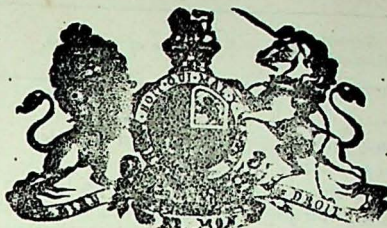


THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 22ND JULY 1886.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

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 7th July 1886, and was referred to a Select Committee:—

Bill No. 12 of 1886.

A Bill to amend the Indian Ports Act, 1875.

WHEREAS it is expedient to substitute a new Part for Part III of the First Schedule to the Indian Ports Act, 1875, of the nature hereinafter appearing; It is hereby enacted as follows:—

Substitution of a new Part for Part III of the First Schedule to the Indian Ports Act, 1875.

1. For Part III of the First Schedule to the said Act the Part in the Schedule to this Act shall be substituted.

2. Any document referring to Part III of the First Schedule to the Indian Ports Act, 1875, XII of 1875, shall so far as the document is consistent with

the Part in the Schedule to this Act, be construed to refer thereto.

Repeal of Act IV of 1881.

3. The Madras Port-dues Act, 1881, is hereby repealed.

PART III.—THE MADRAS PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Madras	Sea-going vessels of fifteen tons and upwards.	<i>Foreign Vessels.</i>	
<i>Eastern Group.</i>		(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or 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.
1. Ganjam	Ditto	(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.
2. Gopálpur	Ditto	(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.
3. Calingapatam	Ditto	(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.
4. Bimlipatam	Ditto	<i>Coasting Vessels.</i>	
5. Vizagapatam	Ditto	(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.
6. Cocanada	Ditto	(f) In the case of a coasting steamer—	
7. Coringa	Ditto	(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.
8. Masulipatam	Ditto	(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 on each entry into the port.
9. Cuddalore	Ditto	(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.
10. Porto Novo	Ditto		
11. Tranquebar	Ditto		
12. Negapatam	Ditto		
13. Nagore	Ditto		
14. Pámban	Ditto		
15. Tuticorin	Ditto		
16. Sonapore	Ditto		
17. Báruva	Ditto		
18. Púndi	Ditto		
19. Bapanapadu	Ditto		
20. Conada	Ditto		
21. Pudimadaka	Ditto		
22. Pentakota	Ditto		
23. Uppada	Ditto		
24. Bendamanlanka	Ditto		
25. Narsápur	Ditto		
26. Perupalem	Ditto		
27. Penumudi	Ditto		
28. Moratota	Ditto		
29. Nagayalanka	Ditto		
30. Kottapalem	Ditto		
31. Gangadipalem	Ditto		
32. Nizampatam	Ditto		
33. Ipurupálem	Ditto		
34. Badduranipalem	Ditto		
35. Motupalli	Ditto		
36. Kanuparti	Ditto		
37. Kottapatam	Ditto		
38. Itamukkala	Ditto		
39. Pákala	Ditto		
40. Ramayapatam	Ditto		
41. Connayapalem	Ditto		
42. Tummalapenta	Ditto		
43. Juvaladinne	Ditto		
44. Iskapalle	Ditto		
45. Ponnepudi	Ditto		
46. Mypaud	Ditto		
47. Kistnapatam	Ditto		
48. Pamanji	Ditto		
49. Tupili	Ditto		
50. Dugarápatnam	Ditto		
51. Púdi	Ditto		
52. Pulicat	Ditto		
53. Ennore	Ditto		
54. Covelong	Ditto		
55. Merkanam	Ditto		
56. Thirumalavasael	Ditto		
57. Kodimpalliem	Ditto		
58. Velangani	Ditto		

PART III.—THE MADRAS PRESIDENCY—continued.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
<i>Eastern Group—contd.</i>		<i>Foreign Vessels.</i>	
59. Thopputorai ...	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.
60. Point Calimere ...	Ditto	(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.
61. Muttupettai ...	Ditto		
62. Adirampatnam ...	Ditto	(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.
63. Ammapatam ...	Ditto		
64. Kristnajatnam ...	Ditto		
65. Kattumavadi ...	Ditto		
66. Kottapatam ...	Ditto		
67. Gopalapatam ...	Ditto		
68. Sundrapadiapatam ...	Ditto		
69. Pasipatam ...	Ditto		
70. Damodarapatam ...	Ditto		
71. Tondi ...	Ditto		
72. Nambidalai ...	Ditto	(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.
73. Pudupatam ...	Ditto		
74. Carungudu ...	Ditto		
75. Tirupalakudi ...	Ditto		
76. Devipatam ...	Ditto		
77. Mudiapatam ...	Ditto		
78. Attangarai ...	Ditto		
79. Pillaimadam ...	Ditto		
80. Emanagudu ...	Ditto		
81. Ramesvaram ...	Ditto		
82. Mandapam ...	Ditto	<i>Coasting Vessels.</i>	
83. Vedalai ...	Ditto	(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.
84. Marakayapatam ...	Ditto		
85. Muttupettai ...	Ditto		
86. Kilakarai ...	Ditto		
87. Eruvadi ...	Ditto		
88. Valinokam ...	Ditto		
89. Vaippár ...	Ditto		
90. Koilpatam ...	Ditto		
91. Kulasekharapatnam ...	Ditto		
<i>Western Group.</i>			
1. Mangalore ...	Ditto		
2. Cannanore ...	Ditto		
3. Tellicherry ...	Ditto		
4. Calicut ...	Ditto		
5. Beypore ...	Ditto		
6. Cochin ...	Ditto		
7. Badagara ...	Ditto		
8. Quilandi ...	Ditto		
9. Ponáni ...	Ditto		
10. Attaprom ...	Ditto	(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 due is payable on each entry into the port.
11. Kurkuye ...	Ditto		
12. Madayi ...	Ditto		
13. Attukuye ...	Ditto		
14. Chowghat ...	Ditto		
15. Velliangode ...	Ditto		
16. Kuttayi ...	Ditto		
17. Parony ...	Ditto		
18. Tánúr... ..	Ditto		
19. Parpanangádi ...	Ditto		
20. Cadalondi ...	Ditto	(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 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.
21. Molankadava... ..	Ditto		
		(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	

PART III.—THE MADRAS PRESIDENCY—concluded.

Name of port.	Vessels chargeable.	Rate of port dues.	Due how often chargeable in respect of same vessel.
<i>Western Group—contd.</i>		<i>Foreign Vessels.</i>	
22. Pudiangadi ...	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.
23. Ellatur ...	Ditto	(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.
24. Kapat... ..	Ditto		
25. Kollam	Ditto		
26. Cuddalore	Ditto		
27. Trikodi	Ditto		
28. Kottakal	Ditto		
29. Muttungal	Ditto		
30. Chombayi	Ditto		
31. Kallai... ..	Ditto		
32. Talai... ..	Ditto		
33. Dharmapatnam	Ditto	(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.
34. Egara	Ditto		
35. Pudiangadi	Ditto		
36. Baliapatam	Ditto		
37. Etticollam	Ditto		
38. Kavai... ..	Ditto		
39. Kathacheri	Ditto		
40. Bekal... ..	Ditto		
41. Kásaragód	Ditto		
42. Kumbha	Ditto		
43. Manjeshwara	Ditto	(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.
44. Mulki... ..	Ditto		
45. Padubidri	Ditto		
46. Yermal	Ditto		
47. Uchil... ..	Ditto		
48. Kap	Ditto		
49. Uddyavar	Ditto		
50. Malpe	Ditto		
51. Bárkúr, or Hangarkotta.	Ditto		
52. Kundapura	Ditto		
53. Baidur	Ditto	(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.
54. Naikinkatta	Ditto		
55. Serur	Ditto		
		<i>Coasting Vessels.</i>	
		(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 on each entry into the port.
		(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.

Definitions.

In this Part of the Schedule—

- (1) "ship" means a sailing-vessel and "steamer" a steam-vessel.
- (2) "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 on the continent of India or in the island of Ceylon:
- (3) "foreign ship" or "foreign steamer" means respectively a ship or steamer not being a coasting ship or coasting steamer.

NOTE.—As regards the levy of port-dues, each of the following pairs of ports (namely), Cocanada and Coringa, Negapatam and Nagore, Calicut and Beypore, shall 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 charge on entering the other of the same pair.

STATEMENT OF OBJECTS AND REASONS.

THE case which gives rise to this Bill is as follows. Certain steamers are engaged in the coasting trade of the Madras Presidency, but are not "coasting steamers" within the meaning of the expression as defined in Part III of the Schedule to the Indian Ports Act, 1875. Therefore they have to pay port-dues at every port they call at in a group instead of only paying them (at a rate which may be half as much again as an ordinary single rate) at the first port they call at and being free at every other port in the group for a period of thirty days. The owners of these steamers have represented to the Government that the levy of these full port-rates at every port the steamers call at is a considerable hardship and is detrimental to the trade which their steamers are fostering, and they have asked that their steamers may be treated as coasting steamers. The Government of India is of opinion that the law, as it stands at present, bears hardly not only on these steamers engaged in the coasting trade, but also on other steamers and sailing vessels, and that the law should be amended generally for all vessels calling at ports in the Madras Presidency. The present Bill has, therefore, been prepared in consultation with the local authorities and Chamber of Commerce. With the object of settling the port-dues on as fair and liberal a basis as is consistent with obtaining a sufficient income, the Bill recasts Part III of the First Schedule to the Indian Ports Act on the following lines:—

(1) It declares that the following rates of duty shall be paid in the case of vessels calling at one port only, namely:—

- (a) in the case of foreign ships or steamers calling at Madras or at any port in the Eastern or Western group—a rate not exceeding three annas a ton;
- (b) in the case of coasting ships calling at any port—a rate not exceeding one and a half annas a ton;
- (c) in the case of coasting steamers calling at Madras (except within thirty days after visiting another port in either group, when the due is not to exceed one and a half annas a ton)—a due not exceeding four and a half annas a ton.

(2) It exempts, on payment of the above dues, foreign ships or steamers engaged in trade with the Straits Settlements and coasting ships from liability to pay dues again at the same port for a period of sixty days.

(3) It exempts the following vessels on payment of the dues specified from payment of any further due at the same or certain other ports for a fixed period:—

- (a) foreign ships or steamers engaged in trade with the Straits Settlements, on payment of a due not exceeding four and a half annas a ton at the first port in the Eastern group or in the Western group called at by the ship or steamer, from liability to pay the due again at that or any other port in the group for a period of sixty days;
- (b) coasting steamers, on payment of a due not exceeding three annas a ton at the first port in the Eastern group or in the Western group called at by the steamer, from liability to pay the due again at that or any other port in the group for a period of thirty days;
- (c) coasting steamers, on payment of a due not exceeding four and a half annas a ton at Madras, from liability to pay the due again at Madras or at any port in the Eastern group for a period of thirty days.

(Signed) A. COLVIN.

The 29th June 1886.

S. HARVEY JAMES,

Offg. Secretary to 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 7th July 1886, and was referred to a Select Committee on the 14th idem :—

Bill No. 13 of 1886.

A Bill to amend the Indian Companies Act, 1882.

WHEREAS it is expedient to amend the Indian Companies Act, 1882, in manner hereinafter appearing; It is hereby enacted as follows :—

1. After section 200 of the Indian Companies Act, 1882, the following section shall be inserted, namely :—

“ 200A. (1) In the distribution of the assets of any company being wound up under this Act, there shall be paid in priority to all other debts—

Wages and salaries to be preferential claims and to rank equally.

“(a) all wages or salary of any clerk or servant in respect of services rendered to the company within the four months next before the commencement of the winding up, not exceeding five hundred rupees for each clerk or servant; and

[Indian Bankruptcy Bill, s. 33, cl. (b) and (c): 55 Law J. Rep. Q. B. 288.]

“(b) all wages of any labourer or workman, not exceeding five hundred rupees for each, whether payable for time or piece-work, in respect of services rendered to the company within the four months next before the commencement of the winding up.

“(2) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the assets of the company are insufficient to meet them, in which case they shall abate in equal proportions among themselves.

“(3) Subject to the retention of such sums as may be necessary for the cost of administration or otherwise, the liquidator or liquidators or official liquidator shall discharge the foregoing debts forthwith, so far as the assets of the company are and will be sufficient to meet them, as and when the assets come into the hands of the liquidator or liquidators or official liquidator.”

STATEMENT OF OBJECTS AND REASONS.

THE attention of the Government of India has been drawn, by a recent decision of Mr. Justice Scott of the Bombay High Court (I. L. R. 10 Bom. 211), to the absence of any provision in the Indian Companies Act, 1882 (Act VI of 1882), similar to that contained in section 4 of the Statute 46 & 47 Vic., cap. 28, under which, in the distribution of the assets of any company being wound up, the wages of clerks and workmen are, subject to certain restrictions, given priority over other debts. With the view of remedying this defect in the Indian law, the present Bill has been prepared. While following generally the lines of the English Statute, the Bill adopts the modifications of the law regarding the priority of the wages of workmen, in the case of the bankruptcy of private employers, made by section 40 of the English Bankruptcy Act, 1883 (46 & 47 Vic., cap. 52). As these provisions of the English Bankruptcy Act have been followed in the Indian Bankruptcy Bill now before the Legislative Council of the Governor General, it seems desirable that the amendment which this Bill makes in the Indian Companies Act should be drawn so far as possible in identical terms.

(Signed) C. P. LIBERT.

The 7th July 1886.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.