenience of the public, or of the expenditure that may have been incurred by the State for the construction or improvement of such canal, river, &c.

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 in the Madras Presidency, and for preventing damages thereto, and to provide for the levying of tolls on all boats, timber rafts, and floats plying on, or conveyed through such river, canals, and other water works, 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 not inconsistent with the provisions of this Act so as to suit the cases of the several navigable rivers, canals, and other water works in this Presidency. 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, on conviction by a Magistrate, be liable to a penalty not exceeding Twenty-five Rupees, and in default of payment to imprisonment for a period not exceeding One Calendar Month.

III. Tolls or fees, according to such rate 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 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.

IV. The Government shall appoint or direct the appointment of Toll-keepers with establishments, whose duty it shall be to levy the lawful tolls fixed or approved and published as aforesaid; and to pay the same into such Treasury, and keep such accounts as the Government may from time to time direct.

V. Every person other than the persons so appointed to collect the tolls under this Act, who shall levy or demand upon the said navigable rivers, canals, and other water works any toll of the nature contemplated by this Act, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, 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, shall be deemed to have committed the offence of cheating, and shall be liable to such punishment as is prescribed for that offence by the Indian Penal Code.

VI. Any person who shall evade payment of the lawful toll, or who shall force his way into or on any of the said navigable 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 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.

Proceedings of the Madras Government, Revenue Department,
14th February 1865.

VII. Any person who shall unlawfully or maliciously interfere with or lessen the supply of, or damage any navigable river, canal or other water work, or who shall unlawfully and maliciously injure any building or construction erected for the purposes of, or in connection with, such system of navigation, shall be punishable under Section 426 or 427 of the Indian Penal Code, according to the amount of loss or damage caused by such mischief, that is to say, with imprisonment of either description 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 Rupees, or with fine or with both.

VIII. It shall be lawful for any of the said Toll-keepers or their Assistants, to detain any 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 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 navigable river, canal, &c., then it shall be lawful for Government, through their duly appointed officer, to attach and sell or cause to be sold by public auction the said 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 boat, raft, goods, &c.

IX. Any Toll-keeper or other person who, under color of this Act, shall unlawfully detain any 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 his immediate superior, or who shall demand or receive as toll any larger sum than is authorized by the rules or bye-laws, shall, on conviction before a Magistrate or other officer exercising the powers of a Magistrate, forfeit a sum not exceeding Two Hundred Rupees.

X. 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. 276.

ORDER THEREON, 14th February 1865, No. 314.

Miscellaneous.

1. The Governor in Council considers that the Draft Act submitted by the Board of Revenue needs revision in several respects.

2. Section I, as it is worded, would include private canals and tanks. Its operation should be restricted to State Canals, &c.

3. The penal part of Section II should form a separate Section, and the same penalties might be attached to breach of the rules as to disobedience of the lawful orders of a public servant under Section 188 of the Penal Code.

4. Section III should provide for the adoption of the licensing system expressly, and also enable Government to rent out the tolls at their option.

5. Section IV should admit of renters appointing toll-keepers, &c.

6. Section X should provide a more summary mode of procedure for the levy of tolls.

7. The Act should also enable Government to regulate the traffic on rivers, and a sentence to this effect should be added to Section I.

8. The Act should further enable Government to rent out the exclusive right of establishing ferries under rules framed by them.

9. The Board are requested to revise their draft with reference to the foregoing remarks.

(True Extract.)

Secretary to Government.

To the Board of Revenue.

E. d. S. T. Augustin.

DRAFT ACT.

designed for a capitol
of navigation.

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 in the Madras Presidency, and for preventing damages thereto, and to provide for the levying of tolls on all boats, timber rafts, and floats plying on, or conveyed through such river, canals, and other water works, 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 not inconsistent with the provisions of this Act so as to suit the cases of the several navigable rivers, canals, and other water works in this Presidency. 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, on conviction by a Magistrate, be liable to a penalty not exceeding Twenty-five Rupees, and in default of payment to imprisonment for a period not exceeding One Calendar Month.

III. Tolls or fees, according to such rate 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 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.

IV. The Government shall appoint or direct the appointment of Toll-keepers with establishments, whose duty it shall be to levy the lawful tolls fixed or approved and published as aforesaid; and to pay the same into such Treasury, and keep such accounts as the Government may from time to time direct.

V. Every person other than the persons so appointed to collect the tolls under this Act, who shall levy or demand upon the said navigable rivers, canals, and other water works any toll of the nature contemplated by this Act, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, 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, shall be deemed to have committed the offence of cheating, and shall be liable to such punishment as is prescribed for that offence by the Indian Penal Code.

VI. Any person who shall evade payment of the lawful toll, or who shall force his way into or on any of the said navigable 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 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.

VII. Any person who shall unlawfully or maliciously interfere with or lessen the supply of, or damage any navigable river, canal or other water work, or who shall unlawfully and maliciously injure any building or construction erected for the purposes of, or in connection with, such system of navigation, shall be punishable under Section 426 or 427 of the Indian Penal Code, according to the amount of loss or damage caused by such mischief, that is to say, with imprisonment of either description 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 greater amount than Fifty Rupees, or with fine or with both.

VIII. It shall be lawful for any of the said Toll-keepers or their Assistants, to detain any 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 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 navigable river, canal, &c., then it

and
belonging
to the
State

or
for
or
for
or
or

to which
this Act
may have
been de-
clared
applicable

to 6-90

has not order of a

X. 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. 743.

From W. HUDLESTON, Esq., Secretary to the Board of Revenue,
To J. D. SIM, Esq., Secretary to Government, R. D.

With reference to Government Order, dated 16th January-1864, No. 97, Revenue Department, and in continuation of the Board's Proceedings of this date, No. 7437, I am directed by the Board of Revenue to submit the accompanying Draft of an Act to enable Government to prescribe and enforce rules for regulating the navigation of inland waters, rivers, canals, &c.; to levy tolls on boats plying on such canals; and to prevent damage thereto, &c.

2. The Board have caused the Bill to be drawn in such general terms as to enable Government to apply it by an order in Council prescribing rules, to any locality that may be deemed expedient, either on considerations of the safety or convenience of the public, or of the expenditure that may have been incurred by the State for the construction or improvement of such canal, river, &c.

I have the honor to be,

Sir,

Your most obedient servant,

REVENUE BOARD OFFICE,

Melias,

15th November 1864.

Copy to E. G. R. Fane, Esq., Collector of Madras.

Secretary

Exd. J: Wright.

Received of Mr. J. W. Smith
 the sum of \$100.00
 for the purchase of
 the land of J. W. Smith
 in the County of
 the State of
 this 1st day of
 1885.

Proceedings of the Madras Government
Under date the 14th February 1865
(Read the following letter from the Secy
to the Board of Revenue -
(Here on 15th Feb 1865 at 10th 4th 38)

The whole seems a very crude bit
of work... in the first place how
did the Gov^t to protect a River or
Canal... - - - - -
Let desirable to levy a toll upon
boats plying upon a River, or
boats floating down it? -
are there not rules at present which
provide for the security of the banks
of tanks & the private channels
from them - -
In clause 2. it would seem that
the penalty should have some
proportion to the damage done -
a man or men who break the
bank of a tank may do an
amount of damage which
several hundred rupees would
repair - -
3. Levy as above the penalty of paying
the above boats going down a River
61. free his way into or on a
navigable River is an addition
besides of a man is floating down
a rapid River on a raft - he can
hardly be expected to anchor his raft
till the toll collector comes on board.

The fine can ride
that the Draft Act
submitted by the
Hd. of Rev. needs re-
vision in several
respects.

Section 1 as it is
worded would in-
clude private Canals
& Tanks - St. Martin
should be restricted
to State Canals &

and the second part
of Section 1 should
follow a similar para to
Section one & the
same penalties might
be attached to breach
of the rules as to
disobedience of the
lawful order of a

7/ how is man to damage a
navigable river? the character
of the damage should be specified -
Should imagine a man who
damages a Canal might be now
prosecuted under the sections of
the Penal Code
8/ how is the toll deeper at one point
to determine goods landed at another
points - the whole act
requires in my opinion to be
reconsidered & recast

No 16 dated 6/11/1865-1865
Cm. 3015-m

Recd. 1864. Department

No. 3022.
From the Secretary to the Board of Revenue,
To The Secretary to Government R. D.

Dated 15th November 1864.
For the Secy
Cm. 3015-m

No. 7438.

Submitting Draft of an Act to enable Govern-
ment to prescribe and enforce rules for regulating
the navigation of inland waters, rivers, canals, &c
to levy tolls on boats plying on such canals and
to prevent damage thereto.

Madras 14th Feb/65
173/614

The Draft Act will be
revised in some places
- to clear as far as possible
leaving its operation to
the Canal. (But I don't
in its present phrasing,
but there can be no doubt
that a line of the kind
proposed is necessary -
should first with it to
be revised by me or sent
to the Legislative Council to
be there with it.

173/614

Public Servant
under Sect 188
of the Penal Code.
Sect III should
provide for the addition
of the licensing system
expressly and also
enable pub. to work
out the tolls at their
option -

Sect IV. should
admind of keepers
appointing toll
keepers &c. &c. &c.
Sect V. should pro-
vide a more sum-
mary mode of pro-
cedure for the levy
of tolls -

The Act should
also enable pub. to
regulate the traffic
on rivers and a

This depends
on the decision
of pub. on the
question raised
in R.R. pers. ^{the} ~~the~~
circulated here.
with.

14 To the Board of Rev. Dec 15 Feb

sentence to the effect
should be added to
Sect I.

The Act should
for the ~~provide~~ enable
pub. to work out the
exclusive right of
establishing ferries
under rules framed
by them -

The R.R. are re-
quested to revise
their draft with
reference to the
foregoing remarks.

L. D. S.

Revenue 1865 Dept
Bo of Govt for study

No 314

Ord. No. 188-189

16-1-64

C. No. 3016/64

Bo of the Indian
Government of
M. Selamany/65

From Board of Revenue
of 18 Sept/65 C. No 2664

Returning to the
Board of Revenue for
revision the draft
Act for regulating
the Privy attem of
chil and waters
near Canadian River

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