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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st February 1889 :

Bill No. 2 of 1889.

THE INDIAN PORTS BILL.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Title, commencement and extent.
2. Repeal.
3. Definitions.

CHAPTER II.

POWERS OF THE LOCAL GOVERNMENT.

4. Power to extend or withdraw the Act or certain portions thereof.
5. Alteration of limits of ports.
6. Power to make port-rules.

CHAPTER III.

PORT-OFFICIALS AND THEIR POWERS AND DUTIES.

7. Appointment of conservator.
8. Powers of conservator to give and enforce directions for certain specified purposes.
9. Power to cut warps and ropes.
10. Removal of obstructions within limits of port.
11. Recovery of expenses of removal.
12. Removal of lawful obstructions.

SECTIONS.

13. Fouling of Government moorings.
14. Raising or removal of wreck impeding navigation within limits of port.
15. Power to board vessels.
16. Power to require crews to prevent or extinguish fire.
17. Appointment and powers of health-officer.
18. Indemnity to Government against act or default of port-official or pilot.

CHAPTER IV.

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

General Rules.

19. Injuring buoys, beacons and moorings.
20. Wilfully loosening vessel from moorings.
21. Improperly discharging ballast.
22. Graving vessel within prohibited limits.
23. Boiling pitch on board vessel within prohibited limits.
24. Drawing spirits by unprotected artificial light.
25. Warping.
26. Leaving out warp or hawser after sunset.
27. Discharge of fire-arms in port.
28. Penalty on master omitting to take order to extinguish fire.
29. Unauthorized person not to search for lost stores.
30. Removing stones or injuring shores of port prohibited.

Special Rules.

31. Moving of vessels without pilot or permission of harbour-master.
32. Provision of certain vessels with fire-extinguishing apparatus.

The Indian Ports Bill.

(Chapter I.—Preliminary.—Sections 1-2.)

CHAPTER V.

SECTION.

PORT-DUES, FEES AND OTHER CHARGES.

33. Levy of port-dues.
34. Variation of port-dues by Local Government.
35. Receipt, expenditure and account of port-charges.
36. Receipts for port-charges.
37. Master to report arrival.
38. Conservator may in certain cases ascertain draught and charge expense to master.
39. Ascertainment of tonnage of vessel liable to port-dues.
40. Distraint and sale on refusal to pay port-charges.
41. No port clearance to be granted until port-charges are paid.
42. Port-charges payable in one port recoverable at any other port.
43. Penalty for evading payment of port-charges.
44. Port-due on vessels in ballast.
45. Port-due on vessels not discharging or taking in cargo.
46. Port-dues not chargeable on pleasure-yachts or on vessels re-entering from stress of weather.
47. Power to impose hospital port-dues.
48. Application of hospital port-dues.
49. Fees for pilotage and certain other services.

CHAPTER VI.

HOISTING SIGNALS.

50. Master to hoist number of vessel.
51. Pilot to require master to hoist number.
52. Penalty on pilot disobeying provisions of this Chapter.

CHAPTER VII.

PROVISIONS WITH RESPECT TO PENALTIES.

53. Penalty for disobedience to rules and orders of the Local Government.
54. Offences how triable, and penalties how recovered.
55. Costs of conviction.
55. Ascertainment and recovery of expenses and damages payable under this Act.
57. Costs of distress.
58. Magistrate to determine the amount to be levied in case of dispute.
59. Jurisdiction over offences beyond local limits of jurisdiction.
60. Conviction to be quashed on merits only.

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

61. Hoisting unlawful colours in port.
62. Foreign deserters.
63. Application of sections 10 and 21.
64. Application of Maulmain and Bassein port-dues.
65. Validation of irregular contributions.
66. Grant of sites for sailors' institutes.
67. Exercise of powers of conservator by his assistants.
68. Service of written notices of directions.
69. Publication of orders of Local Government.

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.

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 or 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;

XII of 1875.

(b) to the other ports or parts of navigable rivers or channels to which the Local Government, in exercise of the power hereinafter conferred, extend 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 section 31 or section 32 shall apply to any port, river or channel to which the section has not been specially extended by the Local Government.

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

(2) All declarations, appointments, requisitions, orders and rules made, authorisations, directions and permissions given, prohibitions issued and notifications published under any of those enactments or under any enactment repealed by any of them shall, if in force at the commencement of this Act, be deemed, so far as may be, to have been made, given, issued and published under this Act: and

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

The Indian Ports Bill.

(Chapter I.—Preliminary.—Section 3; Chapter II.—Powers of the Local Government.—Sections 4-6.)

Definitions.

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

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

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

(3) "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:

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

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

(6) "ton" means a ton as determined or determinable by the rules for the time being in force for regulating the measurement of the tonnage of British ships: and

(7) "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.

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

Power to extend or withdraw the Act or certain portions thereof.

Gazette,—

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

(b) specially extend the provisions of section 31 or section 32 to any port to which they have not been so extended;

(c) withdraw this Act, or section 31 or section 32, 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) shall define the limits of the area 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 or good government of the port and its approaches, 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. (1) 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.

(2) When the Local Government alters the limits of a port under sub-section (1), it shall 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.

6. The Local Government may, in addition to any rules which it may make under any other enactment for the

Power to make port-rules.

time being in force, make such rules, consistent with this Act, as it thinks necessary for any of the following purposes, namely:—

(a) for regulating the time at which, and the manner in which, vessels are to enter or leave 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 being in or attached to vessels in any such port;

(e) for regulating vessels whilst taking-in or discharging passengers, 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, chains 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 catamarans plying for hire, and cargo, passenger and other boats plying, whether for

[Act XII, 1875, s. 4.]

[Act XII, 1875, s. 6.]

[Act XII, 1875, s. 7.]

[New.]

X of 1882.

[Act XII, 1875, s. 5.]

[Partly new.]

[Partly new.]

The Indian Ports Bill.

(Chapter III.—Port-officials and their Powers and Duties.—Sections 7-11.)

hire or not and whether regularly or only intermittently, in, or partly within and partly without, any such port, and for determining the quantity of cargo or number of passengers to be carried by any such vessel;

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

[Partly new.]

(m) for enforcing and regulating the use of signals or signal-lights by vessels by day or by 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;

[New.]

(o) for regulating the employment of persons engaged in cleaning or painting vessels, or in working in the bilges, boilers or double bottoms of vessels, in any such port.

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.

9. The conservator of any such port may, in [Act XII, 1875, s. 10.]

Power to cut warps and ropes. 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.

10. (1) The conservator may remove, or cause [Act XII, 1875, s. 11.]

Removal of obstructions within limits of port. to be removed, any timber, raft or other thing, floating or being in any part of any such port, which in his opinion obstructs or impedes the free navigation thereof or 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 free navigation or lawful use, 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.

11. If the owner of any such timber, raft or [Act XII, 1875, s. 12.]

Recovery of expenses of removal. 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 reasonable expenses incurred in 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, the conservator may cause such timber, raft or other thing, or the materials of any 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.

CHAPTER III.

PORT-OFFICIALS AND THEIR POWERS AND DUTIES.

7. (1) The Local Government shall appoint [Act XII, 1875, s. 8.]

Appointment of conservator.

some officer or body of persons to be conservator of every port subject to this Act, and may suspend or remove such officer or body.

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

(a) in ports where there is a port-officer, the port-officer shall be the conservator;

(b) in ports where there is no port-officer, 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.

8. (1) The conservator of any port subject to [Act XII, 1875, s. 9.]

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

this Act may, with respect to 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

*The Indian Ports Bill.**(Chapter III.—Port-officials and their Powers and Duties.—Sections 12-17.)*[Act XII,
1875, s. 13.]

12. (1) If any obstruction 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.

[Act XII,
1875, s. 14.]

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 expenses 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.

[Act XII,
1875, ss. 15
and 44.]

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 reasonable 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.

[Act XII,
1875, s. 16.]

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 com-

mitted, or whenever it is necessary for him so to do in the performance 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 in 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 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.

16. (1) For the purpose of preventing or extinguishing fire in any port subject to this Act, the conservator or port-officer may require the master of any vessel 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 or port-officer for the purpose aforesaid, refuses to obey such orders shall be punished with fine which may extend to twenty-five rupees.

(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 or port-officer for the purpose aforesaid, refuses to obey such orders shall be punished with fine which may extend to twenty-five rupees.

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 vessel and medically examine all or any of the seamen or apprentices on board the vessel;
- (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 enquiring into the health and medical condition of the persons on board the vessel;
- (d) power to call before him and examine for any such purpose all or any of those persons and to require true answers to any questions which he thinks fit to ask;
- (e) power to require any person so examined to make and subscribe a declaration of the truth of the statements made by him.

The Indian Ports Bill.

(Chapter III.—Port-officials and their Powers and Duties.—Section 18; Chapter IV.—Rules for the Safety of Shipping and the Conservation of Ports.—Sections 19-26.)

[Act XII,
1875, s. 19.]

18. The Government shall not be responsible for any act or default of any conservator, port-officer or harbour-master of any port subject to this Act, or of any deputy or assistant of any of the authorities aforesaid, or of any person acting under the control or direction of any such authority, deputy or assistant, or for any act or default of any pilot, or 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 CONSERVATION OF PORTS.

General Rules.

[Act XII,
1875, s. 20.]

19. (1) No person shall, without lawful excuse, 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.

[Act XII,
1875, s. 21.]

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.

[Act XII,
1875, s. 22.]

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 of the following persons, namely:—

(a) any person who by himself or another so casts or throws any ballast or rubbish or any such other thing;

(b) the master of any vessel from which the same is so cast or thrown;

(c) 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 and shall pay any reasonable 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.

22. If any person graves 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.

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.

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.

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 or hawsers 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 or hawser 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.

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.

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.

[I. L. R., 9
Cal., 849.]

The Indian Ports Bill.

(Chapter IV.—Rules for the Safety of Shipping and the Conservation of Ports.—Sections 27-32 ;
Chapter V.—Port-dues, Fees and other Charges.—Section 33).

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

27. If any person, without lawful excuse, discharges any fire-arm in any port subject to this Act, or on or from any pier, landing place, 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.

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 or obstructs the conservator or the port-officer, or any person acting under the authority of the conservator or port-officer, in extinguishing or attempting 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.

29. (1) No person, without the permission of the conservator, shall in any port subject to this Act 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.

30. (1) No person without the permission of the conservator shall in any port subject to this Act remove or carry away any rock, stones, shingle, gravel, sand 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 the conservator 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 any reasonable expenses which may be incurred in repairing any injury done by him to the bank or shore.

Special Rules.

31. (1) No vessel of the burden of two hundred tons or upwards shall enter, leave or be moved in any port to which this section has been specially extended without having a pilot, harbour-master or assistant of the port-officer or harbour-master on board ;

and no vessel of any burden less than two hundred tons and exceeding one hundred tons shall enter, leave or be moved in any such port without having a pilot, harbour-master or assistant of the port-officer or harbour-master on board, 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, leaves 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 port-officer 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 entering, leaving or being moved in the port of Bombay. [Act XVII, 1882, s. 2.]

(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.

32. (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. [Act XII, 1875, s. 39.]

(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.

CHAPTER V.

PORT-DUES, FEES AND OTHER CHARGES.

33. (1) In each of the ports mentioned in the first schedule such port-due, 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. [Act XII, 1875, s. 45.]

(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,—

(a) in the terms of any of the entries in the second column of the first schedule, the

[Act XII, 1875, s. 35.]

[Act XII, 1875, s. 36.]

[Act XII, 1875, s. 40.]

[Act XII, 1875, s. 41.]

[Act XII, 1875, s. 38.]

The Indian Ports Bill.

(Chapter V.—Port-dues, Fees and other Charges.—Section 34-37.)

vessels which are to be chargeable with port-dues on entering the port,

- (b) the highest rates at which such dues may be levied in respect of vessels chargeable therewith, and
- (c) the times at which such vessels are to be so chargeable;

(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.

Act XII,
1875, s. 46.]

34. The Local Government or, in the case of

Variation of port-dues by Local Government. the port of Bombay, the Board of Trustees of that port may from time to time exempt the vessels entering a port subject to this Act from payment of port-dues and cancel the exemption, or may from time to time vary the rates 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.

[Cf. Act XII,
1875, ss. 47
and 48.]

35. (1) The Local Government shall appoint some officer or body of persons 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 officer or body 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 April 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 :

Provided, with respect to the ports of Calcutta, Madras, Bombay, Karachi and Rangoon, that none of those ports may be grouped with any other port, and that the port fund account of each of those ports shall be kept separate from the port fund account of any other port.

(7) Subject to the provisions of any local law as to the disposal of any balance from time to time standing to the credit of a port fund account, any such balance may be temporarily invested in such manner as the Local Government may direct.

36. The person to whom any dues; fees or Receipts for port-charges. 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.

37. (1) Within twenty-four hours after the Master to report arrival. arrival within the limits of any port subject to

*The Indian Ports Bill.**(Chapter V.—Port-dues, Fees and other Charges.—Sections 38-42.)*

this Act of any vessel liable to the payment of port-dues under this Act the master of the vessel shall report her 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.

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.

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

(1) (a) If the vessel is a British registered vessel, or a vessel registered under Act X of 1841 or Act XI of 1850 or under any other law for the time being in force for the registration of vessels in British 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.

(b) 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, according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of British ships, and in such case the owner or master of the vessel shall also be liable to pay the expenses of the measurement.

(2) 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 any other law for the time being in force for the registration of vessels in British 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 rules for the time being in force for regulating the measurement of British ships, the conservator shall cause the vessel to be measured and the tonnage thereof to be ascertained, according to the mode aforesaid, and in such case the

owner or master of the vessel shall be liable to pay the expenses of the measurement.

(3) If the vessel is a vessel of which the tonnage cannot be ascertained according to the mode of measurement mentioned in clauses (1) and (2), the tonnage of the vessel shall be determined by the conservator on such an estimate as may seem to him to be just of the burden of the vessel.

40. If the master of any vessel in respect of which any port-dues, fees or other charges are payable under this Act

Distrain and sale on refusal to pay port-charges.

refuses or neglects to pay the same on demand, the authority 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.

41. The officer of Government whose duty it is to grant a port-clearance for any vessel shall

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

(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.

42. (1) If the master of any vessel in respect of which any such sum as is mentioned in the last

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

foregoing section is payable causes her to leave any port without having paid the sum, the authority appointed to receive port-dues, fees and other charges at the port under this Act may require in writing the authority 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 authority 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 by the authority appointed to receive port-dues, fees and other charges at

[Act XII, 1875, s. 50.]

[Act XII, 1875, s. 51.]

[Act XII, 1875, s. 52.]

[Act XII, 1875, s. 53.]

17 & 18 Vict., c. 104.

[Act XII, 1875, s. 54.]

The Indian Ports Bill.

(Chapter V.—Port-dues, Fees and other Charges.—Sections 43-50.)

the port where such sum as is mentioned in the last foregoing section became payable, stating the amount payable, shall be sufficient *prima 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.

[Act XII,
1875, s. 55.]

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 *prima 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.

[Act XII,
1875, s. 56.]

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 at a rate to be determined by the Local Government or, in the case of the port of Bombay, by the Board of Trustees of that port, and not exceeding three-fourths of the rate with which she would otherwise be chargeable.

[Act XII,
1875, s. 57.]

45. When a vessel enters a port subject to this Act, but does not discharge or taking in cargo or passengers therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), she shall be charged with a port-due at a rate to be determined by the Local Government or, in the case of the port of Bombay, by the Board of Trustees of that port and not exceeding half the rate with which she would otherwise be chargeable:

Provided that a 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 not be charged with any port-due.

[Act XII,
1875, s. 58,
and Act
XVII, 1882,
s. 3.]

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.

47. (1) The Local Government may, by notification in the official Gazette, order that there shall be paid in respect of every vessel 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.

[Act XII,
1875, s. 59.]

(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 local official Gazette.

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

[New.]

(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).

[Act V, 1885,
s. 4.]

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 the port in which they are levied and for the seamen belonging to the ships therein, whether such seamen are ashore or afloat.

[Act XII,
1875, s. 60.]

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:

[Act XII,
1875, s. 61.]

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.

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

[Act XII,
1875, ss. 62
and 63.]

The Indian Ports Bill.

(Chapter V.—*Port-dues, Fees and other Charges.*—Sections 48-49; Chapter VI.—*Hoisting Signals.*—Sections 51-52); Chapter VII.—*Provisions with respect to Penalties.*—Sections 51-60.)

Hooghly, or within the limits of any part of a river or channel leading to a port 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.

[Act XII,
1875, s. 63.]

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.

[Act XII,
1875, s. 63.]

52. Any pilot in charge of a vessel who disobeys, or abets 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.

[Act XII,
1875, s. 42.]

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

[Act XII,
1875, s. 66.]

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.

[Act XII,
1875, s. 67.]

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 recovered in the same manner as any fine under this Act.

56. (1) If any dispute arises as to the sum to be paid in any case as expenses or damages under this Act, it shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.

(2) Whenever any person is liable to pay any sum, not exceeding one thousand rupees, as expenses or damages under this Act, any Magistrate, upon application made to him by the authority to whom the sum is payable, may, in addition to or instead of any other means for enforcing payment, recover the sum as if it were a fine.

57. Whenever any fine, expenses or damages 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, expenses or damages, and in the same manner.

58. If any dispute arises concerning the amount leviable by any distress or arrest under this Act or the 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 as if they were a fine.

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.

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 quashed on merits only.

[Act XII,
1875, ss. 68
and 76 :
of Act X,
1875, s. 46.]

[Act XII,
1875, s. 69.]

[Act XII,
1875, s. 70.]

[Act XII,
1875, s. 71.]

[Act XII,
1875, s. 72.]

*The Indian Ports Bill.**(Chapter VIII.—Supplemental Provisions, Sections 61—69.)*

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.

[Act XII, 1875, s. 73.] 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, pennant or colours, the use whereof on board such vessel has been prohibited by the Merchant Shipping Act, 1854, 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, pennant or colours so unlawfully hoisted, carried or worn on board the same.

[Act XII, 1875, s. 74.] 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.

[Act XII, 1875, s. 75.] 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 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 ports 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.

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 pies per ton, be applicable in the first place to defray the expenses of maintaining the existing port-lights of Burma.

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 from the fund.

66. Any local authority in which any immovable property in or near a port is vested may, with the previous sanction of the Local Government, 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.

67. (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.

68. 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.

69. 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 kept in the office of the conservator and at the custom-house, if any, of every port to which the declaration, order or rule relates and shall there be open at all reasonable times to the inspection of any person without payment of any fee.

[Act XII, 1875, s. 73.]

17 & 18 Vict., c. 104.

[Act XII, 1875, s. 74.]

15 & 16 Vict., c. 26.

[Act XII, 1875, s. 75.]

[Act XII, 1875, s. 77, and Act IX, 1879, s. 17.]

[New.]

[17 & 18 Vict., c. 104, s. 54.]

[Act XII, 1875, s. 18.]

[Act XII, 1875, s. 9.]

[Act XII, 1875, s. 42, and Act V, 1885, s. 1.]

*The Indian Ports Bill.**(The First Schedule.—Ports, Vessels chargeable, Rate of Ports-dues and Frequency of Payment.)*

THE FIRST SCHEDULE.

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

(See Sections 1 and 33.)

PART I—BENGAL.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Calcutta	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton: provided that, in the case of <i>dhonis</i> 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 <i>dhonis</i> 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 the 31st December, in each year.
Chittagong	Sea-going vessels of ten tons and upwards.	Not exceeding four and a half annas per ton.	Whenever the vessel enters the port, except in the case of mail-steamers and coasting vessels, which shall not be chargeable more than once in sixty days.
	Tug-steamers and river-steamers.	Ditto	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December, in each year.
Cuttack Ports,— namely, False Point and Pooree.	Sea-going vessels of ten tons and upwards.	Not exceeding four annas per ton.	Whenever the vessel enters any one of the ports, except in the case of mail-steamers and coasting vessels, which shall not be chargeable more than once in sixty days.
Balasore Ports,— namely, Balasore, Chúráman, Laichunpur, Chánua, Subarnarekha, Dhenra (Chandbally) and Sartha.	Ditto	Ditto	Ditto

The Indian Ports Bill.

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

PART II.—MADRAS PRESIDENCY.

Name of Port.		Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1		2	3	4
Madras		Sea-going vessels of fifteen tons and upwards.	<i>Foreign Vessels.</i>	
<i>Eastern Group.</i>			<p>(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.</p> <p>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.</p> <p>(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.</p> <p>The due is payable on each entry into the port.</p> <p>(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.</p> <p>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.</p> <p>(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.</p> <p>The due is payable once for the voyage.</p> <p style="text-align: center;"><i>Coasting Vessels:</i></p> <p>(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.</p> <p>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.</p> <p>(f) In the case of a coasting steamer—</p> <p>(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;</p> <p>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.</p> <p>(2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton;</p> <p>The due is payable once in thirty days.</p> <p>(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.</p> <p>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.</p>	
District. Port.				
Ganjam ...	1. Gopálpur.			
	2. Sonnapuram.			
	3. Baruva.			
	4. Púndi.			
	5. Calingapatam.			
Vizagapatam.	6. Konnda.			
	7. Bimlipatam.			
	8. Vizagapatam.			
	9. Pudimadaka.			
	10. Pentakota.			
Godávari ...	11. Uppada.			
	12. Cocanada.			
	13. Coringa.			
	14. Bendamurulanka.			
	15. Narsápur.			
	16. Perupalem.			
Kistna ...	17. Masulipatam.			
	18. Penumudi.			
	19. Morutota.			
	20. Nagayalanka.			
	21. Kottapalem.			
	22. Gangadipalem.			
	23. Nizampatnam.			
	24. Ipurupalem.			
	25. Boçduvanipalem.			
	26. Motupalle.			
Nellore ...	27. Kanuparti.			
	28. Kottapatnam.			
	29. Itamukkala.			
	30. Pakala.			
	31. Karedu.			
	32. Ramayapatnam.			
	33. Chennayypalem.			
	34. Tummalapenta.			
	35. Juvaladinne.			
	36. Iskapalle.			
	37. Ponnapudi.			
	38. Maipadu.			
	39. Kistnapatnam.			
40. Pamanji.				
41. Tupili.				
42. Dugarazpatnam.				
43. Fudi.				
Chingleput...	44. Pulicat.			
	45. Ennore.			
	46. Covelong.			
South Arcot.	47. Marakanam.			
	48. Cuddalore.			
	49. Porto Novo.			

The Indian Ports Bill.

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

PART II.—MADRAS PRESIDENCY—continued.

Name of port.		Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1		2	3	4
<i>Eastern Group—continued.</i>				
District.	Port.		<i>Foreign Vessels.</i>	
Tanjore ...	50. Tirumalavasal.	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.
	51. Kodiyampalayam.			
	52. Tranquebar.			
	53. Nagore.			
	54. Negapatnam.			
	55. Velankani.			
	56. Topputturai.			
	57. Point Calimere.			
	58. Mutupet.			
	59. Adirampatnam.			
	60. Gopalapatnam.			
61. Kattumavadi.				
Madura ...	62. Krishnajipatnam.		(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.
	63. Ammapatnam.		(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.
	64. Kottapatnam.		(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.
	65. Sundarapandivapatnam.		<i>Coasting Vessels.</i>	
	66. Pasipatnam.		(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.
	67. Damodarapatnam.		(f) In the case of a coasting steamer—	
	68. Tondi.		(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.
	69. Nambitalai.		(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 once in thirty days.
	70. Pudupatnam.		(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.
	71. Karangadu.			
	72. Tiruppallankudi.			
73. Devipatnam.				
74. Mudiyapatnam.				
75. Attankarai.				
76. Emanangundu.				
Tinnevely ...	77. Pillaimadam.			
	78. Pambain.			
	79. Ramesvaram.			
	80. Mandapam.			
	81. Vedalai.			
Western Group.	82. Marakkayapatnam.			
	83. Muttupettai.			
	84. Klakarai.			
	85. Ervadi.			
	86. Valinokkam.			
Malabar ...	87. Vaippar.			
	88. Tuticorin.			
	89. Kayalpatnam.			
	90. Kulasekharapatnam.			
	91. Cochin.			
92. Arrupuram.				
93. Kukkuyi.				
94. Madayi.				
95. Attakuri.				
96. Chāvākād.				
97. Veliyangod.				
98. Ponāni.				
99. Kuttayi.				
100. Parapanna.				
101. Tanur.				
102. Pappanangādi.				
103. Kadalvandi.				
104. Bepore.				

The Indian Ports Bill.

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

PART II.—MADRAS PRESIDENCY—concluded.

Name of port.		Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1		2	3	4
<i>Western Group—continued.</i>			<i>Foreign Vessels.</i>	
District.	Port.	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.
Malabar —continued.	105. Molakkadava.		(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.
	106. Calicut.		(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.
	107. Pudiyangadi.		(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.
	108. Elaturu.			
	109. Kappatta.			
	110. Qu a di.			
	111. Kollam.			
	112. Kadalura.			
	113. Trikodi.			
	114. Kottakkal.			
	115. Badagara.			
	116. Muttankal.			
	117. Chompayi.			
	118. Kallayi.			
	119. Talayi.			
120. Tellicherry.				
121. Dharmapatnam.				
122. Ezhara.				
123. Cannanore.				
124. Padiyangadi.				
125. Palapatnam (Baliapatnam).				
126. Ettikulam.				
127. Kavvayi.				
128. Hosdrug.				
129. Baikul.				
130. Kásaragód.				
131. Kumbale.				
132. Manjevara.				
133. Mangalore.				
134. Mulki.				
135. Padubidri.				
136. Ermala.				
137. Uchhila.				
138. Kaph.				
139. Udiyavara.				
140. Melpé.				
141. Barkur or Hangarkatta.				
142. Coondapoor.				
143. Nyakinakutte (Nayakankotfai).				
144. Baidur.				
145. Siruru.				
South Canara				
			<i>Coasting Vessels.</i>	
			(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.
			(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 once in thirty days.
			(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.

Explanations to Part II of the First Schedule.

Explanation 1.—In this Part of the Schedule—

(a) “ship” means a sailing vessel, and “steamer” a steam-vessel ;

(b) “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 Sind and the south-eastern-most part of Burma ; and “coasting steamer” includes a coasting steam-vessel having a general pass under section 164 of the Sea Customs Act, 1878 ;

(c) “foreign ship” or “foreign steamer” means respectively a ship or steamer not being a coasting ship or coasting steamer.

Explanation 2.—As regards the levy of port-dues, each of the following pairs of ports, namely, Cocanada and Coringa, Nagore and Negapatam, Beypore and Calicut, is to 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 dues on entering the other of the same pair immediately after leaving the one in which the dues were charged and taken.

*The Indian Ports Bill.**(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of payment.)*

PART III.—BOMBAY PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Bombay ...	Sea-going vessels of ten tons and upwards (except fishing-boats).	Not exceeding four annas per ton, 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.	Ditto ...	Once between the 1st January and the 30th June, and once between the 1st July and 31st December, in each year.
<i>Northern Group of Ports—</i>			
1. Gogha ...	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 may be charged at a rate to be determined by the Local Government and not exceeding 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. Dholera ...			
3. Tankári ...			
4. Dehegám ...			
5. Dehej ...			
6. Broach ...			
7. Bhagwá ...			
8. Surat ...			
9. Matwád ...			
10. Bulsár ...			
11. Umarsádi ...			
12. Kolak ...			
13. Kálai ...			
14. Maroli ...			
15. Umbargám ...			
16. Gholwad ...			
17. Dáhánu Creek ...			
18. Tárápur ...			
19. Olivará Navápur ...			
20. Sátpáti Creek ...			
21. Máhim (Kelva) ...			
22. Kelva ...			
23. Dántiora ...			
24. Arnála ...			

The Indian Ports Bill.

(*The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of payment.*)

PART III.—BOMBAY PRESIDENCY—*contd.*

Name of port.	Vessels chargeable.	Rate of Port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
<i>Southern Group of Ports—</i>			
1. Bándra... 2. Vesáva... 3. Manori... 4. Utan... 5. Bassein... 6. Bhiwndi... 7. Kalyán... 8. Thána... 9. Trombay... 10. Panvel... 11. Karanjá... 12. Rowas... 13. Nágothna... 14. Thal... 15. Alibág... 16. Revdanda... 17. Mándád... 18. Bánkót... 19. Kelshi... 20. Harnai... 21. Anjanwel... 22. Borya... 23. Jaygad... 24. Varavdá... 25. Ratnágiri... 26. Purangad... 27. Jaytápur... 28. Vijaydurg... 29. Devgad... 30. Achra... 31. Málvan... 32. Nivti... 33. Vengurla... 34. Redi... 35. Terekhol... 36. Kárwár, including Baitkhol. 37. Chendiya... 38. Ankolá... 39. Gangávali... 40. Tadri... 41. Kumpta... 42. Honávar... 43. Murdeshwar... 44. Shiráli... 45. Bhatkal...	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 may be charged at a rate to be determined by the Local Government and not exceeding 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.
Karáchi...	Ditto... Tug-steamers and river-steamers.	Four annas per ton... Ditto...	Once in three months. Once between the 1st January and the 30th 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 Indian Ports Bill.

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)
(The Second Schedule.—Enactments repealed.)

PART IV.—BURMA.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Rangoon	Sea-going vessels of ten tons and upwards. Tug-steamers and river-steamers.	Not exceeding six annas per ton. Not exceeding four annas per ton.	Once in sixty days. Once between the 1st January and the 30th June, and once between the 1st July and the 31st December, in each year.
Maulmain	Sea-going vessels of ten tons and upwards, but less than twenty-five tons. Sea-going vessels of twenty-five tons and upwards.	Not exceeding four annas per ton. Not exceeding five annas six pie per ton.	Once in sixty days. Ditto.
Kyauk-Phyu	Sea-going vessels of ten tons and upwards.	Not exceeding four annas per ton.	Ditto.
Akyab	Ditto	Ditto	Ditto.
Bassein	Sea-going vessels of ten tons and upwards, but less than twenty-five tons. Sea-going vessels of twenty-five tons and upwards.	Ditto Not exceeding five annas six pie per ton.	Ditto. Ditto.
Tavoy	Sea-going vessels of ten tons and upwards.	Not exceeding four annas per ton.	Ditto.
Mergui	Ditto	Ditto	Ditto.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See Section 2.)

Number and year.	Subject or title.	Extent of repeal.
<i>Acts of the Governor General in Council.</i>		
XII of 1875	Indian Ports Act, 1875	So much as has not been repealed.
X 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.
<i>Act of the Governor of Fort St. George in Council.</i>		
II of 1872	Madras Port Rules	The whole.

STATEMENT OF OBJECTS AND REASONS.

Fourteen years have passed since the law relating to Indian ports and port-dues was last consolidated. During that time places which were ports have ceased to be so, and places which were not previously ports have had the Ports Act of 1875 extended to them. The Act has itself been amended by no fewer than nine Acts, and a Bill for further amending it was pending in the Council of the Governor General when proposals for the introduction of a further Bill for still further amending the Act were received by the Government of India. In these circumstances it appeared to the Government that the time had come for again consolidating, as well as amending, the law relating to ports and port-dues. A Bill was accordingly prepared in October last and submitted for the criticism of the Governments of Madras, Bombay, Bengal and Burma. The replies of those Governments, and the opinions of the authorities consulted by them, have now been received and considered, and the Bill has been amended accordingly. Effect has not been given to all the suggestions received, partly because some will, it is believed, be more suitably complied with in a Bill which is about to be introduced into the Council of the Lieutenant-Governor of Bengal, and partly because others are such as should, in the opinion of the Government of India, be left for consideration by the Select Committee, which will have the advantage of hearing what the mercantile members of the Council have to say about them.

2. The principal amendments which it is proposed to effect in the existing law will now be stated in the order of the sections and schedules in which they occur in the Bill:—

- (1) *Section 1, sub-section (5).*—It has been proposed by the Government of Bengal that sections 40 and 41 of the Act of 1875 (sections 29 and 30 of the Bill) should apply to all ports without being specially extended thereto.
- (2) *Section 3, clause (G).*—The definition of the word “ton” has been added for the purpose of giving effect to a proposal made by the Board of Trustees for the Port of Bombay.
- (3) *Section 6, clause (e).*—The mention of “passengers” is suggested by the Governor of Bombay in Council and the Lieutenant-Governor of Bengal.
- (4) *Section 6, clauses (k) and (m).*—These clauses have been re-modelled in the direction suggested by the Lieutenant-Governor of Bengal and the Governor of Bombay in Council, respectively.
- (5) *Section 6, clause (o).*—This clause has been proposed by the Board of Trustees for the Port of Bombay, and is believed to be as necessary for other ports in India as for that port.
- (6) *Section 21, sub-section (2), clause (c).*—This clause is suggested by the case reported at I. L. R., 9 Cal., 849.
- (7) *Section 35, sub-section (5), clause (c) and section 65.*—These clauses are designed to authorise for the future, and validate as regards the past, certain contributions which Port Commissioners and Trustees make in aid of sailors’ homes, coffee-houses and other institutions for purposes connected with the well-being of seamen ashore. Apart from legal considerations, the action of Port Commissioners and Trustees in this matter appears to have been, and to be, generally defensible and proper.
- (8) *Section 39, clause (3).*—This clause has been suggested by the Commissioner of Customs at Bombay to meet the case of firewood and other articles being conveyed from one port to another on rafts which are incapable of being measured as ships.
- (9) *Section 47, sub-section (4).*—The addition to this clause has been suggested by the Lieutenant-Governor of Bengal to meet the case of native seamen in the coasting brigs plying from Chittagong. These brigs are manned almost entirely by men of the Chittagong District, who, when ill, do and will continue to go to their homes. Provision for giving medical aid to these seamen at Chittagong is not necessary, but the want of such provision there for Europeans is much felt.
- (10) *Section 66.*—This clause reproduces a section of the Merchant Shipping Act, 1854, which is in force in the United Kingdom, and may be found useful in British India, where most local authorities are now bodies corporate, with their powers as to the disposition of their property strictly defined.
- (11) *First Schedule, Parts I and IV.*—It is proposed that tug-steamers and river-steamers at Chittagong and Rangoon pay a rate not exceeding four and a half annas and four annas, respectively, per ton every half-year.
- (12) *First Schedule, Part II.*—This Part of the Schedule is still unsettled, its details being under the consideration of the Governor of Port St. George in Council and local experts, including the members of the Madras Chamber of Commerce.
- (13) *First Schedule, Part III.*—The rate of port-dues for coasting steamers visiting ports of the Northern and Southern Groups in the Bombay Presidency has, at the instance of the Commissioner of Customs and the Collector of Salt-revenue, been modified in favour of ship-owners.

(14) *Second Schedule.*—It will be for the consideration of the Government of Madras whether Act II of 1872 of the Governor in Council need be maintained. It is obviously desirable that the power to make port-rules should be as uniform as possible for the whole of British India, and it appears that, up to the beginning of last year at any rate, it had not been found by the Madras Government to be necessary to make any rules under its Act of 1872.

It may here be observed that a clause in the direction of clause XVI in that Act has been supported by the Board of Trustees for the Port of Bombay, but has not been adopted at this stage of the Bill because a power to detain the master, and therefore his ship, for the purposes of a departmental inquiry as to the conduct of a port-official or pilot ought not, in the opinion of the Government of India, to be given unless the power is conclusively proved to be necessary in the public interests.

The power conferred on the Madras Government by clause XVII in its Act of 1872 for regulating the use of day-signals is proposed to be taken in clause (m) of section 6 of the Bill.

3. The chief authorities of Indian ports having already been consulted on the Bill as circulated in October last, it is requested that opinions on the revised Bill may be furnished to the Government of India, in the Legislative Department by the 1st of March 1889.

The 30th January 1889.

(Signed) D. BARBOUR.

S. HARVEY JAMES,
Secretary to the Government of India.