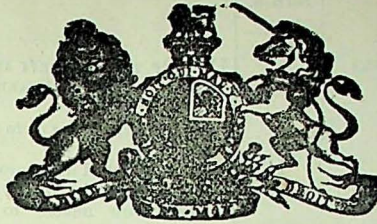


THE



# Bombay Government Gazette.

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

## PART V.

### PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations :—

Bill No. 5 of 1886.

### THE ADEN PORT TRUST BILL, 1886.

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**Bill No. 5 of 1886.***A Bill to vest the Port of Aden in a Trust.*

WHEREAS it is expedient to vest the port of Aden in a trust and to provide for the management of the affairs of the said port by trustees; It is enacted as follows:—

**I.—PRELIMINARY.**

1. This Act may be called "The Aden Port Trust Act, 1886."

Short title.

2. In this Act, unless there be something repugnant in the subject or context,—

(1) "port" means the port of Aden as defined for the purposes of this Act;

(2) "high-water mark" means a line drawn through the highest points reached by ordinary spring-tides at any season of the year;

Act XV. of 1879, s. 2.

Act XV. of  
1879, s. 2.

(3) "low-water mark" means a line drawn through the "low-water mark"; lowest points reached by the ordinary spring-tides at any season of the year;

Do. do.

(4) "land" includes the bed of the "land"; sea below high-water mark, and also things attached to the earth or permanently fastened to anything attached to the earth;

Bom. Act. VI,  
1879, s. 3.

(5) "master," when used in relation to any vessel, means "Master"; any person having the charge or control for the time being of such vessel;

Do. do.

(6) the word "goods" includes "goods"; wares and merchandise of every description;

Do. do.

(7) "owner," when used in relation to goods, includes "owner"; any consignee, shipper or agent for the sale or custody of such goods; and when used in relation to any vessel, includes any part-owner, charterer, consignee, or mortgagee in possession thereof.

Act XV. of  
1879, s. 3.

3. The Governor in Council may, by notification in the *Bombay Government Gazette*, define the limits of the port for the purpose of this Act, and may from time to time by a like notification alter such limits.

Such limits may extend to any part of the navigable approaches to the port, and may include any wharves, tramways, warehouses, sheds and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance, and good government of the port, whether within or without high-water mark, and, subject to any rights of private property therein, any portion of the shore within fifty yards of high-water mark.

## II.—OF THE BOARD OF TRUSTEES.

### *Constitution of Board.*

Bom. Act VI,  
of 1879, s. 4.

4. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a board to be called "The Trustees of the Port of Aden"; and such board, hereinafter referred to as "the board," shall be

a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

5. The board shall consist of such number of trustees as shall from time to time be fixed by Government, the same being not less than five.

6. The First Assistant Resident at Aden, the Executive Engineer, Aden, and the Port Surgeon, Aden, shall be *ex-officio* trustees, and the First Assistant Resident at Aden shall be *ex-officio* chairman of the board.

7. The rest of the trustees shall be appointed by Government, and of these such number as shall from time to time be fixed by Government, shall not be public officers.

8. The names of all trustees other than the *ex-officio* trustees shall be published in the *Bombay Government Gazette*.

9. The term of office of the first trustees shall commence on such date as shall be notified in this behalf by the Governor in Council.

10. Every trustee, other than the *ex-officio* trustees, shall, unless he becomes in the meantime disqualified, hold office for a term of two years.

11. In the event of the death, resignation or disqualification of a trustee or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment of a person thereto, who shall hold office so long only as the trustee in whose place he is appointed would have held it if the vacancy had not occurred.

12. A person who has already been a trustee on one or more occasions shall, if not disqualified under section 13, be again eligible at any time for appointment.

*Disqualifications of Trustees.*Bom. Act VI.  
of 1879, s. 14.Disqualifications for  
office of trustees.

13. No person shall be qualified to be a trustee :

(a) who is an uncertificated bankrupt or an undischarged insolvent, or

(b) who, unless he is an *ex-officio* trustee, holds any office or place of profit under the board, or

(c) who, unless as aforesaid, has, directly or indirectly, any share or interest in any work done by order of the board, or in any contract, or employment with, by, or on behalf of the board ; or

(d) who has been sentenced by a criminal court to imprisonment or to whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order, which the Governor in Council is hereby empowered to make, if it shall think fit, in this behalf ;

and any trustee who—

Trustee who becomes disqualified to cease to be a trustee.

(e) becomes disqualified for any of the aforesaid reasons, or

(f) is absent from the meetings of the board for a period exceeding twelve consecutive months, or, without the permission of the board, from six consecutive meetings of the board,

shall cease to be a trustee, and his office shall thereupon become vacant :

Provided always that no trustee shall vacate his office by reason only of his—

Proviso.

(g) having a share in any joint-stock company which shall contract with or be employed by, or on behalf of, the board, or

(h) having a share or interest in any newspaper in which any advertisement relating to the affairs of the board may be inserted, or

(i) being interested in any loan of money to the board.

*Remuneration of Trustees.*Bom. Act VI.  
of 1879, s. 15.

14. Every trustee shall be entitled to a fee of such amount not exceeding thirty rupees as shall from time to time be prescribed by Government

Fee payable to trustees.

for each meeting of the board at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof: Provided that if more than one such meeting is held in any one week, no more than one fee shall be paid to any trustee for his attendance at all such meetings during one week.

*Proceedings of Board.*

15. The following provisions shall be observed with respect to the proceedings of the board (namely)—

Bom. Act VI  
of 1879, s. 16

(1) During any vacancy in the board the continuing trustees may act as if no vacancy had occurred.

Vacancy not to affect board's proceedings.

(2) The board shall meet together and shall from time to time make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following conditions (namely):—

(a) that two ordinary meetings at least shall be held in every month ;

(b) that the chairman may, whenever he thinks fit, and shall, upon the written request of not less than three trustees, call a special meeting ;

(c) that no business shall be transacted at any meeting unless at least three trustees are present from the beginning to the end of such meeting ;

(d) that every meeting shall be presided over by the chairman, if he is present at the time appointed for holding the same and, if he is absent, by such one of the trustees present as may be chosen by the meeting ;

(e) that all questions shall be decided by a majority of votes of the trustees present, the president having a second or casting vote in all cases of equality of votes ;

all questions must be decided by a majority of votes, and

(f) that if a poll be demanded, the names of the trustees voting and the nature of their votes shall be recorded by the president;

votes must be recorded if a poll is demanded, and

(g) that minutes shall be kept of the names of the trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president of such meeting, and shall be open to inspection by any trustee during office hours.

minutes of proceedings must be kept.

(3) The board may delegate any of their powers to committees consisting of such trustees as they think fit; any committee so formed shall conform to any instructions that may from time to time be given to them by the board, and the board may at any time discontinue or alter the constitution of any committee so formed.

Board may delegate powers to committees.

(4) A committee may elect a chairman of their meetings, and, if no such chairman is elected, or, if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

Committees' meetings to be presided over by a chairman.

(5) Committees may meet and adjourn as they think proper, but the chairman of the board may, whenever he thinks fit, and shall upon the written request of not less than two members of a committee, call a special meeting of such committee.

Committees when to meet.

(6) Questions at any meeting of a committee shall be decided by a majority of votes of the members present, and, in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the committee are present from the beginning to the end thereof.

Questions how to be decided at committees' meetings.

(7) No act of the board, or of any committee, or of any person acting as trustee, shall be deemed to be in-

Acts of boards, &c., not to be invalidated by informalities.

valid by reason only of some defect in the appointment of such board, committee, or trustee, or on the ground that they, or any of them, were disqualified for the office of trustee.

16. The chairman may, on behalf of the board, enter into any contract or agreement, whereof the value or amount shall not exceed one thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; but every other contract and agreement on behalf of the board shall be in writing, and shall be signed by the chairman and by two other trustees, and shall be sealed with the common seal of the board.

Mode of executing contracts.

Bom. Act VI. of 1879, s. 17.

No contract or agreement not executed as aforesaid shall be binding on the board.

Bom. Act III. of 1881, s. 1.

Provided that the signatures of the chairman and two other trustees may be engraved, lithographed or impressed by any mechanical process on coupons attached to debentures which the board is at any time authorized to issue under the Local Authorities Loan Act, 1879, or other law for the time being in force, and the signatures so engraved, lithographed or impressed shall have the same validity as if they were written in the proper handwriting of the chairman and other trustees.

XI. of 1879.

17. The board may compound or compromise for or in respect of any claim or demand arising out of any contract entered into by them under this Act, or in respect of any action or suit instituted by or against them, for such sum of money, or other compensation, as they shall deem sufficient.

The board may compound for breach of contract.

Bom. Act VI. of 1879, s. 18.

#### The Chairman.

18. The chairman shall—

Duties of chairman.

Do. s. 19.

(1) attend every meeting of the board, unless prevented by sickness or other reasonable cause;

(2) exercise supervision and control over the acts and proceedings of all officers and servants of the board in matters of executive administration and in matters concerning the accounts and records of the board; and, subject to the regulations at the time being in force framed by the board under section 20, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges, and allowances;

(3) furnish to Government a copy of the minutes of any of the board's proceedings and any returns or other information which Government may from time to time call for.

### III.—OF THE OFFICERS AND SERVANTS OF THE BOARD.

#### *Strength of Staff.*

19. The board shall from time to time

Schedule of officers and servants and of their pay and allowances to be prepared and sanctioned by the board.

prepare and sanction a schedule of the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees, and allowances which the board sanctions for each such officer or servant.

Until a schedule is prepared and sanctioned under this section, the staff of officers and servants maintained, on the day previous to the date notified by the Governor in Council under section 9, under the authority of Government, on the establishment of the Aden port fund and the officers and servants, if any, maintained on the said day by Government at the cost of the provincial revenues for employment in the Aden harbour shall be deemed to be the staff sanctioned by the board under the foregoing provisions;

and all officers and servants holding any office on the said day on the establishment of the Aden port fund and the officers and servants aforesaid, if any, employed by Government on the said day shall be deemed to have been appointed under this Act, and shall continue to hold the same office and to receive the same remuneration under the board until it is otherwise directed under this Act:

Provisoes.

Provided:

- (1) that artisans, porters, and labourers and mukádams of porters and labourers, and persons temporarily employed in the engineering department shall not be deemed to be officers or servants within the meaning of this section or of section 20, clauses (1) to (4), both inclusive, or of section 21;
- (2) that if an officer is lent to the board by Government, the board shall make such contributions, if any, on account of his pension and leave allowances as may be required by the rules in this behalf from time to time in force and shall not, except with the consent of Government, dispense with his further

services at any time without giving the Government six months' previous notice;

- (3) that every officer and servant, if any, maintained by Government on the day aforesaid at the cost of the provincial revenues for employment in connection with the Aden harbour shall, if he is entitled as a Government servant to pension and leave allowances, be deemed to be lent to the board on and from the date notified by the Governor in Council under section 9.

Board to frame regulations. 20. The board shall from time to time frame regulations:

- (1) for regulating the grant of leave to the officers and servants of the board;
- (2) for authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;
- (3) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;
- (4) for regulating the period of service of all such officers and servants;
- (5) for determining whether any of the said officers and servants and, if so, which of them, shall on retirement receive pensions, gratuities or compassionate allowances, and whether compassionate allowances shall be paid to the surviving relatives of any of the said officers and servants who are killed in the execution of their duty, and, if so, to which of them, and the conditions under which such pensions, gratuities or compassionate allowances shall be payable and the amount of the same;
- (6) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any provident fund which may be established by the board for the benefit of their officers and servants or which, with their

Bom. Act VI. of 1879, s. 22.

Bom. Act VI. of 1879, s. 22.

Bom. Act I. of 1884, s. 39(h).

approval, may be established by their officers and servants themselves :

Provided that no regulation framed by the board under clause (5) shall have validity unless or until the same has been sanctioned by Government.

*Powers of Appointment, &c.*

Bom. Act VI. of 1879, s. 23.

21. Subject to the provisions of the said regulations and of the schedule for the time being in force

framed by the board under section 19, the power of appointing, promoting, suspending, dismissing, fining, reducing or granting leave to the officers and servants of the board shall be exercised by the chairman in the case of officers and servants whose monthly salary does not exceed one hundred rupees, and in every other case by the board.

The power of dispensing with the services of any officer or servant of the board, otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity, or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the board alone.

Bom. Act VI. of 1879, s. 24, modified.

22. Every order or regulation made by the board under any of the three last preceding sections shall, so far as the same relates to any officer whose monthly salary is three hundred rupees or more, be subject to the previous sanction of the Political Resident at Aden.

IV.—OF THE PROPERTY AND LIABILITIES OF THE BOARD.

*General Powers as to Property.*

Bom. Act VI. of 1879, s. 26.

23. The board shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property whether within or without the limits of the port or settlement of Aden ; and shall also have power to lease, sell or otherwise convey any moveable or immoveable property which may have become vested in or been acquired by them :

Provided that no sale of immoveable property and no lease of any such property for a term exceeding fifty years shall be valid unless such sale or lease shall have been made with the previous sanction of Government.

24. When the board are unable to acquire, by agreement, any immoveable property required for the purposes of this Act, Government may, in their discretion, order proceedings to be taken for acquiring the same on behalf of the board as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1870.

Bom. Act VI. of 1879, s. 27.

The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall be forthwith defrayed by the board, and thereupon the said property shall vest in the board.

Act X. of 1870.

25. The property specified in schedule A shall, upon and after the date notified by the Governor in Council under section 9, vest in the board :

Act XV. of 1879, s. 11.

Provided that—

(1) if any question arises between the Government and the board as to the boundaries of any portion of such property, Government may define and demarcate such boundaries and the decision of Government in respect to such boundaries, shall be final ;

(2) any portion of the land specified in the said schedule which shall be required by Government for a public purpose may be resumed by Government without claim to compensation on the part of the board, except for buildings or other permanent structures erected thereon.

(3) if the Governor General in Council shall at any time determine to execute any work which he may consider necessary in the public interests, such work may be executed in or upon any of the property specified in the said schedule, without claim to compensation on the part of the board, except for buildings or other permanent structures which it shall be necessary to clear away for the purposes of such work.

26. All debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done by, with, or for the Political Resident on behalf of the Aden port fund shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the board ;

Bom. Act I. of 1884, s. 2.

Transfer to the board of the Aden port fund's liabilities and claims.



and all sums of money due to the said Aden port fund, shall be deemed to be due to the board;

and all suits or other legal proceedings, civil or criminal, instituted, or which might but for the passing of this Act have been instituted by or against the said Political Resident as manager of the Aden port fund, may be continued or instituted by or against the board.

V.—OF THE POWERS AND DUTIES OF THE BOARD.

*Works.*

Act XV. of 1879, s. 15, and Bom. Act VI. of 1879.

27. The works to be constructed and carried out by the board may include the following:—

(1) wharves, quays, stages, jetties, piers and docks; with all necessary and convenient arches, drains, landing-places, stairs, fences, roads, railways, and approaches;

(2) tramways, warehouses, sheds, engines, and other appliances for conveying, receiving, and storing goods landed, or to be shipped, or otherwise;

(3) light-houses, light-ships, beacons, pilot-boats, and other appliances necessary for the safe navigation of the port and of the approaches thereto within a distance of three miles from the limits of the port;

(4) laying down moorings, and the erection of cranes, scales, and all means and appliances necessary for berthing, loading and unloading vessels;

(5) reclaiming, excavating, enclosing, and raising any part of the foreshore of the port vested in the board;

(6) the construction, procuring and application of dredges and other machines for cleaning, deepening and improving any portion of the port or foreshore aforesaid;

(7) procuring and employing steam-vessels for towing vessels into, out of, or within the port;

(8) the construction of such works, without the limits of the port, as shall be necessary for the protection of works executed by the board within the port, and all such other works and appliances as may, in the opinion of the board, be necessary or desirable for carrying out the purposes of this Act:

Provided always that no new work, the estimated cost of which exceeds one thousand rupees, shall be commenced by the board, nor shall any contract be entered into by the board in respect of any such new work, until a plan and estimate of such work shall have been submitted to the board, and considered and approved by them; nor shall any new work, the estimated cost of which exceeds fifty thousand rupees, be commenced until such plan and estimate shall have been submitted to, and approved by, Government.

But no new work to be commenced without a plan and estimate, if its cost shall exceed Rs. 1,000;

nor without the sanction of Government to such plan and estimate, if the cost shall exceed Rs. 50,000.

28. The board shall provide such number of public landing-places as shall, in the opinion of the Political Resident at Aden, be sufficient, from and upon which the public shall be permitted to embark and to land free of charge.

29. The board may occupy or remove or alter any bathing-place or landing-place within the port, and prohibit the public from resorting to or using the same: Provided that the board shall provide for the use of the public such other bathing-places or landing-places, if any, as the Political Resident at Aden may direct.

*Landing and Shipping of Goods.*

30. The board shall, so far as the funds at their disposal will allow, provide and maintain wharves, quays, stages, jetties, piers, warehouses, sheds and appliances for the expeditious and convenient shipment and landing of goods in and from sea-going vessels within the port and for the storing of such goods, and shall by their servants land and ship all goods from and in any such vessel coming to any such wharf, quay, stage, jetty or pier, except where there is a lawful excuse for refusing to land or ship such goods, or such vessel is, under any enactment for the time being in force, not entitled to have her cargo shipped or discharged: Provided that—

(1) the board shall not be bound to land, ship or move any single article or package exceeding ten tons of twenty hundredweight in weight, except at such

special charge as may be agreed on in respect of such article or package;

(2) the board may, by special agreement with the masters of vessels or the owners of goods, permit goods to be landed and shipped by others than the servants of the board; but every such permission shall be subject to the condition that the means to be employed and the appliances to be used by the said masters or owners for landing or shipping goods shall be subject to the approval of the board, whose duty it shall be to satisfy themselves that the said means and appliances are at all times such and in such condition as not to endanger the lives or safety of the persons employed.

Act XV. of 1879, s. 21.

31. When any wharf, quay, stage, jetty or pier has been made and completed, with sufficient warehouses, sheds and appliances for landing or for shipping goods from and in sea-going vessels, the board may, with the previous sanction of the Political Resident at Aden by a notification published in three consecutive numbers of the *Bombay Government Gazette*, declare that such wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping, or for landing or for shipping, as the case may be, goods from and in sea-going vessels.

From and after such publication the board may from time to time, when there is room at such wharf, quay, stage, jetty or pier, order to come alongside of such wharf, quay, stage, jetty or pier, for the purpose of landing and shipping goods, or for landing or for shipping the same, as the case may be, any sea-going vessel within the port which has not commenced to discharge cargo, or which, being about to take in cargo, has not commenced to do so.

Act XV. of 1879, s. 22.

32. When a sufficient number of wharves, quays, stages, jetties, piers, warehouses, sheds, and appliances have been provided as aforesaid, the board may, with the previous sanction of the Political Resident at Aden by an order published in three consecutive numbers of the *Bombay Government Gazette*, direct that no goods shall be landed or shipped from or in any sea-going vessel within the port, save at such wharves, quays, stages, jetties and piers, and may, in like manner, alter, vary or revoke any such order.

If accommodation sufficient, all sea-going vessels compelled to use wharves, &c.

33. When any wharf, quay, stage, jetty or pier for receiving, landing, or shipping goods from or in vessels, not being sea-going vessels, has been made and completed by the board may, with sufficient warehouses, sheds and appliances in that behalf the board may, with the sanction of the Political Resident at Aden by an order published in three consecutive numbers of the *Bombay Government Gazette*, declare:

(a) that such wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping goods from or in vessels, not being sea-going vessels; and

(b) that, within certain prescribed limits within the port, to be specified in such order, it shall not be lawful to land or ship any goods from or in any vessel not being a sea-going vessel of any class specified in such order, except at such wharf, quay, stage, jetty or pier, nor for any such vessel, while within such limits, to anchor, fasten or lie within fifty yards of low-water mark without the consent of the board.

If after such publication any such vessel while within such limits, so anchors, fastens or lies, the board may cause the same to be removed out of the said limits.

The board may in like manner, and with the like sanction, alter, vary or revoke any such order.

34. The board may, in cases of emergency, or for any reason which appears to them sufficient, by notice in writing, order the master or owner of any vessel not to bring such vessel alongside of, or to remove such vessel from, any wharf, quay, stage, jetty or pier belonging to the board, and, if such notice is not obeyed, the board may charge in respect of such vessel such sum as they think fit, not exceeding one hundred rupees for each day of twenty-four hours or portion of such day, during which such vessel remains at such wharf, quay, stage, jetty or pier:

Power to order vessels not to come alongside of or to be removed from wharves, &c.

Provided that in the case of a vessel ordered to removed, such charge shall not commence to be made till after the expiry of thirty-six hours from the service of the board's notice on the master or owner of the vessel.

Act XV. of 1879, s. 23.

Act XV. of 1879, s. 24.

Act XV. of  
1879, s. 25.

35. Notwithstanding anything contained in sections 31, 32 and 33, the Political Resident at Aden may, by notification in the *Bombay Government Gazette*, from time to time permit certain specified vessels or classes of vessels to discharge or ship cargo, or certain specified cargo or classes of cargo, at such part of the port, in such manner, during such period, subject to such payments and on such conditions, as he may think fit, and otherwise grant exemption from the provisions of such sections.

The Political Resident at Aden may also, by like notification, cancel or modify any such notification.

Act XV. of  
1879, s. 26.

36. Whenever any goods are landed by the board on goods landed, any vessel, the board shall, if so required, give to the master of such vessel a receipt in the form or to the effect set forth in schedule B., and may in any such receipt include all goods landed from such vessel during one day.

No master or owner of a vessel from which the goods in respect of which such receipt is given may have been landed shall be liable for any loss or damage to such goods which may occur after they have been so landed.

#### *Customs-wharves, &c.*

Act XV. of  
1879, s. 27,  
and Bom. Act  
VI. of 1879,  
s. 70.

37. When Government appoint, under the provisions of any Act for the levy of sea-customs duties, any wharf, quay, stage, jetty, pier, warehouse or shed

Accommodation to be provided for customs officers in wharves, &c., appointed under Sea-customs Act. provided under this Act for the use of sea-going vessels to be a wharf for the landing or shipping, or a warehouse for the storing of goods within the meaning of such Act, the board shall set apart, maintain and secure on or in such wharf, quay, stage, jetty, pier, warehouse or shed such portion thereof or place therein, or adjoining thereto, for the use of the officers of customs as the Political Resident at Aden approves or appoints in that behalf.

Act XV. of  
1879, s. 28,  
and Bom. Act  
VI. of 1879,  
s. 70.

38. Notwithstanding that any wharf, quay, stage, jetty, pier, warehouse or shed or portion thereof has, under the provisions of the last section, been set apart for the use of the officers of customs, all dues, rates, tolls,

charges and rents payable under this Act in respect thereof, or for the use thereof, or for the stowage of goods therein, shall be paid and be payable to the board or to such persons as they may appoint to receive the same.

#### *Erection of Wharves, &c., by private persons.*

39. Save as hereinafter provided no person except the board shall, after the date on which this

Act XV. of  
1879, s. 29,  
and Bom. Act  
VI. of 1879,  
s. 81.

Private wharves, &c., prohibited. Act comes into force, make, erect or fix below high-water mark within the port any wharf, dock, quay, stage, jetty, pier, erection or mooring.

Any matter or thing so made, erected or fixed may be removed by the board, and the person who has so made, erected or fixed any such matter or thing shall be punished with fine, which may extend to one thousand rupees, and with a further fine which may extend to one hundred rupees for every day during which such matter or thing has been permitted to remain so made, erected or fixed after notices to remove the same has been given to him, and shall also be liable to pay all expenses which may have been incurred by the board in removing such matter or thing.

40. The board may, by an order in writing and subject to the conditions contained in the same, permit any person to make, erect or fix

Act X. of  
1879, s. 30

Power to permit erection of private wharves, &c., within the port subject to conditions. below high-water mark within the port any wharf, dock, quay, stage, jetty, pier, erection or mooring.

41. In case any wharf, dock, quay, stage, jetty, pier, erection or mooring is, after the date on

Act XV. of  
1879, s. 31.

Wharves, &c. beyond port limits. which this Act comes into force, without the consent in writing of the Governor in Council, made, erected or fixed below high-water mark without the limits for the time being of the port, and thereafter, the limits of the port are extended so as to include the place in which such wharf, dock, quay, stage, jetty, pier, erection or mooring has been made, erected or fixed, the board may remove, fill up or destroy such wharf, dock, quay, stage, jetty, pier, erection or mooring without making any compensation therefor.

#### *Rates.*

Scale of tolls and charges to be framed. 42. The board shall frame—

Act XV. of  
1879, s. 32.

(a) a scale of tolls, dues, rates and charges for the landing and shipment of goods from and in sea-going vessels and vessels not being sea-going vessels, respectively, at the wharves, quays, stages, jetties and piers, and for the use of such wharves, quays, stages, jetties and piers by such vessels, and for the storing and keeping of any goods stored in any premises belonging to the board, and for the removal of goods and for the use of any mooring;

(b) a scale of tolls for the use of the said wharves, quays, moorings, stages, jetties and piers by any such vessels, in case the board permit the goods to be landed or shipped by others than their own servants; and

(c) a scale of charges for any services to be performed by the board or their servants in respect of any vessel, or goods, or for the use of any works or appliances to be provided by the board.

Such scales shall be submitted, through the Political Resident at Aden, to Government and, after approval or modification by Government, shall be published in the *Bombay Government Gazette* and shall thereupon have the force of law.

Subject to the like approval or modification and publication, the board may, from time to time, alter the said scales.

From the time when any scale framed under this section comes into force, the *Bombay Landing and Wharfage Fees Act, 1882*, shall be repealed so far as regards the port of Aden.

43. The board may, in special cases, with the previous sanction of Government, remit the whole or any portion of any toll, due, rate, or charge leviable under the last preceding section.

44. The tolls, dues, rates and charges prescribed under section 42 shall not be leviable in respect of any vessel employed by Government solely for the transport of troops nor in respect of the baggage or other effects of any troops landing or embarking at the port.

In lieu thereof a toll shall be payable by Government to the board on all troops and all the families of troops landing or embarking at Aden at the rate of one rupee per head.

45. For the amount of all tolls, dues, rates and charges leviable under this Act in respect of any goods, the board shall have a lien on such goods, and shall be entitled to seize and detain the same until such tolls, dues, rates and charges are fully paid.

Tolls, dues, rates and charges in respect of goods to be landed shall become payable immediately on the landing of the goods, and, in respect of goods to be removed from the premises of the board or to be shipped for export, shall be payable before the goods are removed or shipped.

The lien for such tolls, dues, rates and charges shall have priority over all other liens and claims, except a lien for freight, primage and general average, where such lien has been preserved in the manner hereinafter provided, and a lien for money payable to Her Majesty or the Secretary of State for India in Council under any law for the time being in force.

46. If the master or owner of any vessel, at or before the time of landing from such vessel of any goods at any wharf, quay, stage, jetty or pier, gives to the board notice in writing that such goods are to remain subject to a lien for freight, primage or general average of an amount to be mentioned in such notice, such goods shall continue liable after the landing thereof to such lien.

Such goods shall be retained either in the warehouses and sheds of the board, or, with the consent of the Political Resident at Aden, in a public warehouse, at the risk and expense of the owner of the said goods, until the lien is discharged as hereinafter mentioned.

47. Upon the production to any officer appointed by the board in that behalf of a document purporting to be a receipt for, or a release from, the amount of such lien, executed by the person by or on whose behalf such notice has been given, the board may permit such goods to be removed without regard to such lien: Provided they shall have used reasonable care in respect to the authenticity of such document.

48. Whenever goods have, without any default on the part of the board, been left for two clear days on or in any wharf or shed belonging to the

Act XV. of 1879, s. 33, and Bom. Act VI. of 1879, s. 61.

Act XV. of 1879, s. 34, and Bom. Act VI. of 1879, s. 62.

Act XV. of 1879, s. 35, and Bom. Act VI. of 1879, s. 63.

Act XV. of 1879, s. 36.

Bom. VII. of 1882.

Bom. Act VI. of 1879, s. 43.

Do. do. 44.

Tolls and charges may be remitted in special cases.

Board's lien for tolls and charges.

Owner's lien for freight.

Discharge of ship-owner's lien for freight.

Goods may be removed to warehouse.

board, the board may cause such goods to be removed either to any warehouse belonging to them, or, with the consent of the Political Resident at Aden, to a public warehouse; and the removal to and detention in any such warehouse shall be at the risk and expense of the owner of the said goods.

Whenever any goods are so removed the board shall give notice to the owner of such goods of such removal, if his address be known, by letter sent by post to such address or left thereat; and the owner of such goods, in addition to the expenses of the removal of the same, shall be liable, in case the goods are removed to any warehouse of the board, to a charge for warehousing for the time during which the goods shall remain in the said warehouse.

If the goods are removed to a public warehouse, the said owner shall be liable to the charges for warehousing goods in such public warehouse; and the said goods shall remain subject to all liens to which they would have been liable if they had remained in the possession of the board and shall be subject to the power of sale hereinafter given.

Act XV. of 1879, s. 37, and Bom. Act VI. of 1879, s. 64.

49. If the tolls, dues, rates and charges payable to the board in respect of any goods under this Act are not paid, or if the lien for freight, primage or general average, where such notice as aforesaid has been given, is not discharged, the board may, and in the latter event, if required by or on behalf of the person claiming such lien for freight, primage or general average, shall, at the expiration of four months from the time when the goods were placed in their custody, sell by public auction the said goods, or so much thereof as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale.

Before making such sale at least ten days' notice of the same shall be given by publication thereof by beat of tom-tom and by posting notices at the public landing places within the settlement of Aden.

If the address of the owner of the goods has been stated on the manifest of the cargo, or in any of the documents which have come into the hands of the board, or is otherwise known, notice shall also be given to the owner of the goods by letter delivered at such address or sent by post; but the title of a *bona fide* purchaser of such goods shall not be invalidated by

reason of the omission to send such notice, nor shall any such purchaser be bound to enquire whether such notice has been sent:

Provided that, if such goods are of so perishable a nature as, in the opinion of the officer appointed by the board in that behalf, to render early or immediate sale necessary or advisable, the board may, within such period, being not less than twenty-four hours after the landing of the goods as they think fit, sell by public auction the said goods or such portion of them as aforesaid, in which event such notice, if any, shall be given to the owner of the goods as the urgency of the case admits of.

50. The proceeds of every such sale shall be applied as follows:—

(a) in payment of the expenses of the sale;

(b) in payment, according to their respective priorities, of the liens and claims excepted in section 45 from the priority of the lien of the board;

(c) in payment of the tolls, dues, rates and charges of landing, removing, storing or warehousing the same, and of all other charges due to the board in respect thereof.

The surplus, if any, shall be paid to the importer or owner of the goods, or to his agent, on his applying for the same: Provided such application be made within one year from the sale, or reason be shown to the satisfaction of the board why such application was not so made, and, in case such application shall not be so made nor reason shown, such surplus shall be held by the board upon trust for the purposes of this Act.

51. If the master of any vessel in respect of which any tolls, dues, rates, charges, or penalties shall be payable under this Act, or any bye-laws made in pursuance hereof, refuses or neglects to pay the same, or any part thereof, on demand, it shall be lawful for the board to distrain or arrest of their own authority such vessel, and the tackle, apparel, or furniture belonging thereto, or any part thereof, and detain the same until the amount so due shall be paid.

Power to distrain vessels for the non-payment of rates, &c.

And in case any part of the said rates or penalties, or of the costs of the distress or arrest or of the keeping of the same, shall remain unpaid for the space of fifteen

Act XV. of 1879, s. 38, and Bom. Act VI. of 1879, s. 65.

Act XV. of 1879, s. 39, and Bom. Act VI. of 1879, s. 66.

days next after any such distress or arrest shall have been so made, the board may cause the vessel, or other thing so distrained or arrested, to be sold, and with the proceeds of such sale may satisfy such tolls, dues, rates, charges or penalties and costs of sale remaining unpaid, rendering the surplus, if, any, to the master of such vessel on demand.

Act XV. of 1879, s. 40, and Bom. Act VI. of 1879, s. 67. 52. If the board shall give to the officer of Government whose duty it is to grant the port clearance of any vessel, a notice stating that an amount therein specified is due in respect of tolls, dues, rates, charges or penalties chargeable under this Act, or any bye-laws or orders made in pursuance hereof, against such vessel or the owner or master of such vessel, in respect thereof, such officer shall not grant such port clearance until the amount so chargeable shall have been paid.

#### Control of Pilots.

Bom. Act VI. of 1879, s. 72. XII. of 1875. 53. The board shall have the right and privilege of maintaining pilots for the navigation of vessels at the port, and all fees for pilotage shall be paid to the board: Provided that no person shall be appointed to be a pilot by the board who is not for the time being authorized by Government, under the provisions of the Indian Ports Act, 1875, to pilot vessels.

The board may also, from time to time, make such bye-laws and regulations as they shall think fit—

(a) for fixing and regulating the wages and allowances for pilotage to be received by pilots, and

(b) for regulating the behaviour and conduct of pilots;

and shall enforce the observance of such bye-laws and regulations by the imposition of pecuniary penalties not exceeding two hundred rupees for each offence, or by suspension, or deprivation of appointment, or otherwise as to them may appear expedient: Provided that such bye-laws shall first have been approved by Government, and published in the manner directed by section 55.

#### Bye-laws.

Bom. Act VI. of 1879, s. 73, and Act XV. of 1879, s. 16. XII. of 1875. 54. The board may from time to time make bye-laws, consistent with this Act and with the Indian

Trustees empowered to make bye-laws.

(a) for regulating, declaring and defining the wharves, quays, stages, jetties, and piers on and from which goods shall be landed from and shipped in vessels within the port;

(b) for the safe and convenient use of such wharves, quays, stages, jetties, piers and of landing-places, tramways, warehouses, sheds and other works in and adjoining the same;

(c) for regulating the reception and removal of goods within and from the premises of the board, and for declaring the procedure to be followed in taking charge of goods which may have been damaged before landing, or may be alleged to be so damaged;

(d) for settling the mode of payment of tolls, charges, dues and rates levied under this Act;

(e) for providing water for ships and for licensing and regulating water-boats within the port;

(f) for the removal of wrecks from the port and keeping clean the port, the foreshore and the works of the board, and for preventing filth or rubbish being thrown therein or thereon;

(g) for the guidance of persons employed by them under this Act, and generally for carrying out the purposes of this Act.

The board may also from time to time alter or revoke any bye-laws so made by them.

55. No bye-law, or alteration or revocation of a bye-law, shall have effect until the same shall have been approved by Government, and such approval shall have been published in the *Bombay Government Gazette*; and no bye-law or alteration or revocation of a bye-law shall be approved by Government until a draft of the same shall have been published for five weeks successively in the *Bombay Government Gazette*, nor unless the said draft shall have been submitted for their approval through the Political Resident at Aden.

It shall be lawful for Government at any time, by notification in the *Bombay Government Gazette*, to cancel any bye-law or regulation made and published under the provisions of this and of the two last preceding sections.

Cancelment by Government.

Bom. Act VI. of 1879, s. 74.

Approval and publication of bye-laws.

Bom. Act VI.  
of 1879, s.  
75.

56. The board may, in the bye-laws made under section 54, prescribe such penalties as they shall deem fit for the infringement of the same: Provided that no penalty for any one infringement of a bye-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the board to the person guilty of such infringement.

Penalties of infringement of bye-laws.

Bom. Act VI.  
of 1879, s.  
76.

57. The board shall cause the said bye-laws, and every scale of tolls, dues, rates, and charges leviable by the board, to be printed in the English, Gujarati and Arabic languages; and to be kept hung up in some conspicuous place at each of the several wharves, quays, stages, jetties, piers, warehouses and sheds belonging to the board.

Bye-laws and scales of rates and charges to be exhibited.

#### VI.—OF REVENUE AND EXPENDITURE.

##### *Management of Funds.*

Act XV. of  
1879, s. 68,  
and Bom.  
Act I, of  
1884, s. 48.

58. All moneys raised by and paid to the board under this Act shall be kept in the Government

Treasury at Aden.

No disbursement of such moneys or any part thereof shall be made except upon a cheque signed by the chairman and one other trustee.

Payment of any sum in excess of five hundred rupees, if it relate to the Port Engineer's department, or of one hundred rupees, if it relate to any other department, shall be made by the board by means of a cheque signed as aforesaid and not in any other way.

Payments of sums not exceeding five hundred rupees each may be made on behalf of the board by the Port Engineer on account of any charge in his department, in cash, cheques for sums not in excess of five thousand rupees each, signed as aforesaid, being drawn from time to time in favour of the Port Engineer to cover such payments.

In every department other than that of the Port Engineer, sums not exceeding one hundred rupees each may be paid, by such officer as the board appoints for this purpose, in cash, cheques for sums not in

excess of five hundred rupees each, signed as aforesaid, being drawn from time to time in favor of such officer to cover such payments.

59. The moneys belonging to the board shall be held by them in trust, and, except as is hereinafter provided, shall be applied by them in payment of the following charges (namely):—

(1) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys due to the trustees and to the officers and servants appointed under this Act or lent to the board by Government, and the contributions, if any, payable to Government on account of the pension and leave allowances of any officer lent to the board by Government and the contributions, if any, duly authorized to be made to any provident fund established by the officers and servants appointed under this Act;

(2) the cost of repairs and maintenance of the property vested in the board, and all charges upon the same and all working expenses;

(3) such sum as Government may from time to time require for the establishment and maintenance of police for the protection of the port and of the approaches thereto;

(4) the interest and instalments of capital due in respect of any loan that may have been raised by the board or for which it is liable;

(5) any charges for which the board may be liable under section 77 or section 78;

(6) the cost, or such portion of the cost, of any new work, plant, vessel or appliance which the board may determine to charge to revenue;

(7) any other charge which may be specially sanctioned by Government on the application of the board.

##### *Annual Estimates.*

60. The chairman shall, at a special meeting to be held in the month of January in each year, lay before the board an estimate of the income and of the expenditure of the board for the year commencing on the first day of April then next ensuing, in such detail and form as the board shall from time to time direct.

Chairman to submit an annual estimate of income and expenditure to the board.

Bom. Act VI.  
of 1879, s.  
49.

Act XV. of  
1879, s. 42.

Bom. Act VI.  
of 1879, s.  
52.

Such estimate shall be completed and printed, and a copy thereof sent by post, or otherwise, to each trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

Bom. Act VI.  
of 1879, s.  
53.

61. The board shall consider the estimate so submitted to them, and shall sanction the same either unaltered or subject to such alterations as they shall think fit.

Bom. Act VI.  
of 1879, s.  
54.

62. The estimate, as sanctioned by the board, shall be submitted, through the Political Resident at Aden, to the Government, which may, if it thinks fit, at any time within one month after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment. The board shall, if the estimate is so returned by Government, forthwith proceed to amend the same, and shall re-submit the estimate so amended, through the Political Resident at Aden, to the Government.

63. Together with the said estimate, the board shall submit, through the Political Resident at Aden, to the Government, a list of the works which the board propose to execute during the year to which the estimate relates, showing the order in which the said works are to be executed and the date within which each of them will probably be completed or in the case of any work which will not be completed within the year, the progress intended to be made therewith during the said year.

64. The board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the board and submitted to the Government in the same manner as if it were an original annual estimate.

65. Save in cases of pressing emergency no sum exceeding three thousand rupees shall be expended by or on behalf of the board, unless such sum is included in some estimate at the time in force which has been finally approved by Government.

Bom. Act VI.  
of 1879, s.  
55.

Supplementary estimates may be made when necessary.

Bom. Act VI.  
of 1879, s.  
56.

No expenditure above Rs. 3,000 to be incurred unless sanctioned in an estimate.

If any sum exceeding three thousand rupees in amount is so expended, on a pressing emergency, the circumstances shall be forthwith reported by the chairman, through the Political Resident at Aden, to Government, together with an explanation of the way in which it is proposed by the board to cover such extra expenditure.

#### Audit of Accounts.

66. The accounts of the receipts and expenditure of the board shall, twice in every year, be laid before Government, and shall be audited and examined in such manner and by such auditor or auditors as shall, from time to time, be appointed by the board, with the approval of the Political Resident at Aden.

Bom. Act VI.  
of 1879, s.  
58.

For the purposes of such audit and examination the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding, or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

The auditors shall be paid by the board such remuneration as the Political Resident at Aden shall determine; and, within fourteen days after the audit and examination of the accounts for any half-year shall have been completed, the auditors shall forward

a report upon the accounts for such half-year to the board, who shall cause the same to be published, together with an abstract of the accounts, in the *Bombay Government Gazette*.

#### Disposal of Balances.

67. The board may invest any balance remaining on the 31st March of each year in securities of the Government of India and may from time to time sell the said securities, and either re-invest the proceeds in other such securities, or credit the same to the general funds of the board.

Bom. Act VI.  
of 1879, s.  
51.

Balances may be invested by the board in public securities.



But the money so invested by the board shall not exceed such amount annually, or in the aggregate, as shall from time to time be prescribed by Government.

Amounts which may be so invested to be limited by Government.

VII.—PENALTIES.

Bom. Act VI. of 1879, s. 78.

68. Any person who being a trustee, or an officer or servant of the board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the board, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code :

Provided that nothing in this section shall apply to any person by reason only of his—

(a) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the board ; or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the board may be inserted ; or

(c) being interested in any loan of money to the board.

Bom. Act VI. of 1879, s. 79.

69. Any person employed under this Act, not being a public servant within the meaning of section 21 of the Indian Penal Code, who shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing, or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or dis-service to any person with the board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided by the Indian Penal Code in the case of the like offence committed by a public servant.

Act XLV. of 1860.

70. Whoever infringes any order issued under section 31, 32 or 33 or any condition prescribed under section 35 or 40 shall be punished with fine which may extend to one hundred rupees ; and, if the infringement be continuing, with a further fine

Act XV. of 1879, s. 72.

Infringement of sections 31, 32, 33, 35, or 40.

which may extend to one hundred rupees for every day such order is infringed.

71. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under section 66, shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

Bom. Act VI. of 1879, s. 80.

For refusing or neglecting to appear before an auditor of accounts, &c.

neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under section 66, shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

72. If it be found when goods are imported at, or exported from, any wharf, quay, stage, jetty or pier in the possession of the board, that the weight or quantity of such goods, or the tonnage of any vessel carrying such goods, has been understated in any document presented to any officer of the board for the purpose of enabling him to determine the tolls, dues, rates or charges payable in respect of the said goods or vessel, the consignee, in the case of goods imported, and the consignor, in the case of goods exported, shall be liable to pay to the board such sum not exceeding twice the proper tolls, dues, rates or charges on the weight or quantity of goods or amount of tonnage so understated as may be determined by the board, and the said sum shall, on the application of the board, be recoverable under the warrant of a Magistrate of any class as if it were a fine inflicted by such Magistrate.

Do. do. s. 82.

For understating quantity or weight of goods, &c.

imported at, or exported from, any wharf, quay, stage, jetty or pier in the possession of the board, that the weight or quantity of such goods, or the tonnage of any vessel carrying such goods, has been understated in any document presented to any officer of the board for the purpose of enabling him to determine the tolls, dues, rates or charges payable in respect of the said goods or vessel, the consignee, in the case of goods imported, and the consignor, in the case of goods exported, shall be liable to pay to the board such sum not exceeding twice the proper tolls, dues, rates or charges on the weight or quantity of goods or amount of tonnage so understated as may be determined by the board, and the said sum shall, on the application of the board, be recoverable under the warrant of a Magistrate of any class as if it were a fine inflicted by such Magistrate.

Bom. Act VI. of 1879, s. 79.

69. Any person employed under this Act, not being a public servant within the meaning of section 21 of the Indian Penal Code, who shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing, or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or dis-service to any person with the board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided by the Indian Penal Code in the case of the like offence committed by a public servant.

Act XLV. of 1860.

70. Whoever infringes any order issued under section 31, 32 or 33 or any condition prescribed under section 35 or 40 shall be punished with fine which may extend to one hundred rupees ; and, if the infringement be continuing, with a further fine

Act XV. of 1879, s. 72.

Infringement of sections 31, 32, 33, 35, or 40.

73. Any person who removes, or attempts to remove, or abets, within the meaning of the Indian Penal Code, the removal of any goods, vessel, animal, or vehicle with the intention of evading payment of the tolls, dues, rates or charges lawfully payable in respect thereof to the board shall be punished with fine which may extend to fifty rupees.

Bom. Act VI. of 1879, s. 83.

For evading rates, &c.

removes, or attempts to remove, or abets, within the meaning of the Indian Penal Code, the removal of any goods, vessel, animal, or vehicle with the intention of evading payment of the tolls, dues, rates or charges lawfully payable in respect thereof to the board shall be punished with fine which may extend to fifty rupees.

Act XLV. of 1860.

74. In case any damage or mischief is done to any wharf, dock, quay, jetty, stage, pier or work constructed or acquired by the board under this Act by any vessel, through the negligence of the master thereof or of any of the mariners or persons employed therein, any Magistrate of the first class having jurisdiction at Aden may, on

Bom. Act VI. of 1879, s. 84, and Act XV. of 1879, s. 41.

Compensation for damage to property of board.

done to any wharf, dock, quay, jetty, stage, pier or work constructed or acquired by the board under this Act by any vessel, through the negligence of the master thereof or of any of the mariners or persons employed therein, any Magistrate of the first class having jurisdiction at Aden may, on

the application of the board, and on declaration by them that payment for such damage or mischief has been refused or has not been made on demand, issue a summons to the master or owner of such vessel, requiring him to attend on a day and at an hour named in the summons to answer touching such damage or mischief.

If, at the time appointed in the summons and whether the person summoned appears or not, it is proved that the alleged damage was done through such negligence as aforesaid and that the pecuniary amount of the same does not exceed two hundred rupees, the Magistrate may issue his warrant of distress, under which a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores of the vessel may be seized and sold to cover the expenses of and attending the execution of the distress, and the pecuniary amount of damage as aforesaid, and such amount shall be paid to the board out of the proceeds of the distress:

Provided that if, at the time of the damage or mischief, the vessel was under the orders of a duly authorized officer belonging to the pilot service or to the Harbour Master's or Port Officer's department, the case shall not be cognizable by the Magistrate under this section.

75. Except as is otherwise provided in sections 72 and 74, all offences against this Act or against any bye-law made under section 54 shall be cognizable by a Magistrate of any class.

All fines and damages recovered from any offender or by any distress under section 74 shall be paid to the board.

76. Prosecutions under this Act may be instituted by the board or by any person authorized by them in this behalf, and not otherwise.

#### VIII.—CONTROL.

77. Governor in Council may at any time order a survey and examination of any work of the board under this Act, or of the site thereof, and the cost of such survey or examination shall be borne and paid by the board.

78. If the board allow any work acquired or constructed by them under this Act to fall into disrepair, or do not com-

plete any work commenced by them or duly estimated for and sanctioned, and do not, after notice given by Government in writing, proceed effectually to repair or complete such work to the satisfaction of the Governor in Council, Government may cause such work to be restored, completed or constructed, and the cost thereof shall be borne and paid by the board.

79. If it shall at any time appear to the Governor in Council that sufficient provision is not being made by the board to meet their liabilities, the Governor in Council may require the board, by an order in writing, to increase, subject to his sanction and to the provisions of section 42, to such extent and for such period as shall appear necessary, the tolls, dues, rates and charges or any of them for the time being in force under the said section.

If within fifteen days after receipt of such order the board do not comply with the same, the Governor in Council may, by notification in the *Bombay Government Gazette*, increase the said tolls, dues, rates, charges, or any of them, and such notification shall have the same force as if a new scale to the same effect had been duly framed, sanctioned and published under section 44.

80. If at any time the Governor in Council is satisfied that the purposes intended to be accomplished under this Act have not been and are not likely to be properly accomplished by the board, the Governor in Council may, by notification in the *Bombay Government Gazette*, give notice that, unless within six months the board take measures to the satisfaction of Governor in Council for properly accomplishing such purposes, the powers by this Act conferred on the board will, at the end of such period, be withdrawn and revoked.

On the expiration of the period aforesaid, Governor in Council may, if no such measures to its satisfaction have been taken by the board, declare such powers to be withdrawn or revoked, and thereupon such powers shall be withdrawn and revoked accordingly, and all the powers, rights and authorities and all the property vested by this Act in the board shall thereupon vest in Government.

Bom. Act VI.  
of 1879, s.  
60.

Bom. Act VI.  
of 1879, s.  
85.

Act XV. of  
1879, s. 75.

Act XV. of  
1879, s. 46.

Act XV. of  
1879, s. 47.

Act XV. of  
1879, s. 48.

## IX.—MISCELLANEOUS.

Act XV. of  
1879, s. 76.

81. All acts done and proceedings taken by the Political Resident on behalf of the Aden port fund before this Act comes into force, and all orders, rules and regulations relating to the port and to wharves, quays, stages, jetties, piers and landing places within the port made and issued before this Act comes into force, shall, whenever such acts, proceedings, orders, rules, or regulations would have been lawful if this Act had been in force, be deemed to have been respectively done, taken, made and issued under the provisions of this Act.

Compare Act  
XV. of  
1879, s. 77.

82. All fees and sums due on account of property for the time being vested in the board, and all arrears of tolls, charges, rates and dues imposed under this Act, may be recovered by a suit brought in the name of the board in the Court of the Resident, in addition to the other modes hereinbefore provided.

Act XV of  
1879, s. 50.

83. No trustee shall be personally liable for any contract made or expense incurred by or on behalf of the board; but the funds from time to time in the hands of the board shall be liable for and chargeable with all contracts made in manner provided in this Act.

Act XV of  
1879, s. 51.

84. Every trustee shall be liable for any misapplication of money entrusted to the board to which he has been a party, or which happens

through, or is facilitated by, the neglect of his duty.

85. No suit shall be commenced against any person for anything done, or pur-

Limitation of suits, &c. thing done, or purporting to have been done, in pursuance of this Act without giving to such person one month's previous notice in writing of the intended suit and of the cause thereof, nor after six months from the accrual of the cause of such suit;

and in the case of a suit for damages, if tender of sufficient amends shall have been made before the suit was brought, the plaintiff shall not recover more than the amount so tendered and shall pay all costs incurred by the defendant after such tender.

86. The board shall not be responsible for any mis-feasance, mal-feasance or non-feasance of any officer or servant appointed

Board not responsible for certain acts of their officers and servants.

under this Act;

nor, if they should be appointed by Government under the Indian Ports Act, 1875, XII. of 1875, Conservators of the Port, for any mis-feasance, mal-feasance, or non-feasance of any Deputy Conservator, Port Officer or Harbour Master, or of any assistant or deputy of any such officer or of any person acting under the authority or direction of or in subordination to any such officer, assistant or deputy;

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to the board, which may be used by such vessel.

## SCHEDULE A.

(See Section 25.)

## PROPERTY VESTED IN THE BOARD.

I.—All the right, title and interest of the Secretary of State for India in Council in the following lands, buildings, piers, embankment, light-house, signal stations, jetty and quay (namely):—

Consecutive Number.	Name of Property.	Heretofore in charge of	Boundaries and general description.
1	Pilot bandar ... ..	The Political Resident, Aden.	Below Ras Morbut Fort at Steamer Point; a stone pier.
2	Port fund boat-slips ... ..	Do. ... ..	Adjoining the Peninsular and Oriental Company's slip at Steamer Point, consisting of stone-sheds, slips and rails.

Consecutive Number.	Name of Property.	Heretofore in charge of	Boundaries and general description.
3	Post Office pier...	The Political Resident, Aden.	Opposite Post Office at Steamer Point; partly constructed of stone and partly of screw iron piles.
4	Port fund store-rooms...	Do.	On Government ground near the Post Office at Steamer Point; stone building.
5	Ditto	Do.	Ditto
6	Port magazine ...	Do.	A magazine in the solid rock near the saluting battery near Ras Morbut.
7	Lascars' lines (Khalási lines).	Do.	Ditto
8	Port Surgeon's jetty ..	Do.	Opposite Government tanks at Steamer Point; stone pier.
9	Government landing pier (Prince of Wales' pier).	Do.	Reclamation and iron shed west of Government buildings at Steamer Point.
10	Boat Inspector's office and quarters.	Do.	Under the hill opposite Prince of Wales' Pier at Steamer Point; stone house.
11	Abkári pier and adjoining reclamation.	Do.	Reclamation east of Government buildings at Steamer Point.
12	Government jetty ...	Do.	Near Hotel de l'Universe at Steamer Point; a small rubble stone jetty.
13	Maala pier ...	Do.	At Maala village; stone pier.
14	Office and godowns attached to the Maala pier.	Do.	Adjoining Maala pier; stone buildings.
15	Marshag signal station...	Do.	On Ras Marshag.
16	Marshag light-house, lascars' quarters and stone rooms.	Do.	On Ras Marshag. First order dioptric light on a stone light-house, with stone buildings attached.
17	Shum Shum signal station.	Do.	On Jebel Shum Shum; a flagstaff and sheds.
18	The station signal staff..	Do.	On hillock above the Protestant church at Steamer Point; a flagstaff.
19	Port Officer's quarters and out-houses.	Do.	Adjoining the property of the Messageries Maritimes and the Peninsular and Oriental Company, near Steamer Point barracks, a partly stone building.
20	Pilots' quarters and out-houses.	Do.	On Ras Morbut; kutcha houses.
21	All the foreshore below high-water mark, situated on the Aden side of the harbour between Pilot bandar below Ras Marbut Fort at Steamer Point and the Pier of Obstruction at the isthmus, excepting such portions thereof as are the property of any person other than the Secretary of State in Council and except in so far as any right of any such person may exist in or over the same.	Do.	.....
22	Pier of Obstruction with a 15-ton iron crane.	Military Department.	A stone pier adjoining the Tower or Western Gate.

