



Bombay Government Gazette.

Published by Authority.

THURSDAY, 7TH APRIL 1887.

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 Report of the Select Committee of the Council of His Excellency the Governor of Bombay on the "Bill to vest the Port of Aden in a Trust," and the Bill as amended by the Select Committee, are, in accordance with Rule 25 of the Rules for the conduct of Business at Meetings of the Council, published for general information:—

*Report of the Select Committee appointed to consider Bill No. 5 of 1886
(a Bill to vest the Port of Aden in a Trust).*

We, the Select Committee appointed to consider the Aden Port Trust Bill, 1886, have the honour to submit our report.

2. We have received the following communications on the subject of the Bill. These have been printed, and are annexed to this Report.

- (1) Petition from the representatives of owners of shipping frequenting the port of Aden.
- (2) Petition from the shipowners of London constantly using the port of Aden.
- (3) Petition from the merchants residing in Aden.
- (4) Letter from the Honorary Secretary to the Chamber of Commerce, Aden.
- (5) Letter from Messrs. James Burness and Sons of London.

3. We have adopted most of the amendments made by the Select Committee in the Karáchi Port Trust Bill, which has since been passed as Bombay Act No. VI of 1886.

4. To meet the wishes of the mercantile and shipping community at Aden, we have given to the work of dredging the harbour the first and most prominent position among the works enumerated in Section 27. From communications received from the Political Resident at Aden we are convinced that the authorities there share in the anxiety of the public that this work should be actively prosecuted.

5. We have made considerable alterations in that portion of the Bill (Sections 30 to 36), which relates to the landing and shipping of goods. We think that in this portion of the Bill the provisions of the Karáchi Act have been too closely followed. The circumstances of the two ports are very different: for while at Karáchi it is intended that almost all vessels should come alongside the wharves and quays, there is at Aden no sufficient depth of water for this purpose, and a long time will certainly elapse before vessels are able to ship and unship goods elsewhere than in midstream. Again, while the landing and shipping of goods at the Karáchi wharves will generally be done by the servants of the Port Trust, it is not likely that the Trustees at Aden will wish to undertake the same duties for vessels lying in the harbour; and the shipping and unshipping of cargo will continue to be done, as heretofore, by the Agents of the Steamer Companies at Aden. We have accordingly struck out as unnecessary Section 30, the second clause of Section 31, and Section 34.

6. As Aden is not a Customs port, we have also struck out Sections 37 and 38 as unnecessary.

7. The Committee has had to consider the question of private wharves and landing-places for goods now existing in the Aden harbour. Several Steam-boat Companies and Agents of such Companies have taken portions of the foreshore on lease for the purpose of storing coals, and they have found it convenient to make wharves and landing-places for the purpose of landing and shipping goods from and in their own steamers. It may well be that hereafter it will be advisable, in the interests of the Port Trust, to close these private wharves and landing-places. It would not, however, be right to do this until a sufficient number of public wharves and landing-places has been provided; and having regard to the urgent necessity of deepening the harbour, we are not disposed to think that the Port Trustees will consider the provision of additional landing accommodation to be a work of the first necessity. We have not, therefore, introduced any provision for the immediate closing of private wharves and landing-places, but have retained Section 32, which will enable the Board to close them, when sufficient public accommodation shall have been provided. We have, however, considered that this should not be done without the previous sanction of Government, and have amended the section accordingly. Sections 39 to 41 of the Bill prevent the erection of any fresh wharves &c. by private persons.

8. At the same time, as the revenues of the Port Trust will in some measure be derived from landing and wharfage fees, it is absolutely necessary that, so long as private wharves and landing-places are allowed to exist, tolls should be levied at them on the same scale as at the public wharves and landing-places. It may be found convenient that these tolls should be levied on behalf of the Board by the owners of the wharves, a percentage being allowed to them on account of their trouble and expense, rather than that an establishment should be entertained by the Board for the purpose. With this object we have amended Section 42, and have introduced a new Section 44A.

9. We have, moreover, so modified Section 32 as to empower the Board, with the sanction of Government, to allow private wharves to be kept open for the landing and shipping of a particular class or classes of goods, after they may have been closed for general purposes: and we have introduced a proviso that they shall not be interfered with so long as they are used only for the purpose of landing and shipping coals, that being the purpose for which it is stated that the leases of the adjoining premises were originally granted.

10. In accordance with representations made by the mercantile community we have altered Sections 45, 46 and 47, so as to create a lien for ligherage, as well as for freight, primage, and general average.

11. At the request of the Political Resident we have struck out Article 21 of Schedule A of the Bill, and have introduced a new article, No. 22, vesting in the Board the interest of the Secretary of State, as lessor, in the portions of the foreshore held on lease by the steam-ship and other companies and individuals.

19th March 1887.

(Signed) M. MELVILL.
 („) J. R. NAYLOR.
 („) F. FORBES ADAM.
 („) KAZI SHAHABUDIN.

Bombay,
 Peninsular and Oriental Steam Navigation Company.
 9th September 1886.

To

THE SECRETARY TO GOVERNMENT,

Bombay.

SIR,

I have the honour to submit herewith, for the consideration of His Excellency the Governor in Council, a petition bearing date 25th August, from the representatives at Aden of the chief steam-ship owners whose vessels frequent that port, on the subject of deepening the harbour, and other matters connected with the "Aden Port Trust Bill," now before the Legislative Council, which I have been requested to forward.

I have the honour to be,

Sir,

Your obedient Servant,

F. D. PARKER,
 Superintendent.

To

HIS EXCELLENCY

THE RIGHT HONORABLE LORD REAY, LL.D., C.I.E.,

GOVERNOR AND PRESIDENT IN COUNCIL.

The petition of the undersigned representatives of owners of shipping frequenting the port of Aden, humbly sheweth:

That for a number of years past memorials and letters have been at various times addressed to the Secretary of State for India, the Government of India, and the Government of Bombay on the important subject of deepening the inner harbour so as to enable vessels of deep draught to enter and leave at all states of the tide.

That the Secretary of State, in reply to a memorial on the subject, dated 16th April 1885, stated he had requested the Government of India to consider the steps necessary for establishing a Harbour Trust for the port in question on which the commercial community shall be suitably represented and to which shall be entrusted the duties of administering the Port Funds and carrying out needful improvements, and should there be any delay in establishing a Port Trust, the authorities at Aden might be instructed to proceed as early as practicable with such dredging operations as may appear to be requisite.

2. That a Bill has been introduced into the Honourable Council by the Honourable M. Melvill intituled "The Aden Port Trust Bill of 1886," the Statement of Objects and Reasons for the Bill being given as—

“That the increasing importance of the port has made it highly desirable to establish a Port Trust in which the commercial community shall be duly represented.”

Further the preamble to the Bill states :

“That it is expedient to vest the port of Aden in a Trust and to provide for the management of the said port by Trustees.”

3. Your petitioners would respectfully urge that the primary object the various memorials submitted had in view was the improvement of the Harbour which in the above Bill appears to your petitioners to be set aside except in so far as power is given to the Trustees to deepen the harbour and obtain the needful appliances, while the greatest prominence is given to the erection of wharves, quays, &c., a sufficiency of which are, in the humble opinion of your petitioners, in existence already to meet the general requirements of the trade of the Port.

4. Your petitioners would therefore humbly submit to Your Excellency in Council that it is important the words be added to the Statement of Objects and Reasons as well as to the preamble of the Bill showing the dredging of the harbour is to be one of the primary objects of the Trust.

5. Your petitioners observe that no provision is made in the Draft Bill for the Trustees to raise funds if necessary for the purposes of the Bill and they would humbly suggest that this be done by the addition of clauses similar to Nos. 39 to 42 in Bombay Port Trust Act, VI. of 1879.

6. Your petitioners would further beg leave to suggest the following alterations in the Draft Bill :—

Clause II., Sections 6 and 7.—That with a view to fulfil the object of having the commercial community duly represented the number of the Trustees be not less than six, three being non-officials, and that power be reserved for one to be elected annually by the local Chamber of Commerce.

Clause V.—That provision be made either by altering section 35 or adding a section specially applicable for the continuance of the privileges hitherto exercised by the Lessees of the existing private wharves to land, store, and ship coals, and general merchandize, until the Trustees are prepared to acquire the same under sections 23 and 24.

Section 54 (E).—That similar provision be made with reference to those Companies at present having water-condensers in operation for the purpose of supplying shipping with fresh water.

Section 46.—That the lien here created for freight, &c., may be extended to the cost of Lighterage from vessels to the wharves as it will be many years ere the practice of lightering cargo can be discontinued.

Section 48.—That the time for the removal of goods may be extended from 2 to 5 days.

Wherefore your petitioners humbly pray that Your Excellency in Council will be pleased to consider this our petition.

H. W. HENLEY,
Agent, P. & O. S. N. Company.

G. ORSINGER,
Agent, P. I. des Mes. Mes. Co.,
Luke Thomas and Company, Limited.

H. W. KEENE,
Manager, The Aden Coal Company, Limited.
J. WOODTLI, Aden Manager.

COWASJEE DINSHAW AND BROTHERS,
Agents, British India S. N. Company ;
Austro-Hungarian Lloyds S. N. Company, &c.

Aden, 25th August 1886.

Bombay, 27th September 1886.

To

THE SECRETARY TO GOVERNMENT,
Marine Department,
Poona.

SIR,

We have the honour to enclose a petition signed by the leading ship-owners of London addressed to His Excellency Lord Reay, requesting that the inner harbour of Aden may be dredged, and we shall be glad if you will place the petition before His Excellency.

We have the honour to be,

Sir,

Your most obedient Servants,
REMINGTON & Co.

London, 8th September 1886.

To

HIS EXCELLENCY THE LORD REAY,
Governor of Bombay, &c., &c., &c.

MY LORD,

We, the undersigned ship-owners constantly using the port of Aden, having seen the proposed Bill for creating a port trust for the port of Aden, beg respectfully to point out that no legislation will be of the least use to the port, unless the work of deepening the inner harbour, so as to enable vessels of deep draught to enter, remain afloat and leave at all states of the tide, is first accomplished, and your petitioners pray that a clause be inserted in the proposed Bill to the effect that this shall be considered the primary object of the Bill and of the trust that may be created thereby, and that the accumulated balance now at the credit of the Aden Port Fund shall be devoted exclusively to this object.

Your petitioners have not found that there is any want of wharves, lighters, fresh water, &c., but that the wants of the shipping calling at the port are amply provided for at reasonable rates by those houses who have long been established at the port. In the experience of your petitioners, the want of water, which prevents ships of large size entering the inner harbour, is a most serious disadvantage to the port, and ought, in the humble opinion of your petitioners, to be remedied with as little delay as possible.

Soliciting the favourable consideration of your Lordship to this petition,

We have the honour to be,

My Lord,

Your Lordship's most obedient humble Servants,

A. H. M. BETHUNE,

Secretary P. & O. Steam
Navigation Company.

Queensland Steam Ship Company, Ltd.

CHAS. S. LEIESCHE,
Secretary.

The Orient Steam Navigation Com-
pany, Ltd.,

S. WAYMOUTH,
Secretary.
(Name unintelligible)

Glen Line.

G. HANKEY SEWELL & Co.

The Mogul Steam Ship Company, Ltd.,

J. W. DOMONEY,

Secretary.

R. G. JONES PRICE & Co.,
Agents P. G. S. S. Company, Ltd.,

E. DICKENS,

Secretary, Telegraph Con-
struction and Maintenance
Company, Ltd.

Anchor Line,

p. p. HENDERSON BROTHERS,
W. HOLMS SHARP.

Eastern Telegraph Company, Ltd.,

W. T. ANSELL,

For Secretary.

GRAY, DAWES, & Co.
Agents, British India Steam
Navigation Company, Ltd.,
and Queensland Royal Mail
Line of Steamers.

For the Netherlands India Steam
Navigation Company, Ltd.,

R. H. EVANS,
Secretary,
P. W. Co., Ltd.

"Ducal" Line,
McDIARMID GREENSHIELDS
& Co.

Castle Line,
THOS. SKINNER & Co.

"Clan Line",
CAYZER, IRVINE & Co.

JENKINS & Co.
"Shire Line" Steamers.

(Name unintelligible)
London Agents to the Austro-
Hungarian Lloyds Steam
Company.

GALBRAITH PEMBROKE
& Co.,

London Agents of the
British and Burmese
S. N. Co., Ltd.

*Bombay,
Peninsular and Oriental Steam Navigation Company,
5th October 1886.*

To

THE SECRETARY TO GOVERNMENT,
Marine Department, Bombay.

SIR,

I have the honour to submit herewith, for the consideration of His Excellency the Governor in Council, a petition from merchants at Aden on the subject of deepening the inner harbour and other matters connected with the "Aden Port Trust Bill" now before the Legislative Council, which I have been requested to forward.

I have the honour to be,

Sir,

Your obedient Servant,

F. D. PARKER,
Superintendent.

To

HIS EXCELLENCY LORD REAY,
Governor and President in Council of Bombay.

MAY IT PLEASE YOUR EXCELLENCY,

The undersigned merchants, residing in Aden, humbly beg your Excellency will favourably consider their own memorial in regard to the Aden Port Trust Bill now before your Excellency in Council.

1st. That the proposed Bill is not in accord with the memorial presented to His Excellency Sir James Fergusson on his official visit to Aden, when your memorialists were the first to draw His Excellency's attention to the paramount necessity of dredging the inner harbour so as to enable ships of heavy draft to come inside the harbour and for that very reason asked for the Port Trust.

2nd. That your memorialists look with great concern that unless this harbour is soon dredged it will give undue advantage, as it is at present doing to a certain extent, to neighbouring coaling stations, and that to the great detriment of this port.

3rd. That the petitioners would most respectfully urge that the proposed Bill be so amended that the money at present standing to the credit of the Port Fund or any portion thereof, which is to become the property of the Port Trust, should be applied to no other purpose than the improvement of the harbour by dredging until the same is accomplished.

Your petitioners observe that large provision is made for the erection of wharves, warehouses, &c., for the purpose of lauding, shipping and storing cargo and the ultimate suppression of private wharves. In the opinion of your petitioners this is quite unnecessary as the public wharf at Malla and the private wharves at present in operation are quite sufficient for the requirement of the trade, and some of the private wharfingers at the request of the undersigned have of late undergone considerable expenses in building sheds for the storage of cargo and the petitioners are satisfied with the charges made and accommodation provided by the wharfingers.

4th. That your petitioners are of opinion that the bulk of the cargo-landing at this port is more for transshipment by sea to different ports than for local consumption, and if the Port Trust Bill is intended to levy wharfage dues, &c., the greater portion of the cargo would be shipped direct from the original ports such as Hodeida, Mussowa, Suakim, &c., thus avoiding this port and reducing the Port revenue derived from the dues on the shipping bringing the goods.

And your petitioners beg to subscribe themselves,

JOS. A. JONESE for ARNOLD HINES & Co.;
 V. BIENENFELD & Co.;
 PP. ABE STEIN & Co.
 JOSEPH SIPPILI;
 PPEN DE CESAR TIAN.
 V. M. PIRES;
 JAMES Z. McGLINCHEZ,
 for KEEN and COATES,
 Philadelphia, U. S. A.;
 P. BARDEZ;
 DADABHAI & Co.

हाण् अणदुल इते अणदुल गनी.

i.e., ABDULALY ABDUL GANEE.
 MUNAHIM MUSS & Co.
 HOWORTH POGLIANI & Co.

शुषेमान नारमहमद.
 अणदण करीम इतेमानद.
 वीरयंद अभीयंद.
 धनराज हेमराज.
 शा. शीवल अते वशनण.
 परशोतम वाहाणण.
 मेधण परमाणुद.
 शा कण्णाल मनिममद. (?)
 शा कण्णाल करमयंद. (?)
 शा अमरयंद धरमसी.
 शा कसतुर अरयंद.
 दाडुभाज दोरत.

Aden, 28th September 1886.

No. 7 of 1886.

ADEN CHAMBER OF COMMERCE.

Aden, 18th October 1886.

To

THE SECRETARY TO GOVERNMENT,
MARINE DEPARTMENT,
Bombay.

SIR,

I am directed by the Committee of this Chamber to submit the following remarks and suggestions for the consideration of Government on the subject of the proposed "Aden Port Trust Bill" in the hope that in conjunction with the memorials in course of presentation to His Excellency the Governor in Council, the Bill may be so amended as to meet the wants of the Port more fully than it appears to do to those commercially interested in its continued prosperity.

The Bill in its preamble as well as its general scope misses stating the object which has been frequently petitioned for and the importance of which Government has admitted in its replies, *viz.*, the dredging of the inner harbour and bar to such a depth as will admit of vessels of the largest size entering and leaving the port at all states of the tide as well as give a safe anchorage.

It is the opinion of the Committee that it is of the utmost importance that the preamble of the Bill should state as the object of the Trust not merely the management of the affairs of the Port but the efficient dredging of the harbour.

This appears the more necessary on perusing the body of the Bill where the dredging crops up as it were incidentally in section 27, which is entirely permissive, while great prominence is given in the compulsory section 30 *et. seq.* to the making of wharves, quays, &c.

The reverse of this appears to the Committee to be required in the interests of the Port.

I now proceed to remark on the various sections calling in the opinion of the Committee for attention.

Section 5.—The lowest number of Trustees it is considered should be six.

Section 7.—To obtain a suitable representation of the General Mercantile Community the Committee would urge that at least one of the non-official members should be elected by the members of this Chamber on the plan followed at other ports.

Section 13 (*f*).—The period of 12 months' absence provided for appears very long and might with advantage be curtailed to six if not less, as changes amongst the limited number of suitable persons for the office of Trustee are likely to be frequent.

Section 21.—The limit of salary within which the Chairman shall exercise power under this section should not exceed 30 rupees.

Section 23.—The limit of time for leasing property appears unnecessarily high and 25 years would seem to be ample.

Sections 30 to 33.—These sections make it imperative on the Trustees to provide wharves, quays, &c., and by the prominence necessarily given them appear to form the main object of the Bill.

On comparison they are seen to be copied from the Karachi Port Trust Bill which has to provide for quite a different set of circumstances as any one acquainted with the two ports can at once see.

Sections 30—32 appear to the Committee not only unnecessary but dangerous as likely at some time to lead to great expense. To make such

wharves as would enable sea-going vessels to go alongside would require vast reclamations, which the trade of the Port could never repay the cost of, without burdens that would probably ruin it.

These sections and others relating to the conditions they would create might, the Committee are of opinion, be left out with advantage unless they are made permissive and conditional on the dredging of the harbour being first completed.

Section 33 appears to aim at the suppression of the existing private wharves for landing general merchandise which have hitherto supplied the wants of the Foreign trade of the Port and no mention is made of any compensation being granted to the owners.

While not prepared to deny that any necessity exists at present for further accommodation, we are of opinion that if the privileges now exercised by the wharfingers are to be withdrawn in the manner proposed they are entitled to every consideration.

There can be no objection to the improvement of the accommodation afforded by the Government pier at Mallah if the demands of the trade rising it warrants any extension: further if it is desired to give the Trustees power to make wharves to meet any large expansion of the general trade of the port, it is submitted that it would be better to do so in so many words rather than grant extensive powers which might tempt the Trustees to recommend works not absolutely necessary.

These sections appear not only to contemplate the Trustees acting as Wharfingers but as Lightermen. The Committee think it is undesirable that such power should be given as tending to stifle all private enterprise and place the trade of the Port at the mercy of the Trustees.

It has to be borne in mind that Aden is a calling port for mails, coaling, and transhipment, so that anything tending to interfere with the control each company exercises over the despatch of its steamers will most seriously affect its interests as well as those of the Port.

By the possession of their own wharves, lighters, and other appliances, the companies concerned can control their respective work efficiently. With the business put into the hands of the Trust there would arise endless difficulties from the fact alone that the work has to be carried on at all hours, while that strong personal interest would be lost which is necessary in the despatching of the work to be done in coaling, discharging, and loading steamers bound to time.

Section 35.—The trade returns for 1885-86 show that the coal imports represent $12\frac{1}{2}$ per cent. of value of the Foreign import trade by sea. With the exception of a small fraction the whole of this coal was supplied to steamers calling for fuel.

From the same return it appears that of 1,432 merchant steamers calling at Aden, no less than 548 called for coals only, while of the 708 that called for mails, cargo, &c., it is known that the greater portion took supplies of fuel as well.

Sections 30—36 would all more or less interfere with the facilities the existing companies are at present able to afford their customers. To carry on their business satisfactorily it is absolutely necessary the same should be as untrammelled as possible, and while Section 35 gives power of exemption from the effects of the preceding sections it is only permissive. It is respectfully urged that as regards the speciality of the coaling business absolute exemption should be granted.

Section 54 (e).—Authority is here given to allow the Trustees to make arrangements in their bye-laws for the providing of water to Shipping. There is no drinking water to supply except that distilled by the companies engaged in the business, so that no such authority appears to be necessary and would only cause interference without benefit to any one.

The Committee in submitting these remarks has not attempted an exhaustive review of the Bill, being anxious to lay as speedily as possible before Government the principal points in the proposed measure which will, it is considered, prejudicially affect those engaged in the trade of the Port, and would beg that these representations will receive the favourable consideration of Government.

I have the honour to be,

Sir,

Your most obedient Servant,

H. W. KEENE,
Chairman.

R. HOWORTH,
Honorary Secretary.

Bombay, 9th December 1886.

To

THE SECRETARY TO GOVERNMENT,
Marine Department,
Bombay.

SIR,

Following to our letter of the 27th September last we have now the honor to hand you copy of a letter from Messrs. James Burness and Sons of London, with refence to the Aden Port Trust Bill, and we shall be glad if you will submit their views in the proper quarter.

We have the honor to be,

Sir,

Your most obedient Servants,

REMINGTON AND Co.

London, 19th November 1886.

MESSRS. REMINGTON & Co.,
Bombay.

“Aden Port Trust Bill.”

DEAR SIRS,

We confirm our letter of 12th and have since seen some of the principal signatories to the petition on the subject of the Hon'ble Mr. Melvill's speech when introducing the Bill. What the shipowners want is to have the deepening of the inner harbour seriously taken in hand without delay as it is now eighteen months since the Secretary of State, in answer to a very numerously signed Memorial, sent a reply encouraging them to hope the dredging would be proceeded with as soon as practicable (see enclosures); it is therefore hoped that Mr. Melvill's suggestion to allow the dredging of the harbour to occupy the most prominent place in the section, stating the works which may be constructed, may cause it to be proceeded with promptly; there is however the danger that in the absence of any words authorising the Trustees if necessary to apply the whole of the balance now at the credit of the Port Fund to this purpose the Trustees may not feel justified in doing so because the bill specifies a number of other works which may be constructed, and when a certain part of the money has been spent, say in building wharves, &c., they will find there is not sufficient funds to do the dredging properly unless the Port charges on shipping are increased, a course which would meet with very serious opposition from the ship-

owners. We shall feel obliged if you will submit these views in the proper quarter, as we think it important the Port Trustees should have explicit powers to do first the thing that is essential to the interests of Aden, *viz.* the deepening of the inner harbour so as to enable vessels of deep draught to enter, remain afloat, and leave at all states of the tide.

We are, dear Sirs,

Yours truly,

(Signed) JAMES BURNES AND SONS.

London, April 16th, 1885.

TO THE RIGHT HONOURABLE THE EARL KIMBERLEY,

Her Majesty's Secretary of State for India.

MY LORD,

We, the undersigned, owners of Steamships which use the Port of Aden, respectfully petition your Lordship to direct that the work of deepening the Inner Harbour so as to enable vessels of deep draught to enter, remain afloat, and leave at all states of the tide, shall be begun as soon as possible.

We observe from the reply by the Under Secretary of State for India to Mr. C. M. Norwood, M.P., in the House of Commons on the 14th of April, that there is a large accumulated balance at the credit of the Aden Port Fund which would, as we believe, provide the dredging plant required. We also believe that by devoting the surplus funds which will still continue to accrue from the dues levied, the whole of the work necessary to be done to afford ample accommodation for large vessels in the Inner Harbour will be provided for.

We venture to state our opinion that the work in favour of which we are petitioning your Lordship will be found of the greatest service to Her Majesty's ships as well as to the vessels of the Mercantile Marine, and that it is a necessary complement to the new fortifications at Aden, if the aim with which they are being constructed is to be secured.

Soliciting the favourable consideration of your Lordship to this Memorial.

We have the honour to be,

My Lord,

Your Lordship's most obedient and very humble Servants,

PENINSULAR AND ORIENTAL STEAM NAVIGATION COMPANY.
 BRITISH INDIA STEAM NAVIGATION COMPANY, LIMITED.
 GRAY, DAWES & Co.
 NETHERLANDS INDIA STEAM NAVIGATION COMPANY, LIMITED.
 ORIENT STEAM NAVIGATION COMPANY, LIMITED.
 F. GREEN & Co.
 MCGREGOR, GOW & Co. (GLEN LINE.)
 McDIARMID, GREENSHIELDS & Co. (DUCAL LINE.)
 JENKINS & Co. (SHIRE LINE)
 GELLATLY, HANKEY, SEWELL & Co.
 MOGUL STEAMSHIP COMPANY, LIMITED.
 THOMAS SKINNER & Co. (CASTLE LINE.)
 MONEY WIGRAM & SONS.
 GLOVER BROTHERS.
 MERCANTILE STEAMSHIP COMPANY.
 NEWTON BROTHERS & Co.
 SHAW, BUSHBY & Co.
 JOHN FENWICK & SONS.
 ANGLIER BROTHERS.
 NEW ZEALAND SHIPPING COMPANY, LIMITED.
 GEORGE THOMSON & Co.
 DAVID BRUCE & Co.
 GALBRAITH, PEMBROKE & Co.

COMMERCIAL STEAMSHIP COMPANY, LIMITED.
STEEL, YOUNG & Co.
H. CLARKSON & Co.
W. H. TINDALL & Co.
R. G. JONES, PRICE & Co.
PERSIAN GULF STEAMSHIP COMPANY.
TELEGRAPH CONSTRUCTION AND MAINTENANCE COMPANY,
LIMITED.
EASTERN TELEGRAPH COMPANY, LIMITED.
ROBERT ALEXANDER & Co.
RANKIN, GILMOUR & Co.
PACIFIC STEAM NAVIGATION COMPANY.
JAMES MOSS & Co.
D. & C. MACIVER.
HAMILTON, FRASER & Co.
WILLIAMSON, MILLIGAN & Co.
TAYLOR, CAMERON & Co.
RICHARD NICHOLSON & SONS.
CALEDONIA STEAMSHIP COMPANY, LIMITED.
W. & R. THOMSON. (BEDOUIN STEAM NAVIGATION COMPANY.)
GREENSHIELDS, COWIE & Co.
THOS. & JAS. HARRISON.
A. HOLT. (OCEAN STEAM SHIP COMPANY.)
CROW, RUDOLF & Co.
BIRKENHEAD SHIPPING COMPANY, LIMITED.
STEAMSHIP ALBANY COMPANY, LIMITED.
WILLIAM THOMAS & Co.
W. TAPSCOTT & Co.
EILLS & Co.
HUME, SMITH & Co.
THOMLINSON, THOMSON & Co.
A. GIBSON & Co.
JOSEPH HOULT.
W. H. DIXON.
G. M. STEEVES.
R. CONAWAY & Co.
LAYBORN & LEGGE.
JAMES M. WOOD.
WILLIAM JACKS.
R. P. HOUSTON & Co.
C. W. POLLEXPEN & Co.
JACKSON, METCALF & Co.
TAYLOR, ABRAHAMS & Co.
GEORGE SMITH & SONS. (CITY LINE.)
P. HENDERSON & Co.
HENDERSON BROTHERS. (ANCHOR LINE.)
CAYZER, IRVINE & Co. (CLAN LINE.)
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INDIA OFFICE, S.W.,
20th May 1885.

SIR,

I am directed by the Secretary of State for India to acknowledge receipt of your letter of the 30th ultimo submitting a Memorial signed by certain Companies and other firms engaged in the Shipping Trade between this country and India, urging the deepening of the Inner Harbour at Aden so as to enable vessels of deep draught to enter, remain afloat, and leave at all states of the tide.

In reply I am instructed by Lord Kimberley to acquaint you, for the information of the Memorialists, that the subject of the improvement of Aden Harbour has lately been before him, and that he has recently requested the Government of India to consider the steps necessary for establishing a Harbour Trust for the Port in question on which the commercial community shall be suitably represented, and to which shall be entrusted the duties of administering the Port Funds and carrying out needful improvements.

I am to add that, in forwarding a copy of the Memorial to the Government of India, Lord Kimberley will suggest that, should there be any delay in establishing a Port Trust, the authorities at Aden might be instructed to proceed as early as practicable with such dredging operations as may appear to be requisite.

I am, Sir,
Your obedient Servant,
J. K. CROSS.

C. M. NORWOOD, Esq., M.P.,
&c., &c., &c.,
House of Commons.

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.

Sort title. 1. This Act may be called "The Aden Port Trust Act, 1887."

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; "port";

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

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

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

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

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

(7) "owner," when used in relation to goods, includes any consignor, 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. "owner".

3. The Governor in Council may, by notification in the *Bombay Government Gazette*, define the Power to define and alter limits of port.

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.

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

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. Number of trustees.

6. The First Assistant Resident at Aden, the Executive Engineer, Aden, and the Port Surgeon, Aden, or in the absence of any of the abovementioned officers the officer acting for him shall be *ex-officio* trustees, and the First Assistant Resident at Aden or, in his absence, the officer acting for him shall be *ex-officio* chairman of the board. Appointment of *ex-officio* trustees and chairman.

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. Appointment of other trustees.

Act XV. of 1879, s. 2.

Act XV. of 1879, s. 2.

Act XV. of 1879, s. 2.

Bo. Act VI. of 1879, s. 3.

Bo. Act VI. of 1879, s. 3.

Bo. Act VI. of 1879, s. 3.

Act XV. of 1879, s. 3.

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

Publication of names of non-official trustees in the official gazette.

Bo. Act VI. of 1879, s. 8.

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.

Term of office of first trustees when to commence.

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.

Length of term of office of non-official trustees.

Bo. Act I. of 1884, s. 15.

11. In the event of the death, resignation or disqualification of a trustee *other than an ex-officio 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.

If a trustee other than an ex-officio trustee departs from Aden with an intention of being absent for a longer period than three months, or if a trustee shall have been absent from Aden for such period, a person shall be appointed to act for such trustee during his absence, or until he shall cease to be a trustee, and the person so acting shall be deemed for all the purposes of this Act to be a trustee.

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.

Re-eligibility of trustees.

Disqualifications of Trustees.

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

(a) who, *under any law for the time being in force*, 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~~ he shall think fit, in this behalf;

and any trustee who—

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

Trustee who becomes disqualified to cease to be a trustee.

(f) is absent from the meetings of the board for a period exceeding ~~twelve~~ six 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—

(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.

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

Fee payable to trustees.

time to time be prescribed by Government 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 or any such meetings during that one week.

Bo. Act VI. of 1879, s. 14.

Disqualifications for office of trustee.

Bo. Act VI. of 1879, s. 15.

Proceedings of Board.

Bo. Act VI.
of 1879, s.
16.

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

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

(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 ;

(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 ;

(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.

(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.

(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.

(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.

(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.

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

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

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.

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

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

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.

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

17. The board may compound or compromise for or in respect of any claim or demand made against them 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 Chairman.

Bo. Act VI.
of 1879, s.
19.

18. The chairman shall—

(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 pro-

ceedings, 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 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.

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

Bo. Act VI.
of 1879, s.
21.

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:

Provisoos.

Provided:

(1) that artisans, porters, and labourers, and mukadams 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

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

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.

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

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 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.

21. Subject to the provisions of the said regulations and Appointments, &c., of the schedule for by whom to be made. the time being in force framed by the board under section 19, the power of appointing, promoting, suspending, dismissing for misconduct, 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.

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

An appointment so made by the board shall not be held to be a contract or agreement within the meaning of section 16.

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.

Every order of the chairman dismissing for misconduct an officer or servant whose monthly salary exceeds thirty rupees shall be subject to the approval of the board.

22. Every order or regulation made by the board under any Sanction of Political Resident at Aden when necessary. 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.

Bo. Act VI.
of 1879, s.
24, modi-
fied.

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

General Powers as to Property.

23. The board shall, for the purposes of this Act, have power Powers of board as to property. 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;

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

Provided that no sale of immoveable property and no lease of any such property for a term exceeding *twenty one* 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.

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.

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 :

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 by the board thereon ;

(3) any work which if the Governor General in Council shall any time determine to execute any work which he may consider necessary in the public interests, such work may be executed by Government 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 erected by the board 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 ;

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.

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

(1) cleaning, deepening, and improving any portion of the port, and the construction, procuring, and application, of dredges and other machinery for that purpose ;

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

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

(4) 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 ;

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

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

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

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

Bom. Act VI. 1873, s. 27.

X. of 1870.

Act XV. of 1879, s. 11.

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

(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

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

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 estimat-

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

ed cost of which exceeds fifty thousand rupees, or which forms part of a projected work, the whole of which is estimated, or is likely to cost more than fifty thousand rupees, be commenced until such plan and estimate shall have been submitted to, and approved by, Government.

Bom. Act VI. of 1879, s. 71.

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.

39. The board may occupy or remove or alter any public 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.

Act XV. of 1879, s. 19.

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 with-

in 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.

31. When any wharf, quay, stage, jetty or pier has been made and completed, with sufficient warehouses, sheds and appliances

Act XV. of 1879, s. 21.

Sea-going vessels compelled to use wharves, &c.

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.

32. When a sufficient number of wharves, quays, stages, jetties, piers, warehouses, sheds, and appliances have been provided as

Act XV. of 1879, s. 22.

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

aforesaid, the board may, with the previous sanction of the Political Resident at Aden Government, by an order published in three consecutive numbers of the *Bombay Government Gazette*, direct that no goods or that no goods other than a particular class or classes of 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: *Provided that no order shall be made under this section in respect of the landing or shipping of coals.*

Act XV. of 1879, s. 23.

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, 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.

Act XV. of 1879, s. 24.

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:

Provided that in the case of a vessel ordered to be 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.

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 the said sections.

Act XV. of 1879, s. 25.

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

The Political Resident at Aden may also at any time require that and to give preference to landing of troops, &c. troops and their baggage, and any arms, ammunition, or military stores belonging to Government be landed or shipped with the least practicable delay, in preference to all other passengers or goods at the time awaiting landing or shipping; and it shall be incumbent on the board to give effect to any such requisition.

36. Whenever any goods are landed by the board from 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.

Act XV. of 1879, s. 26.

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.

37. When Government appoint, under the provisions of any Act for the levy of sea-customs duties, any wharf, Accommodation to be provided for cus-

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

~~toms officers in wharves, &c., appointed under Sea customs Act.~~

~~quay, stage, jetty, pier, warehouse or shed 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. 23, 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.

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

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

Act X. of 1879, s. 30.

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 below high-water mark within the port any wharf, dock, quay, stage, jetty, pier, erection, or mooring.

Act XV. of 1879, s. 31.

41. In case any wharf, dock, quay, stage, jetty, pier, Wharves, &c., beyond port limits. erection, or mooring is, after the date on

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.

42. The board shall frame and may alter—
Scale of tolls, rates and charges to be framed.

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

(a) a scale of tolls on the landing and shipping of goods from and in sea-going vessels and vessels not being sea-going vessels, respectively, at any place within the port;

(b) a scale of rates for the use of the moorings, wharves, quays, stages, jetties and piers belonging to the board, and for the storing and keeping of any goods stored in any premises belonging to the board;

(c) a scale of charges for the landing and shipping of goods by the servants of the board and for the removal of goods, and 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 or altered 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: *Provided that no such scale or altered scale shall be approved or modified by Government until a draft of the same and a notice specifying a date at or after which the draft will be submitted to Government shall have been published in the Bombay Government Gazette and in such other manner as Government from time to time prescribe.*

~~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.

Bom. VII. of 1882.

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

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

Do. do. 44.

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.

44A. *Tolls on the landing and shipping of goods may be collected by officers and servants appointed by the board in this behalf, or by any person whom the board appoint to be their agent for this purpose, or may be farmed or compounded for, either wholly or in part, by the board for any period not exceeding one year at a time.*

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 which may be seized and detained until such tolls, dues, rates, and charges are fully paid.

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

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 or taken on board a lighter for the purpose of being 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, or for lighterage, 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 ~~Owner's lien~~ Prior at or before the time ~~lien on goods~~ for freight, of landing from any ~~etc.~~ vessel of any goods at any wharf, quay, stage, jetty or pier, belonging to the board, the master or owner of such vessel, or the person by whom the goods are landed, gives to the board notice in writing that such goods are to remain subject to a lien for freight, primage or general average or for lighterage, as the case may be, of an amount to be mentioned in such notice, such goods shall continue liable after the landing thereof to such lien.

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

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 ~~owner's lien for freight,~~ of a document purporting to be a receipt for, or a release from, the amount of such any lien to which any goods are liable under the last preceding section, executed by the person by or on whose behalf such notice of such lien 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.

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

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

Act XV. of 1879, s. 36.

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 of such removal to the ~~owner~~ consignee of such goods or to his agent, if any, if such consignee's or agent's ~~of such removal, if his~~ address be known, by letter sent by post to such address or left thereat; and the ~~owner~~ consignee 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~~ consignee 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 under this Act in respect of any goods ~~under this Act~~ are not

paid, or if the lien for freight, primage, ~~or~~ general average, or *lighterage* 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, or *lighterage* shall, at the expiration of four months from the time when the goods were *seized* or 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 ~~or of his agent~~ 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 or to his agent by letter delivered at such address or sent by

post; but the title of a *bond 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 or his agent as the urgency of the case admits of.

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

Act XV. of 1879, s. 39, and Bom. Act VI. of 1879, s. 65.

(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

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

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

this Act, or any bye-law 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.

And in case any part of the said tolls, rates, charges 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 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-law or order 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.

52 A.—*The surplus, if any, of the moneys credited under section 47 of the Indian Ports Act, 1875, to the account of the Port Fund of Aden after defraying therefrom all expenses legally chargeable to the said account, shall be paid to the board.*

XII. of 1875.

Control of Pilots.

Bom. Act VI. of 1879, s. 72.

53. The board shall have the right and privilege of maintaining pilots for the navigation of vessels at the port, and shall be bound to provide a sufficient number of pilots for that purpose, 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.

XII. of 1875.

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.

54. The board may from time to time make bye-laws, consistent with this Act and with the Indian Ports Act, 1875,—

Trustees empowered to make bye-laws.

Bom. Act VI. of 1879, s. 73, and Act XV. of 1879, s. 16.

XII. of 1875.

(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 and lighters 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 and a notice specifying a

Approval and publication of bye-laws.

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

date at or after which the draft will be submitted to Government shall have been published for five weeks successively in the Bombay Government Gazette, and in such other manner as Government from time to time prescribe, 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.

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.

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, Gujaráti, 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.

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 or 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.

How the funds are to be drawn against.

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):—

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

(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;

Act XV. of 1879, s. 42.

(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, or for which the board may be legally liable.

Annual Estimates.

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

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.

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.

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 Government, with the approval of the Political Resident at Aden.

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 Government the Political Resident at Aden shall determine; and their remuneration to be fixed by the Political Resident at Aden Government. 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 their report to be published.

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~~ *thirty-first day* of March of each year in *public 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.

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.

In this section "public securities" means securities of the Government of India, and debentures or other securities issued by the board.

VII.—PENALTIES.

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:

For being interested in contracts with the board.

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.

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

For obtaining illegal gratification.

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.

70. Whoever infringes any order issued under section 31, 32 or 33 or any condition prescribed under section 35 or 40 shall

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

be punished with fine which may extend to one hundred rupees; and, if the infringement be continuing, with a further fine 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,

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

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

For understating quantity or weight of goods, &c.

of the board, that the weight or quantity of such goods, or the tonnage of any vessel carrying such goods, has been, *in the opinion of the board, intentionally* 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

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

XLV. of 1860.

Act XV. of 1879, s. 72.

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

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

Bom. Act VI. of 1879, s. 82.

XLV. of 1860.

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

XLV. of 1860.

Magistrate of any class as if it were a fine inflicted by such Magistrate.

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

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.

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 *not being in the service of the board* 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.

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

Compensation for
damage to property of
board.

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.

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

75. Except as is otherwise provided in sections 72 and 74, Cognizance of offences against this Act.

a 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.

Act XV. of
1879, s. 75.

VIII.—CONTROL.

77. The 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.

Act XV. of
1879, s. 46.

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

Act XV. of
1879, s. 47.

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.

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

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.

And on the board's failing to do so, may himself increase them.

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.

Act XV. of
1879, s. 48.

80. If at any time the Governor in Council is satisfied that the Governor in Council may revoke powers of board. 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 the 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, the Governor in Council may, if no such measures to its his 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.

IX.—MISCELLANEOUS.

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.

Act XV. of
1879, s. 76.

82. All fees and sums due on account of property for the time being vested in the board, and all arrears of tolls, charges, and rates ~~due~~ 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 upon a summary proceeding before a Magistrate in the manner provided in the Code of Criminal Procedure, 1882, for the recovery of fines.

Bomb. Act VI.
of 1873, s. 84.

X. of 1882.

Act XV. of
1879, s. 50.

83. No trustee shall be personally liable for any contract made or expense incurred by or on be-

Trustees not personally liable.

half 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.

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.

Act XV. of
1879, s. 51.

85. No suit shall be commenced against any person for anything 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;

Bomb. Act VI.
of 1879, s. 87,
para. 1.

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 under this Act;

Bomb. Act VI.
of 1879, s. 87,
paras. 2 to 4.

nor, if they should be appointed by Government under the Indian Ports Act, 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;

XII. of 1875.

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.

Provided that nothing in this section shall protect the board from a suit in respect of damage to, or loss of, goods landed or shipped by them or retained in their custody.

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.
3	Post Office pier... ..	Do.	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	Abkari 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; kutchas.

Consecutive Number.	Name of Property.	Heretofore in charge of :	Boundaries and general description.
(21)	All the foreshore below high water mark, situated on the Aden side of the harbour between Pilot bandar below Ras Morbat 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.	The Political Resident Aden.
21 (22)	Pier of Obstruction with a 15-ton iron crane.	Military Department.	A stone pier adjoining the Tower or Western Gate.
22	<i>The right, title and interest of the Secretary of State for India in Council in the following properties on the foreshore of the inner harbour of Aden:—</i>	<i>The Political Resident at Aden.</i>	
	1. <i>In the occupation of the Peninsular and Oriental Steam Navigation Company—</i>	Do.	
	(a) <i>Ground near Ras Morbat used as work yards, boat-shed, &c.</i>	Do. ...	<i>At Steamer Point, bounded on the north and west by the sea; on the east by the Port Department Workshop; and on the south by the public road.</i>
	(b) <i>Coal ground adjoining what was formerly the Government Coal ground.</i>	Do. ...	(1) <i>Bounded on the north and east by the sea; on the west partly by the sea and partly by Government ground; and on the south by the public road.</i> (2) <i>On the north by the public road and on the east, south, and west by Government ground.</i>
	(c) <i>Coal ground formerly in the occupation of the European and Australian Mail Company.</i>	Do. ..	(1) <i>Bounded on the north, west, and south by the sea; and on the east by the public road.</i> (2) <i>On the west by the public road; on the south and east by Government ground; and on the north by the British India Steam Navigation Company's coal depôt.</i>
	2. <i>In the occupation of the British India Steam Navigation Company—</i>	Do.	
	(a) <i>Coal depôt opposite Flint Island.</i>	Do. ...	(1) <i>Bounded on the north, west and south by the sea; and on the east by the public road.</i> (2) <i>Bounded on the west by the public road; and on the south, east, and north by Government ground.</i>

Consecutive Number.	Name of Property.	Heretofore in charge of :	Boundaries and general description.
22	3. In the occupation of the Messageries Maritimes Company— (a) Coal ground ...	The Political Resident at Aden. Do. ...	(1) Bounded on the south by the public road; and on the west, north, and east by the sea. (2) On the north by the public road; and on the west, south, and east by Government ground.
	(b) Boat-slip ...	Do. ...	Bounded on the east by Government ground; on the west by the sea; on the south by Cowasjee Dinshaw and Brothers' boat-slip, and on the north by the premises of Messrs. Luke Thomas and Company's Mechanic's house.
	4. In the occupation of Luke Thomas and Company, Limited—	Do. ...	
	(a) Coal ground formerly in the occupation of Mr. Edulji Maneckji.		(1) Bounded on the north, east, and west by the sea; and on the south by Government ground. (2) On all sides by Government ground.
	(b) Ground used for buildings for mechanics.		Bounded on the east and south by Government ground; on the west by the Messageries Maritimes Company's boat-slip and on the north by Mr. Cowasjee Dinshaw's landing place.
	(c) Coal depôt, condensers and Ice Factory.		Bounded on the north and west by the sea; on the south by Mr. Cowasjee Dinshaw's landing place; and on the east by Government ground.
	5. In the occupation of Messrs. Hajibhoy Lalji—		
	(a). Coal ground ...	Do. ...	(1) Bounded on the north and east and west by the sea; and on the south by Government ground. (2) On all sides by Government ground.
	6. In the occupation of Messrs. Cowasjee Dinshaw and Brothers.		
	(a). Boat-slip at Hedjuff.	Do. ...	Bounded on the east by the Messageries Company's boat-slip; on the south by Government ground; and on the west and north by the sea.
	7. In the occupation of Mr. Cowasjee Dinshaw—		
	(a) Ground used for the landing and shipping of goods.	Do. ...	Bounded on the south by Messrs. Luke Thomas & Company's mechanic's house; on the west by the sea; on the north by Messrs. Luke Thomas & Company's coal depôt, and on the east by Government ground.
	8. In the occupation of the Aden Coal Company, Limited—		
	(a) Coal ground ...	Do. ...	Bounded on the south by Government ground; on the west by Messrs. Luke Thomas and Company's coal depôt; on the north by the sea; and on the east by the premises of the Aden Water Company.
	9. In the occupation of the Aden Water Company, Limited—		
	(a) Grounds used for condensers.	Do. ...	Bounded on the west by the premises of the Aden Coal Company; on the south and east by Government ground; and on the north by the sea.

