

[Published with the "Bombay Government Gazette" on the 14th May 1874.]

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st April 1874, and was referred to a Select Committee with instructions to make their report thereon in three months:—

Bill No. 8 of 1874.

THE INDIAN PORTS BILL, 1874.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTION.

1. Short title.
2. Present local extent.
Power to extend this Act.
3. Repeal of Acts.
4. Interpretation-clause.

CHAPTER II.

OF THE POWERS OF THE LOCAL GOVERNMENT.

5. Power to extend this Act.
Power to extend specially sections 38, 39, 40 and 41.
6. Limits how to be altered.
7. Local Government empowered to make Port-rules as to—
 - (a) Entering or leaving Port.
 - (b) Berths of vessels.
 - (c) Striking yards, &c.
 - (d) Removal of anchors, &c.
 - (e) Taking in or discharging ballast.
 - (f) Keeping free passage.
 - (g) Regulating the anchoring.
 - (h) Moving and warping.
 - (i) Use of mooring buoys.
 - (j) Rates for use of mooring buoys.
 - (k) Cargo boats, &c.
 - (l) Fires and lights.
 - (m) Signal lights.

VI.—44 f

SECTION.

CHAPTER III.

OF PORT OFFICERS, THEIR POWERS AND DUTIES.

8. Appointment of Conservator.
9. Conservator empowered to give directions for certain specified purposes.
Penalty for disobedience to orders of Conservator.
Expenses caused thereby to be paid by offender.
Service of written notice.
10. Power to cut warps, ropes, &c.
11. Power to remove floating timber, &c., or obstruction on shore within limits of Port.
Expenses of removal.
Penalties for causing obstruction or public nuisance.
12. Recovery of expenses of removal.
Power to sell timber, &c.
Proceeds how dealt with.
13. Removal of obstructions lawfully made.
Compensation how determined.
14. Notice to Conservator, if vessel fouls Government moorings.
Expense of clearing vessel.
Penalty.
15. Power to raise wreck, &c., impeding navigation within the port.
Expense how recoverable.
16. Power to board vessels.
17. Power to require crews to prevent or extinguish fire.
18. Powers of Conservator may be exercised by Harbour Master.
19. Indemnity to Government against default of Harbour Master, &c.
Proviso.

CHAPTER IV.

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

20. Injuring buoys, &c.
21. Wilfully loosening vessel from moorings.
22. Improperly discharging ballast, &c.

SECTION.

23. Graving, &c., vessel within prohibited limits.
24. Boiling pitch, &c., on board vessel within prohibited limits.
25. Drawing spirits by candle-light, &c.
26. Warping.
27. Leaving out hawser, &c., after sun-set.

Gunpowder.

28. Vessels not to have powder, &c., exceeding 50 lbs. on board within certain limits.
Government to appoint place of deposit for powder.
29. Government to fix time and manner of landing and shipping powder, &c.
30. Master to make declaration.
Penalty for failure.
31. Officer to give receipt and to account for powder deposited.
32. If by stress of weather powder is not landed, notice to be given.
33. Time, &c., for vessels outward-bound to take in powder.
34. Penalties for having prohibited powder on board.
35. Guns not to be discharged in Port.
Exception.
Penalty.

Extinguishment of Fires.

36. Penalty on Master omitting to take order to extinguish fire.

Inflammable Oils.

37. Power to make rules for prevention of fire from inflammable oil.

Special Rules.

38. Vessels in certain cases not to be moved without having a pilot, &c., or permission of Harbour Master.
39. Vessels above 200 tons to be provided with force-pump, &c.
40. Unauthorized person not to search for lost stores.
41. Removing stones, &c., or injuring shores of port prohibited.

Publication of Orders.

42. Publication of orders of Local Government.
Penalty for disobedience to rules.

CHAPTER V.

OF SALVAGE IN PORTS.

43. Salvage payable for wreck, &c.
Register to be kept.
44. Property recovered may, in certain cases, be sold.
Proceeds how applied.

SECTION.

CHAPTER VI.

OF PORT-DUES.

45. Levy of Port-dues.
46. Local Government may vary Port-dues.
Proviso.
47. Accounts of Port-dues.
48. Collection of Port-dues.
Voucher to be given.
49. Master to report arrival.
50. Conservator may, in certain cases, ascertain draught, and charge expense to Master.
51. Tonnage of vessel liable to Port-dues how ascertained.
If registered.
If not registered.
52. On refusal to pay Port-dues, &c., the Collector may distrain and sell.
53. No Port-clearance to be granted until dues, &c., are paid.
54. Port-dues, &c., payable in one port, recoverable by Collector at any other port.
55. Penalty for evading payment of Port-dues, &c.
56. Port-dues not chargeable on vessels re-entering from stress of weather.
57. Port-duc on vessels in ballast.
58. Port-duc on vessels not discharging or taking in cargo.
59. Power to consolidate, &c., Port or Harbour duties.

Hospital Port-dues.

60. Power to impose Hospital Port-dues.
61. Application of Hospital Port-dues.

Refusal of Port-Clearance.

62. Power to refuse Port-clearance until payment of Hospital Port-dues and expenses mentioned in 17 & 18 Vic., c. 104.

Composition for Port-dues.

63. Power to compound for Port-dues.

Fees for certain services.

64. Fees for certain services.
Fees for certain services in Port of Bombay.

CHAPTER VII.

OF PENALTIES.

- Offences how punishable, and penalties how recovered.
66. Costs of conviction.
 67. Damages, &c., payable under this Act, how ascertained and recovered.
 68. Costs of distress.
 69. Magistrate to determine the amount to be levied in case of dispute.

SECTION.

70. Jurisdiction over offences beyond local limits of jurisdiction.
71. Conviction to be quashed on merits only. Form of conviction, &c.

CHAPTER VIII.

MISCELLANEOUS.

72. Hoisting unlawful colours in Port.
73. Foreign deserters.
74. Application of sections 11 and 21.
75. Amendment of Act XIII. of 1867.

THE FIRST SCHEDULE. Ports, vessels chargeable, rate of Port-dues, and frequency of payment.

THE SECOND SCHEDULE. Enactments repealed.

A Bill to consolidate and amend the law relating to Ports and Port-dues.

WHEREAS it is expedient to consolidate and amend the law relating to Ports and Port-dues;

Preamble.

to Ports and Port-dues;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Indian Ports Short title. Act, 1874."
2. It shall extend—
- (a) to the ports mentioned in the first schedule hereto annexed, and to such parts of the navigable rivers and channels leading to such ports respectively, as have been declared to be subject to Act No. XXII. of 1855 (*for the Regulation of Ports and Port-dues*);
- (b) to the other ports or parts of rivers or channels to which the Local Government, in exercise of the power hereinafter conferred, applies the provisions of this Act.
- But nothing herein contained shall—
- (a) apply to any vessel belonging to, or in the service of Her Majesty, or to any vessel of war belonging to any Foreign Prince or State;
- (b) apply to any gunpowder, rockets or other ammunition belonging to Government, or carried for the use of Her Majesty's troops;
- (c) deprive any person of any right of property or other private right except as hereinafter expressly provided; or
- (d) affect any law or rule relating to the Customs, or any order or direction lawfully made or given pursuant thereto.

And nothing contained in any of the following sections (namely) thirty-eight, thirty-nine, forty and forty-one, shall apply to any port, river or channel to which such section has not been specially extended by the Local Government.

3. The Acts mentioned in the second schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

But such repeal shall not affect any declaration, appointment or rule made under any such Act.

The references made to any Act or provision of an Act hereby repealed shall be read as if made to this Act or the corresponding provision of this Act, as the case may be.

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

"Vessel" includes anything made for the conveyance by water of human beings, or of property:

"Vessel."

"Master," when used in relation to any vessel, means any person (except a Pilot or Harbour Master)

"Master."

having for the time being the charge or control of such vessel:

"Owner" includes any consignee of goods and

"Owners,"

any agent to whom a vessel is consigned; and

"Gunpowder."

"Gunpowder" includes rockets and other combustible ammunition.

CHAPTER II.

OF THE POWERS OF THE LOCAL GOVERNMENT.

5. With the previous sanction of the Governor General in Council, the Local Government may from time to time, by notification in the official Gazette, extend this Act to any port or to any part of any navigable river or channel leading thereto in which this Act is not in force, and may extend specially the provisions of any of the following sections (namely), thirty-eight, thirty-nine, forty and forty-one, to any port or to any part of any such river or channel to which such provisions have not been so extended:

Provided that every such notification shall define the limits of such port, river or channel, and that such limits shall always extend to high-water mark.

Such limits may include any piers, jetties, landing-places, wharfs, quays, docks, and other works made for convenience of traffic, for safety of vessels, or for the improvement, maintenance and good government of such port, river or channel, whether within or without high-water mark, and (subject to any rights of private property therein) any portion of the shore or bank within fifty yards of such line.

EXPLANATION:—In this section 'high-water mark' means the line of the medium high tide between the springs and the neaps.

6. The Local Government may, from time to time, with the like sanction, alter the limits of any port, river or channel in which this Act may be in force.
7. The Local Government may, from time to time, with the like sanction, make such rules, consistent with this Act,

as it may think necessary for any of the following purposes, namely,—

- (a) For regulating the time at which, and the manner in which, vessels shall enter into or go out of any port subject to this Act.
Entering or leaving Port.
- (b) For regulating the berths and stations to be occupied by vessels in any such port.
Berths of vessels.
- (c) For striking the yards and top-masts, and for rigging-in the jib and driver booms, of vessels in any such port, whenever it may be proper so to do.
Striking yards, &c.
- (d) For the removal or proper hanging or placing of anchors, spars, and other things, in or attached to vessels in any such port.
Removal of anchors, &c.
- (e) For regulating vessels whilst taking in or discharging ballast or cargo, in any such port, river or channel, and the stations to be occupied by vessels whilst so engaged.
Taking in or discharging ballast.
- (f) For keeping free passages of such widths as may be deemed necessary within any such port, river or channel, and along or near to the piers, jetties, landing-places, wharfs, quays, docks, moorings, and other works in or adjoining to the same; and for marking out the spaces so to be kept free.
Keeping free passage.
- (g) For regulating the anchoring, fastening, mooring and unmooring of vessels in any such port, river or channel.
Regulating the anchoring.
- (h) For regulating the moving and warping of all vessels within any such port and the use of warps therein.
Moving and warping.
- (i) For regulating the use of the mooring buoys, chain and other moorings, in any such port, river or channel.
Use of mooring buoys.
- (j) For fixing from time to time the rates to be paid for the use of such moorings when belonging to Government, or of any boat, hawser, or other thing belonging to Government.
Rates for use of mooring buoys.
- (k) For regulating cargo and other boats, and catamarans plying for hire in any such port: provided that nothing in this Act shall authorize the Local Government to fix the price to be charged for the use of any such boat or catamaran.
Cargo boats, &c.
- (l) For regulating the use of fires and lights within any such port.
Fires and lights.
- (m) For enforcing and regulating the use of signal-lights by vessels at night in any such port, river or channel.
Signal lights.

CHAPTER III.

OF PORT OFFICERS, THEIR POWERS AND DUTIES.

8. The Local Government shall appoint an officer to be Conservator of every port, river or channel subject to this Act.

In ports where there is a Master Attendant, such Master Attendant shall be the Conservator.

In ports where there is no Master Attendant, but where there is a Harbour Master, such Harbour Master shall be the Conservator.

In ports where there are both a Master Attendant and a Harbour Master, the Harbour Master and his Assistants shall be subordinate to, and subject to the control of, the Master Attendant and his Assistants.

The Conservator shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

9. The Conservator of any port, river or channel subject to this Act may, in respect of any vessel within such port, river or channel, give directions for carrying into effect any port-rule in force within such port.

Whoever wilfully, and without lawful excuse, refuses or neglects to obey any lawful direction of such Conservator, after notice thereof has been given to him, shall, for every such offence, be punished with fine which may extend to one hundred rupees, and with a further fine which may extend to one hundred rupees for every day on which he wilfully continues to disobey such direction;

and, in case of such refusal or neglect, the said Conservator may do, or to cause to be done, all acts necessary for the purpose of carrying such direction into execution, and may hire and employ proper persons for that purpose; and all reasonable expenses incurred in doing such acts, shall be paid by the person so offending.

Any written notice of a direction given under this Act, left for the Master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of such vessel, shall, for the purposes of this Act, be deemed to have been given to the Master thereof.

10. The Conservator of any such port may, in case of urgent necessity, cut, or cause to be cut, any warp, rope, cable or hawser, endangering the safety of any vessel in such port, or at or near to the entrance thereof.

11. The Conservator may remove or cause to be removed, any timber, or obstruction, raft, or other thing floating or being in any part of any such port, which obstructs or impedes the free navigation of such port; or anything which obstructs or impedes the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring, or other work, on any part of the shore or bank which has been declared to be within the limits of such port, and is not private property;

and the owner of any such timber or raft or other thing shall be liable to pay the reasonable expenses of such removal;

and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such navigation, he shall also be punished with fine which may extend to one hundred rupees.

And the Conservator or any Magistrate having jurisdiction over the offence may cause such nuisance to be abated.

12. If the owner of any such timber or raft, or the person who has caused any such obstruction, impediment, or public nuisance as in the last preceding section mentioned, neglects to pay the expense of the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the official Gazette, or in such other manner as the Local Government by general or special order directs, such expenses may be recovered in the same manner as any fine under this Act;

and the Conservator may cause such timber, raft, or other thing, or the materials of any nuisance or obstruction so removed, or so much thereof as may be necessary, to be sold by public auction;

and may retain all the expenses of such removal and sale out of the proceeds of such sale; and shall pay the surplus of such proceeds or deliver so much of the said timber or other materials as may remain unsold, to the person entitled to receive the same;

and, if no such person appear, shall cause the same to be kept and deposited in such manner as the Local Government directs;

and may, if necessary, from time to time, realize the expenses of keeping the same, together with the expenses of such sale, by a further sale of so much of the said timber or other materials as may remain unsold.

13. If any obstruction or impediment to the navigation of any port, river or channel subject to this Act, has been lawfully made, or has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the Conservator shall report the same for the information of the Local Government and shall, with the sanction of such Government, cause the same to be removed or altered, making to the person suffering damage by such removal or alteration reasonable compensation for the same.

Every dispute arising concerning such compensation, shall be determined according to the law relating to like disputes in the case of land required for public purposes.

14. If any vessel hook or get foul of any of the buoys or moorings laid down by or by the authority of the Local Government in any such port, river or channel, the Master of such vessel shall not, nor shall any other person, except in the case of emergency, lift such buoy or mooring

for the purpose of unhooking or getting clear from the same, without the assistance of the Conservator,

and the Conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel;

and the Master of such vessel shall, upon demand, pay such reasonable expense as may be incurred in clearing the same.

Any Master offending against the provisions of this section shall for every such offence be punished with fine which may extend to one hundred rupees.

15. If any vessel be wrecked, stranded or sunk, in any such port, river or channel, so as to impede or be likely to impede the navigation thereof, the Conservator may cause the same to be raised, removed, or destroyed; and, unless the expense of such work be re-paid within one month after the completion thereof, may recover the same on behalf of the Local Government in the manner provided by section forty-four.

16. The Conservator or any of his Assistants may, whenever he suspects that any offence has been, or is about to be, committed in any vessel contrary to this Act, or whenever it is necessary for him so to do, in the discharge of any duty hereby imposed upon him;

and the Collector of Customs, or other officer appointed to collect any Port-dues or other charges payable in respect of any vessel under this Act, may, whenever it is necessary so to do, for the performance of any duty hereby imposed upon such Collector or other officer,

either alone or with any other person, go on board any vessel within the limits of any port, river or channel subject to this Act.

If the Master of such vessel without lawful excuse refuse to allow any officer or other person to enter such vessel for the performance of any duty imposed upon him by this Act, he shall for every such offence be punished with fine which may extend to two hundred rupees.

17. For the purpose of preventing or extinguishing fire in any port to which this Act extends, the Conservator may require the Master of any ship of more than five hundred tons burden to place at his disposal such number as he requires not exceeding three-fourths of the crew then under the orders of such Master.

Any Master refusing or neglecting to comply with such requisition shall be punished with a fine which may extend to five hundred rupees, and any seamen then under his orders who after being directed by the Master to obey the Conservator's orders for the purpose aforesaid refuse to obey such orders shall be punished with fine which may extend to twenty-five rupees.

18. All acts, orders or directions by this Act authorized to be done or given by any Conservator may, subject to his control, be done or given by any Harbour Master or any Assistant of such Conservator or Harbour Master,

and any person hereby authorized to do any act may call to his aid such assistance as may be necessary.

19. The Government shall not be answerable for any act or default of any Master Attendant, Harbour Master, or other Conservator of any port, river or channel subject to this Act; or of any Pilot; or of any Deputy, or Assistant of any of the officers above mentioned; or of any person acting under the authority or directions of any such Officer or Assistant, done within the limits of such port, river or channel; nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to Government, within the said limits, which may be used by such vessel.

Provided that nothing in this section shall protect the Secretary of State for India in Council from a suit in respect of any act done by or under the express order or sanction of Government.

CHAPTER IV.

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

20. No person shall without lawful excuse lift, injure, loosen, or set adrift any buoy, beacon, or mooring, fixed or laid down by or by the authority of the Local Government in any port, river or channel subject to this Act.

Whoever offends against the provisions of this section shall, for every such offence, be liable, in addition to the payment of the amount of damages done, to fine which may extend to two hundred rupees, or to imprisonment for a term which may extend to six months.

21. Whoever wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port, river or channel, without leave or authority from the owner or Master of such vessel, shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.

22. No ballast or rubbish, or any other thing likely to form a bank or shoal, or to be detrimental to navigation shall, without lawful excuse, be cast or thrown into any such port, river or channel, or into or upon any

place on shore, from which the same is liable to be washed into any such port, river or channel, either by ordinary or high tides, or by storms or land-floods.

Whoever by himself or another so casts or throws the same, and the Master of any vessel from which the same is cast or thrown, shall be punished with fine which may extend to two hundred rupees over and above any expenses which may be incurred in removing the same.

Nothing in this section applies to any case in which such ballast or other thing is cast or thrown into any such port, river or channel with the consent in writing of the Conservator, or within any limits within which such act may be authorized by the Local Government.

23. If any person grave, bream, or smoke Graving, &c., vessel within prohibited limits. any vessel in any port, contrary to the directions of the Conservator, or at any time or within any limits at or within which such act is prohibited by any order of the Local Government, such person, and also the Master of such vessel, shall for every such offence be punished with fine which may extend to five hundred rupees.

24. If any person boil or heat any pitch, tar, resin, dammer, turpentine, oil, or other such combustible matter on board any vessel within any such port, at any place where such act is prohibited by the Local Government or contrary to the order or directions of the Conservator, such person, and also the Master of any vessel on board which such offence is committed, shall for every such offence be punished with fine which may extend to two hundred rupees.

25. If any person, by candle-light, or other Drawing spirits by candle-light, &c. artificial light, draws off spirits on board any vessel within any port, such person, and also the Master of every such vessel, shall for every such offence be punished with fine which may extend to two hundred rupees.

26. Every Master of a vessel in any port shall, when required so to do by the Conservator, permit warps to be made fast to such vessel for the purpose of warping any other vessel in the port and shall not allow any such warp to be let go until required so to do.

Any Master offending against the provisions of this section shall be punished for every such offence with a fine which may extend to two hundred rupees.

27. No Master of any vessel shall cause or suffer any warp or hawser attached to his vessel, to be left out in any such port, after sun-set, in such a manner as to endanger the safety of any boat or other vessel navigating in the said port.

Any Master offending against the provisions of this section shall be punished for every such offence with fine which may extend to two hundred rupees.

Gunpowder.

28. The Local Government may, by order, fix

Vessels not to have powder, &c., exceeding 50 lbs. on board within certain limits.

the limits within which vessels shall be prohibited from having on board, in any port, river or channel

subject to this Act, any quantity of gunpowder, exceeding altogether fifty pounds in weight, whether manifested for delivery or not.

In such case the Local Government shall appoint a proper place of deposit for powder.

Government to appoint place of deposit for powder.

point a proper place of deposit for such gunpowder, in excess of the

quantity above allowed, and an officer to receive the same.

29. The Local Government may, in such case

Government to fix time and manner of landing and shipping powder, &c.

by order, fix the times at or within which, and the manner in which, such gunpowder shall be landed

and deposited by any vessel inward-bound, and also the times at or within which, and the manner in which, the same shall be taken on board any vessel from such place of deposit.

30. The Master of such vessel shall, upon such

Master to make declaration.

that there is not then, to

Penalty for failure.

gunpowder being deposited, make and sign a declaration in writing to his knowledge or belief, on board such vessel any gunpowder exceeding the weight of fifty pounds.

31. The officer, with whom such gunpowder

Officer to give receipt and to account for powder deposited.

is deposited, shall give a receipt for the same to the Master or other person making the deposit, and he shall be accountable to such Master or other person for the re-delivery of the same.

32. If any vessel be prevented by stress of

If by stress of weather powder is not landed, notice to be given.

weather from landing or depositing such gunpowder, in excess of the quantity allowed as afore-

said, the Master or owner of such vessel shall, so soon as the weather permits, land and deposit the same at the place so appointed as aforesaid, or shall forthwith give notice to the Conservator, or other officer named for that purpose by any order of the Local Government, of his having such gunpowder on board, and shall obey his directions relating to the same.

33. The Local Government may also, in

Time, &c., for vessels outward bound to take in powder.

respect to such port, by order fix the times and places at which, and the manner in which, vessels

outward bound, requiring to take in any gunpowder, exceeding the quantity abovementioned, shall take in the same, whether such gunpowder has been previously landed from such vessel or not.

34. The Master of any vessel having on board

Penalties for having prohibited powder on board.

any gunpowder, contrary to the provisions of this Act, shall for every such offence be punished with

fine which may extend to two hundred rupees ;

and all gunpowder on board any vessel, contrary to the provisions of this Act, shall be forfeited to Government, and may be seized by the Conservator, or by any Collector of Customs, or by any Custom House officer, or other officer authorized in that behalf by the Local Government, within the limits of their respective jurisdictions.

35. Whoever, without lawful excuse, discharges

Guns not to be discharged in port.

any gun, musket, or other fire-arm in any port subject to this Act, or on or from the landing-places, piers, wharfs, or quays thereof, except a gun loaded only with gunpowder

Exception.

Penalty.

for the purpose of making a signal of distress, or for such other purpose as may be allowed by the Local Government, shall, for every such offence, be punished with fine which may extend to fifty rupees.

Extinguishment of Fires.

36. The Master of any vessel in which fire

Penalty on Master omitting to take order to extinguish fire.

takes place while lying or being in any port, who wilfully omits to take order to extinguish such fire, shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Inflammable Oil.

Power to make rules for prevention of fire from inflammable oil.

37. The Local Government may from time to time make rules for regulating—

(a) the prevention of injury from fire in ports and places at which vessels entering port with inflammable oil on board are to be moored,

(b) the mode in which such oil shall be landed from such vessels.

Explanation.—“Inflammable oil” includes petroleum, benzole, kerosine and any oil or product of oil that gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer.

Special Rules.

38. No vessel of the burden of two hundred tons or upwards, shall be

Vessels in certain cases not to be moved without having a pilot, &c., or permission of Harbour Master.

moved without having a Pilot, Harbour Master, or Assistant of the Master Attendant or Harbour Master on board; and no

vessel of any burden less than two hundred tons and exceeding one hundred tons shall be moved without having on board a Pilot, Harbour Master, or Assistant of the Master Attendant or Harbour Master, unless authority in writing so to do has been obtained from the Conservator or some officer empowered by him to give such authority.

If any vessel, except in case of urgent necessity, be moved contrary to the provisions of this section, the master of such vessel shall for every such offence be punished with fine which may extend to two hundred rupees, unless upon application to the proper officer the master be unable to procure a Pilot, Harbour Master, or Assistant of the Master

Attendant or Harbour Master to go on board the said vessel.

39. Every vessel exceeding the burden of two hundred tons shall be provided with a proper force-pump, hose and appurtenances, for the purpose of extinguishing any fire that may occur on board.

The master of every such vessel who, having been required by the Conservator to comply with the provisions of this section, without lawful excuse neglects or refuses so to do for the space of seven days after such requisition, shall be punished with fine which may extend to five hundred rupees.

40. No person, unless duly authorized by the Conservator, shall creep or sweep in any port, river or channel for anchors, cables or other stores lost or supposed to be lost therein.

Whoever offends against the provisions of this section shall be punished with fine which may extend to one hundred rupees.

41. No person, without the permission of the Conservator, shall remove or carry away any rock, stones, shingle, gravel, or soil, or any artificial protection from any part of the bank or shore of any port, river or channel;

and no person shall sink or bury in any part of such bank or shore, whether the same be public or private property, any mooring-post, anchor, or other thing which is likely to injure, or to be used so as to injure such bank or shore, except with the permission of the said Conservator, and with the aid or under the inspection of such person (if any) as he may appoint to take part in or overlook the performance of such work.

Whoever offends against the provisions of this section shall for every such offence be punished with fine which may extend to one hundred rupees, and shall pay the expenses of repairing the injury (if any) done by him to such bank or shore.

Publication of Orders.

42. Every declaration, order and rule of a Local Government, made in pursuance of this Act, shall be published in the official Gazette; and a copy thereof shall be fixed up in some conspicuous place in the office of the Conservator of every port to which such order relates and in the Custom House, if any, of every such port.

Whoever disobeys any such order or rule shall be liable to a fine not exceeding one hundred rupees for every such offence.

Any in the case of disobedience to any rule made under section thirty-seven the owner or master of the vessel concerned shall also be punished with a fine not exceeding two hundred rupees for each day during which such rule is disobeyed.

CHAPTER V.

OF SALVAGE IN PORTS.

43. If any anchors, wreck, stores or other property be recovered by any officer employed by the Local Government for that purpose, from the bed of any port, river or channel subject to this Act, the Local Government shall be entitled to receive a reasonable sum for salvage, having regard to the place of recovery.

A registry shall be kept of all anchors, wreck, or other property so recovered, in such manner and at such place as the Local Government may direct; it shall contain a description of such property, and of the times and places where the same have been recovered,

and it shall be open to public inspection at reasonable office hours, except on Sundays and such holidays as the Local Government may direct.

44. If the property recovered under the last preceding section, or by a Conservator acting under section fifteen, is unclaimed, or if the person claiming the same refuses to pay the amount due to the Local Government in respect thereof, such property may be sold by public auction, if of a perishable nature, forthwith; and if not of a perishable nature, at any period not less than six months after the recovery thereof;

and on the realization of the proceeds, the amount due to the Local Government for salvage, or for the expenses incurred under section fifteen, shall be deducted therefrom, and credited to the Local Government, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appear and claim the same, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same.

CHAPTER VI.

OF PORT-DUES.

45. In each of the ports mentioned in the first schedule hereto annexed, such port-due not exceeding the amount specified for such port in the third column of the same schedule as the Local Government from time to time directs shall be levied on vessels entering the same port and described in the second column of the same schedule, but not oftener than the time fixed for such port in the fourth column of the same schedule.

Whenever the Local Government with the previous sanction of the Governor General in Council has declared or hereafter declares any port to be subject to this Act, it may, with the like sanction by the same or any subsequent declaration, further declare—

- (a) The maximum amount of dues to be levied in such port;
- (b) The conditions and modifications under which such dues shall be levied;

and may also, from time to time with the like sanction, vary such maximum amount, condition, and modifications.

No Port-dues or fees shall hereafter be levied in any port except under the authority of this Act.

46. The Local Government may, from time to time, vary the rate at which Port-dues and fees shall be levied in any port, river or channel in such manner as, having regard to the receipts and charges on account, of that port, it may deem expedient, by reducing or raising the dues and fees, or any of them;

Provided that the rates shall not in any case exceed the amount authorized to be taken by this Act.

47. For every port at which Port-dues are levied under this Act, a distinct account, to be called the Account of the Port Fund of the port to which it relates, shall be kept by such officer as the Local Government may appoint for that purpose.

This account shall show in complete detail the receipts and charges of the port; and an abstract statement of every such account shall be published annually, as soon after the first of May of each year as may be practicable, in which statement the balance at the close of the year at the credit or debit of the port shall be shown.

If, for any of the purposes of this Act, an advance of money has been or shall be made by Government on account of any port subject to this Act, simple interest upon that advance, or upon so much of it as remains or shall remain unrepaid, at such rate as the Governor General in Council may determine, shall be charged in the Port Fund Account thereof.

All expenses, including the pay and allowances of all persons upon the establishment of the port, the cost of buoys, beacons, lights, and all other works maintained chiefly for the benefit of vessels being in, or entering, or leaving the port, or passing through the rivers or channels leading thereto, but excluding receipts and expenses on account of Pilotage, incurred for the sake of every such port, shall be charged in the Port Fund Account of that port.

And all money, including salvage money, proceeds of waifs, and fines, received under this Act, at or on account of every such port, shall be credited in the Port Fund Account of that port.

The Local Government may direct that for the purposes of this section any number of ports shall be regarded as constituting a single port; and thereupon all sums received on account of port-dues at any of the same ports shall form a common fund which shall be available for the payment of all charges incurred on account of any of the same ports, and such balance as may remain after payment of such expenses may be temporarily invested in such manner as the Local Government may from time to time direct.

48. The Collector of Customs at every such port, or such other officer as the Local Government appoints in this behalf, shall collect the Port-dues above-mentioned.

VI.—44 h

The officer to whom any such Port-dues are paid, shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the same are paid, and the name, tonnage and other proper description of the vessel in respect of which such payment is made.

49. Within twenty-four hours after the arrival within the limits of any such port of any vessel liable to the payment of port-dues under this or any subsequent Act, the master of such vessel shall report such arrival to the Conservator of such port.

Any master without lawful excuse failing to make such report within the time aforesaid shall for every such offence be punished with fine which may extend to one hundred rupees.

Nothing in this section applies to tug-steamers and river-steamers belonging to the port of Calcutta, Port Canning, or the port of Kurrachee.

50. If any vessel liable to the payment of Port-dues is in any such port without proper marks draught, and charge expense to Master. posts thereof for denoting her draught, the Conservator may cause the same to be ascertained by means of the operation of hooking, and the master of such vessel shall be liable to pay the expenses of such operation.

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

Clause 1.—If such vessel be a British registered vessel, or a vessel registered under Act No. X. of 1841, or Act No. XI. of 1850, or under the laws for the time being in force for the registration of vessels in India, the Conservator may require the owner or Master of such vessel, or any person having possession of her register, to produce such register for inspection. If any such owner, Master, or other person as aforesaid neglect or refuse to produce such register, or otherwise to satisfy the Conservator as to what is the true tonnage of the vessel in respect of which such Port-dues shall be payable, he shall be punished with fine which may extend to one hundred rupees, and the Conservator may cause such vessel to be measured, and the tonnage thereof to be ascertained; and in such case the owner or Master of such vessel shall also be liable to pay the expenses of such measurement.

Clause 2.—If such vessel be not a British registered vessel, or a vessel registered under Act No. X. of 1841, or Act No. XI. of 1850, or under the laws for the time being in force for the registration of vessels in India, and the owner or Master thereof fail to satisfy the Conservator as to what is her true tonnage according to the mode of measurement prescribed by the law in force for the time being for regulating the measurement of British registered vessels, the Conservator shall cause such vessel to be measured and the tonnage thereof, according to the mode aforesaid, to be

ascertained; and in such case, the owner or Master of such vessel shall be liable to pay the expenses of such measurement.

52. If the Master of any vessel, in respect of which any Port-dues, fees, or charges are payable under this Act refuses or neglects to pay the same

On refusal to pay Port-dues, &c., the Collector may distrain and sell.

on demand, the Collector of Customs, or other person authorized to collect such Port-dues, fees, or charges, may distrain or arrest such vessel, and the tackle, apparel, and furniture belonging thereto, or any part thereof, and detain the same until the amount due is paid;

and in case any part of the said Port-dues or charges, or of the costs of the distress or arrestment, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrestment so made, the Collector of Customs, or other such person as aforesaid, may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such sale may satisfy the Port-dues, charges, and costs, including the costs of sale remaining unpaid, and shall render the surplus (if any) to the Master of such vessel upon demand.

53. The Officer of Government, whose duty it

No Port-clearance to be granted until dues, &c., are paid.

is to grant a Port-clearance for any vessel, shall not grant such Port-clearance until her owner, or

Master, or some other person, has paid all Port-dues, fees and charges, to which such vessel, or the owner or Master of such vessel in respect thereof, is liable under this or any subsequent Act.

54. If the Master of any vessel in respect of which any Port-dues, fees

Port-dues, &c., payable in one port recoverable by Collector at any other port.

or charges are payable causes such vessel to leave any port without having

discharged such dues, fees, or charges, the Collector of Customs or other officer authorized to collect the same may require in writing the Collector of Customs or other Officer as aforesaid, in any other Port in British India to which such vessel may proceed or in which she may be, to levy such dues, fees, or charges;

Every Collector or other officer to whom such requisition shall be directed shall proceed to levy such dues, fees, or charges, in the manner prescribed in section fifty-two; and a certificate purporting to be made and signed by the Collector of Customs or other officer as aforesaid of the port where the Port-dues, fees, or charges became payable, stating the amount so payable, shall be sufficient *prima facie* proof of such amount in any proceeding under the said section, and also (in case the amount payable is disputed) in any subsequent proceeding under section sixty-nine.

55. If the Master of any such vessel evades

Penalty for evading payment of Port-dues, &c.

the payment of any Port-dues, fees, or charges payable under this Act,

he shall be liable on conviction to a penalty not exceeding five times the amount so payable. In any proceeding before a Magistrate for the adjudication of the said penalty, any such certificate as is mentioned in section fifty-four stating that the

Master has evaded such payment, shall be sufficient *prima facie* proof of the evasion, unless the Master shows to the satisfaction of the Magistrate that the departure of the vessel without having discharged the dues, fees, or charges payable was caused by stress of weather or that there was lawful or reasonable ground for such departure.

Any Magistrate having jurisdiction under this Act in any port, river, or channel to which the vessel may proceed or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.

56. No port-due shall be chargeable in respect

Port-dues not chargeable on vessels re-entering from stress of weather.

of any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage.

57. Vessels entering any port in ballast shall be charged with three-fourths of the port-due which would otherwise be chargeable.

58. When any vessel enters any port, but does

Port-due on vessels not discharging or taking in cargo.

not discharge or take in any cargo or passenger therein (with the exception of such unshipment and re-shipment as may be necessary for purposes of repair), the Port-due chargeable in respect of such vessel shall be at a rate equal to one-half the rate chargeable in respect of other vessels.

59. The Governor General in Council may

Power to consolidate, &c., port or harbour duties.

order the consolidation and commutation of any port or harbour duties as levied in any subordinate port in British India into a tonnage duty:

Provided that the total amount levied at such port shall not exceed one anna per ton for British and Native vessels not exceeding seven hundred tons, and upon vessels exceeding that measurement at the rate for seven hundred tons, and upon foreign European and American vessels at the rate of one anna four pie per ton. All vessels anchoring in any such subordinate port shall be charged with reduced duty in the proportion above provided they leave such port without breaking bulk before completing four entire days from the time of anchoring therein.

The said consolidated and commuted port duties shall be levied by such officer as the Local Government appoints, and the port clearance may be withheld from the vessel until the port duties incurred in respect thereof may be paid.

And all powers, penalties, and other means by which any port or harbour duty so consolidated and commuted may have been legally enforced shall be applicable to the enforcing of the consolidated and commuted duties at such port.

Hospital Port-Dues.

60. The Local Government may from time to

Power to impose hospital Port-dues.

time order that there shall be paid in respect of every ship lying in any

port, within a reasonable distance of which there may be a public hospital or dispensary suitable for the reception or relief of seamen requiring

medical aid, such further Port-dues not exceeding one anna per ton as the Local Government thinks fit.

Such Port-dues shall be called Hospital Port-dues.

No order imposing or increasing Hospital Port-dues shall take effect until the expiration of six months from the day upon which such order has been published in the local official Gazette.

61. Such Hospital Port-dues shall be applied, Application of Hospital as the Local Government Port-dues. may direct, to the support of any such hospital or dispensary as aforesaid or otherwise for giving medical aid to the seamen ashore or afloat in such port.

Refusal of Port-clearance.

62. The officer in charge of any Custom-house may refuse Port-clearance to any vessel

(a.) until all Hospital Port-dues incurred in respect of such vessel have been duly paid ;

(b.) until all expenses, which by the Merchant Shipping Act, 1854, Section 223, are to be borne by the owner thereof, incurred since the arrival of such vessel in the Port from which she seeks clearance, have been duly paid.

Composition for Port-Dues.

63. The owner of any vessel may pay to the Conservator of any port three times the amount of the Port-dues or Hospital Port-dues which would be payable in respect of such vessel ; and such vessel shall thereupon be discharged from all further Port-dues or Hospital Port-dues in such port for twelve months from the date of such payment.

Fees for certain services.

64. Within any port to which this Act applies, other than the port of Bombay, fees may be charged for the following services at such rates, not exceeding those next hereinafter specified, as the Local Government may, from time to time, direct :—

	Rs.
a. Hauling to or from chain-mooring, each operation	16
b. Hauling to or from swinging moorings ditto	10
c. Re-mooring	16
d. Hauling in or out of dock, each operation	30
e. Removing from one part of the Port to another	25
f. Removing from one mooring to another at the request of the owner or Master	50
g. Hooking	16
h. Measuring	30

Within the said Port of Bombay fees may be charged for the following services at such rates not exceeding those herein-after specified, as the Local Government may, from time to time, direct :—

<i>Transporting.</i>	<i>Fair season. Monsoon</i>	
Vessels not exceeding 300 tons	Rs. 40	Rs. 65
and 10 rupees additional for every additional 100 tons.		

Transporting to the Middle Ground.

Vessel not exceeding 500 tons	... Rs. 60
Between 500 and 1,000 tons	... „ 80
„ 1,000 and 1,500 tons	... „ 100
„ 1,500 and 2,000 tons	... „ 120

Vessels proceeding to sea and anchoring by desire at the Middle Ground for less than twenty-four hours, half the above rate.

Hooking	Rs. 16
Measuring	„ 30

CHAPTER VII.

OF PENALTIES.

65. All offences against this Act shall be punishable in a summary manner by a Magistrate. And any Magistrate may, by warrant under his hand, cause the amount of any such penalty imposed upon the owner or Master of any vessel, for any offence committed on board of such vessel, or in the management thereof, or otherwise in relation thereto, whereof such owner or Master is convicted, to be levied by distress and sale of such vessel, and the tackle, apparel and furniture thereof, or so much thereof, as is necessary.

66. In case of any conviction under this Act, the convicting Magistrate may order the offender to pay the costs of such conviction, in addition to any fine or expenses to which he may be liable. Such costs may be assessed by the Magistrate, and may be levied and recovered in the same manner as any fine under this Act.

67. Whenever any person is liable, under the provisions of this Act, to pay any sum of money, damages, or expenses not exceeding one thousand rupees, the same may be recovered and levied in the same manner as any fine under this Act, and, if necessary, the amount thereof may be fixed and assessed by the Magistrate before whom the case is tried.

68. Whenever any fine, damages or expenses is or are levied under this Act, by distress and sale, the costs of such distress and sale may be levied in addition to such fine, damages or expenses, and in the same manner.

69. If any dispute arise concerning the amount leviable by any distress or arrestment by virtue of this Act, or the charges or costs payable under the last preceding section, the person making such distress or using such arrestment may detain the

goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine such amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable; and payment of such costs, if not paid on demand, shall be enforced in the same manner as any penalty under this Act.

70. Any person offending against the provisions of this Act, in any port, river or channel subject to this Act, shall be punishable by any Magistrate having jurisdiction over any district or place adjoining such port, river or channel, or adjoining either side of that part of the navigable river or channel in which such offence is committed.

Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding the offence may not have been committed locally within such limits; and in case any such Magistrate exercise the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

71. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits;

and it shall not be necessary to state, on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*;

If no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in such depositions.

CHAPTER VIII.

MISCELLANEOUS.

72. If any vessel belonging to any of Her Majesty's subjects, or sailing under British colours, hoist, carry, or wear within the limits of any port, river or channel subject to this Act, any flag, jack, pendant, or colours, the use whereof on board such vessel has been prohibited by the Statute 17 & 18 Victoria, Chapter 104, or any other Statute now or hereafter to

be in force, or by any Proclamation made or to be made in pursuance of any such Statute, or by any of Her Majesty's Regulations in force for the time being, the Master of such vessel shall, for every such offence, be punished with fine which may extend to fifty rupees.

Such fine shall be in addition to any other penalty recoverable under the said Statute or any future Statute to be made in that behalf.

It shall be lawful for any officer of Her Majesty's Navy, within the limits of such port, river or channel, or for the Conservator of such Port, to enter on board any such vessel, and to seize and take away any flag, jack, pendant, or colour so unlawfully hoisted, carried, or worn on board the same.

73. Any Magistrate, upon an application being made to him by the Foreign Deserters. Consul of any Foreign power to which the Foreign Deserters Act (1852) has by an order of Her Majesty in Council been, or shall hereafter be, declared to be applicable, and upon complaint on oath of the desertion of any seaman, not being a slave, from any ship of such Foreign power, may until a revocation of such order in Council has been publicly notified, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody till the vessel is ready to sail, on deposit being first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during such detention; provided that the detention of such deserter shall not be continued beyond twelve weeks.

74. The provisions contained in sections eleven and twenty-two shall be applicable to all ports heretofore or hereafter declared by the Local Government to be ports for the shipment and landing of goods, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject. Any penalties imposed by him, and any expenses incurred by his order under the said provisions, shall be recoverable respectively in the manner provided in sections sixty-five and sixty-seven.

In any of the said ports the consent referred to in section twenty-two may be given by the principal officer of customs at such port or by any other officer in that behalf appointed by the Local Government.

75. Act No. XIII. of 1867, section one, shall be read as if for the words "and such port-due" the following words were substituted (namely),—"The port-due leviable under the Indian Ports Acts, 1874, in either of the ports of Maulmain and Bassein."

THE FIRST SCHEDULE.

See Section 2.

PART I.—BRITISH BURMA.

Names of Port.	Vessels chargeable.	Rate of Port-dues per ton or per maund.	Due how often chargeable in respect of same vessel.
Maulmain	Sea-going vessels of the burden of 10 tons and upwards, but less than 25 tons.	Not exceeding four annas per ton.	Once in sixty days.
	Sea-going vessels of the burden of 25 tons and upwards.	Not exceeding five annas six pies per ton.	Ditto.
Rangoon	Sea-going vessels of the burden of 10 tons and upwards.	Not exceeding six annas per ton.	Ditto.
Kyook Phyoo	Ditto ...	Not exceeding four annas per ton.	Ditto.
Akyab	Ditto ...	Ditto ...	Ditto.
Bassein	Sea-going vessels of the burden of 10 tons and upwards, but less than 25 tons.	Ditto ...	Ditto.
	Sea-going vessels of the burden of 25 tons.	Not exceeding five annas six pies per ton.	Ditto.

PART II.—THE LOWER PROVINCES.

Chittagong	Sea-going vessels of the burden of 10 tons and upwards.	Not exceeding four and a half annas per ton.	Once in sixty days.
Port Canning	Sea-going vessels of the burden of 20 tons and upwards.	Not exceeding four annas per ton, provided that in the case of dhonis and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Once in ninety days.
	Tugs steamers and river steamers belonging to Port Canning.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December in each year.
Calcutta	Sea-going vessels of the burden of 20 tons and upwards.	Not exceeding four annas per ton, provided that in the case of dhonis and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Once in sixty days.
	Tug steamers and river steamers.	Not exceeding four annas per ton.	Once between the 30th January and the 30th June, and once between the 1st July and 31st December in each year.
Cuttack Ports,—namely, Balasore, Chooramun, Lychunpore, Chanooa, Sartha, Soobunreekha, and Dhamrah.	Sea-going vessels of the burden of 300 maunds and upwards.	Not exceeding six annas per 100 maunds.	

THE FIRST SCHEDULE—continued.
PART III.—THE MADRAS PRESIDENCY.

Name of Port.	Vessels chargeable.	Rate of Port-dues per ton or per maund.	Due how often chargeable in respect of same vessel.
<i>Eastern Group—</i>			
Ganjam	Sea-going vessels of the burden of fifteen tons and upwards ...	Not exceeding three annas per ton: provided that in the case of vessels not being steamers employed in the coasting trade, the rates shall be one-half the rates chargeable in respect of other vessels: provided also that any steamer engaged in the coasting trade, when it enters any of the ports of the Eastern and Western Groups, shall pay the highest rate of port-dues leviable at any port of such group and an addition of half of such highest rate.	<p>(a.) No coasting steamer having paid port-dues at any port shall be required to pay port-dues again at the same or at any other port of the same group within thirty days.</p> <p>(b.) No coasting vessel other than a coasting steamer shall be required to pay port-dues at the same port more than once in sixty days.</p> <p>(c.) No vessel other than a coasting vessel or a coasting steamer shall be required to pay port-dues at the same port more than once in ninety days.</p> <p>In the above rules the expression "coasting vessel" means any vessel which at any port discharges cargo exclusively from, or takes in cargo exclusively for any port on the Continent of India or in the Island of Ceylon.</p>
Munsoorcottah	Ditto	Ditto	
Calingapatam	Ditto	Ditto	
Bimlipatam	Ditto	Ditto	
Vizagapatam	Ditto	Ditto	
Coconada	Ditto	Ditto	
Masulipatam	Ditto	Ditto	
Madras	Ditto	Ditto	
Cuddalore	Ditto	Ditto	
Tranquebar	Ditto	Ditto	
Negapatam	Ditto	Ditto	
Tuticorin	Ditto	Ditto	
<i>Western Group—</i>			
Mangalore	Ditto	Ditto	
Camnanore... ..	Ditto	Ditto	
Tellicherry... ..	Ditto	Ditto	
Calicut	} Ditto	Ditto	
Beypore*			
Cochin			Ditto

* NOTE.—As regards the levy of port-dues and fees, and ports of Calicut and Beypore shall be treated as one and the same port; every vessel in respect of which such dues and fees have been charged and taken at one of the said two ports being exempted from the charge on entering the other port.

PART IV.—THE BOMBAY PRESIDENCY.

Bombay	Sea-going vessels of the burden of 10 tons and upwards, (except fishing boats.)	Not exceeding four annas per ton, and not less than two annas per ton for each class of vessels, as the Trustees incorporated under the Bombay Port Trust Act, 1873, may direct.	Once in the same month.
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THE FIRST SCHEDULE—*continued.*

PART IV.—THE BOMBAY PRESIDENCY.

Name of Port.	Vessels chargeable.	Rate of Port-dues per ton or per maund.	Due how often chargeable in respect of same vessel.
<i>Northern Group of Ports.</i>			
1. Gogo	Sea-going vessels of ten tons and upwards (except fishing boats.)	Not exceeding two annas for every ton.	Once in thirty days at the same port. Provided that no coasting steamer, having paid port-dues at any port, shall be required to pay port-dues again at the same or any other port of the same group within thirty days.
2. Bowbaree	Ditto ...	Ditto ...	Ditto.
3. Khoon	Ditto ...	Ditto ...	Ditto.
4. Tankaria	Ditto ...	Ditto ...	Ditto.
5. Dehgaum	Ditto ...	Ditto ...	Ditto.
6. Dehej	Ditto ...	Ditto ...	Ditto.
7. Broach	Ditto ...	Ditto ...	Ditto.
8. Bhugwa	Ditto ...	Ditto ...	Ditto.
9. Surat	Ditto ...	Ditto ...	Ditto.
10. Mutwar... ..	Ditto ...	Ditto ...	Ditto.
11. Bulsar	Ditto ...	Ditto ...	Ditto.
12. Oomersaree	Ditto ...	Ditto ...	Ditto.
13. Koluk	Ditto ...	Ditto ...	Ditto.
14. Calai	Ditto ...	Ditto ...	Ditto.
15. Murolee	Ditto ...	Ditto ...	Ditto.
16. Oomergaum	Ditto ...	Ditto ...	Ditto.
17. Golwud	Ditto ...	Ditto ...	Ditto.
18. Dhanoo Creek	Ditto ...	Ditto ...	Ditto.
19. Tarapoor	Ditto ...	Ditto ...	Ditto.
20. Aliwada Nowapoor	Ditto ...	Ditto ...	Ditto.
21. Satpatee Creek... ..	Ditto ...	Ditto ...	Ditto.
22. Mahim (Keloy)	Ditto ...	Ditto ...	Ditto.
23. Keloy	Ditto ...	Ditto ...	Ditto.
24. Dantewra Creek and River.	Ditto ...	Ditto ...	Ditto.
25. Arnalla and Coast to Bassein Fort.	Ditto ...	Ditto ...	Ditto.
<i>Southern Group of Ports.</i>			
1. Bandora	Ditto ...	Ditto ...	Ditto.
2. Versooah	Ditto ...	Ditto ...	Ditto.
3. Munnoree	Ditto ...	Ditto ...	Ditto.
4. Ootun	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE—*continued.*

PART IV.—THE BOMBAY PRESIDENCY.

Name of Port.	Vessels chargeable.	Rate of Port-dues per ton or per maund.	Due how often chargeable in respect of same vessel.
5. Bassein Creek and River East of Bassein Fort.	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding two annas for every ton.	Once in thirty days at the same port. Provided that no coasting steamers, having paid port-dues at any port, shall be required to pay port-dues again at the same or any other port of the same group within thirty days.
6. Bhewudy Creek and River.	Ditto ...	Ditto ...	Ditto.
7. Callian Creek and River.	Ditto ...	Ditto ...	Ditto.
8. Tanna Creek and River.	Ditto ...	Ditto ...	Ditto.
9. Trombay	Ditto ...	Ditto ...	Ditto.
10. Panwell Creek and River.	Ditto ...	Ditto ...	Ditto.
11. Carinja	Ditto ...	Ditto ...	Ditto.
12. Rewas	Ditto ...	Ditto ...	Ditto.
13. Nagotna Creek and River.	Ditto ...	Ditto ...	Ditto.
14. Thull	Ditto ...	Ditto ...	Ditto.
15. Alibaugh	Ditto ...	Ditto ...	Ditto.
16. Rewdunda	Ditto ...	Ditto ...	Ditto.
17. Tull Kharree	Ditto ...	Ditto ...	Ditto.
18. Bankote Creek and River.	Ditto ...	Ditto ...	Ditto.
19. Kelsee	Ditto ...	Ditto ...	Ditto.
20. Hurnee	Ditto ...	Ditto ...	Ditto.
21. Unjunwell Creek and River.	Ditto ...	Ditto ...	Ditto.
22. Boria	Ditto ...	Ditto ...	Ditto.
23. Jyghurh Creek and River.	Ditto ...	Ditto ...	Ditto.
24. Rutnagherry	Ditto ...	Ditto ...	Ditto.
25. Poorungurh	Ditto ...	Ditto ...	Ditto.
26. Eshwuntgurh Creek and River.	Ditto ...	Ditto ...	Ditto.
27. Viziadroog Creek and River.	Ditto ...	Ditto ...	Ditto.
28. Dewgurh	Ditto ...	Ditto ...	Ditto.
29. Achray	Ditto ...	Ditto ...	Ditto.
30. Malwan	Ditto ...	Ditto ...	Ditto.
31. Newtee	Ditto ...	Ditto ...	Ditto.
32. Vingorla	Ditto ...	Ditto ...	Ditto.
33. Rairee	Ditto ...	Ditto ...	Ditto.
34. Tirakol Creek and River.	Ditto ...	Ditto ...	Ditto.
35. Karwar, including Beikul.	Ditto ...	Ditto ...	Ditto.
36. Chendia	Ditto ...	Ditto ...	Ditto.
37. Aukola	Ditto ...	Ditto ...	Ditto.
38. Gungavuli	Ditto ...	Ditto ...	Ditto.
39. Tuddry	Ditto ...	Ditto ...	Ditto.
40. Coompta	Ditto ...	Ditto ...	Ditto.
41. Honore	Ditto ...	Ditto ...	Ditto.
42. Shiralee	Ditto ...	Ditto ...	Ditto.
43. Moordeshwur	Ditto ...	Ditto ...	Ditto.
44. Bhutkal	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE—concluded.

PART IV.—THE BOMBAY PRESIDENCY.

Name of Port.	Vessels chargeable.	Rate of Port-dues per ton or per maund.	Due how often chargeable in respect of same vessel.
Karachi	Sea-going vessels of ten tons and upwards (except fishing boats). Tug steamers and river steamers.	Not exceeding four annas per ton. Ditto ...	Once in three months. Once between the 1st January and the 30th day of June and once between the 1st July and the 31st December in each year.
Aden... ..	Sea-going vessels of the burden of 10 tons and upwards.	Not exceeding three annas per ton.	Once a month.

THE SECOND SCHEDULE.

See Section 3.

Number and Year.	SUBJECT.	Extent of Repeal.
Act XIII. of 1839	Port-dues	So much as has not been repealed.
Act XXII. of 1855	Ports and Port-dues... ..	Ditto.
Act XIII. of 1856	Police in Presidency Towns	Section 117.
Act XXX. of 1857	Port-dues and Fees (Calcutta)	The whole.
Act XXXI. of 1857	Port-dues and Fees (Bombay)	Ditto.
Act XXXV. of 1857	Port-dues and Fees (Maulmain, Rangoon, &c.).	Ditto.
Act II. of 1858	Port-dues and Fees in certain Ports in the Province of Cuttack.	Ditto.
Act VIII. of 1858	Port-dues and Fees (Karachi)	Ditto.
Act XV. of 1858	Port-dues and Fees (Port of Aden)... ..	Ditto.
Act XVIII. of 1858	Port-dues and Fees (certain Madras Ports).	Ditto.
Act XIX. of 1860	Amending Act XXII. of 1855	Ditto.
Act XXV. of 1860	Bassein	Ditto.
Act XIII. of 1867	Amending Act XXV. of 1860	In the title, the words " <i>for the levy of enhanced Port-dues in the Ports of Moulmain and Bassein, and.</i> " The preamble down to and including the words " <i>mentioned; And.</i> " Section one down to and including the word " <i>Bassein.</i> "
Act VII. of 1873	Burma Port-dues	The whole.
Bengal Act I. of 1863	Port-dues and Fees in the Port of Canning on the River Mutlah.	Ditto.
Bengal Act III. of 1865	Fire in Ports	Sections 3 and 4. Section 8, clauses 1 and 2. Section 10.
Bengal Act IV. of 1866	Amending Act XIII. of 1856	Section 103.
Bengal Act III. of 1867	Ships in Ports	Sections 7, 11, 12, and 13.
Madras Act I. of 1864	Extension of parts of Act XXII. of 1855.	The whole.
Madras Act VII. of 1867	Port-dues	The whole.
Madras Act VIII. of 1867	Madras Police	Section 80.
Bombay Act IV. of 1863	Amending Act XV. of 1858 (Port-dues, Aden).	The whole.
Bombay Act XI. of 1866	Port-dues	The whole.
Bombay Act I. of 1873	Bombay Port Trust Act, 1873	Section 75.

STATEMENT OF OBJECTS AND REASONS.

The primary objects of this Bill are three: one to empower the Local Governments in all the principal ports of British India to levy a moderate duty for the support of local hospitals to which seamen resort for medical aid. The duty will in no case exceed one anna per ton, and will be leviable in respect of all merchant-ships lying in such ports. Under Bengal Act III. of 1867, the Lieutenant-Governor of Bengal has already this power as regards vessels lying in the port of Calcutta.

In ports to which the present Port Act extends, ships of over 200 tons burden cannot be moved without having a pilot, &c., on board, and smaller vessels cannot be moved without the authority of the Conservator. The second object of the Bill is to extend this rule to the navigable channels leading to those ports.

Its third object is to provide for the arrest of foreign deserters in any port of British India on the application of the Consul of any foreign power to which the Foreign Deserters Act, 1852, has been declared applicable. Similar provisions are in force in the ports of Bombay (Act XIII. of 1856, Section 117), Calcutta (Bengal Act IV. of 1866, Section 103) and Madras (Madras Act VIII. of 1867, Section 80).

As the law relating to ports and port-dues is now contained in no less than twenty-two Acts, it has been thought more desirable to consolidate these laws with the additions above specified than to add a twenty-third to their number.

The Bill is divided into eight chapters :

Chapter I. contains the usual preliminary matter.

Chapter II. empowers the Local Governments to extend the proposed Act to any port to which it will not in the first instance apply, to alter the limits of any ports in which the proposed Act may be in force, and to make port-rules for the purposes mentioned in Act XXII. of 1855, Section 7. The opportunity has been taken to define 'high-water mark' as the medium high tide between the springs and the neaps (*Atty. Gen. v. Chambers*, 4 DeG. Mac. & G. 206, 218).

Chapter III. deals with the Conservator and other Port-officers and describes their powers and duties. A clause (17) taken from the Bengal Act III. of 1865 empowers any Conservator, for the purpose of extinguishing fires in his port, to require the master of any ship of more than 500 tons burden to place at his disposal three-fourths of the crew then under such master's orders. In other respects this chapter makes no substantial change in the law.

Chapter IV. contains sundry rules for the safety of shipping and the preservation of ports. There is nothing substantially new, except a clause (copied from Bengal Act III. of 1867) imposing a penalty on any master who wilfully omits to take order to extinguish fire on board his ship; and another clause (taken from Bengal Act III. of 1865) empowering the Local Government to make rules for the prevention of fire from petroleum and other inflammable oils.

Chapter V. relates to the subject of salvage in ports and is equivalent to Sections 38 and 39 of Act XXII. of 1855.

Chapter VI. relates to Port-dues. The provisions of Act VII. of 1873, under which the Local Government extending the proposed Act to any port may declare the maximum amount of dues to be levied therein, (but within the limits of a statutory maximum), and the conditions and modifications under which such dues shall be levied, have been made applicable to all ports of British India not now subject to Act XXII. of 1855.

Power has been given to the Local Governments to direct that for the purposes of port-fund accounts any number of ports shall be regarded as constituting a single port. Similar provisions are contained in Madras Act VII. of 1867 and Bombay Act XI. of 1866.

The rules relating to port-dues chargeable on vessels re-entering ports from stress of weather, entering in ballast, or not discharging or taking in cargo or passengers, which are now repeated in many local Acts, have been made of general application. A general power also has been given to compound for port-dues.

A general clause has been introduced fixing the maximum fees for certain services, such as hauling, remooring, removing from one part of the port to another, hooking and measuring. Similar clauses are to be found in Act XXX. of 1857, Bengal Act I. of 1863, and Madras Act VII. of 1867.

A provision taken from Bengal Act III. of 1867 has been introduced to authorise the refusal of port-clearances until the payment of the expenses attendant on the illness or death of masters, seamen and apprentices, which, under the Merchant Shipping Act (17 & 18 Vic., Chapter 104) Section 228, are to be defrayed by the ship-owner.

Chapter VII. contains the general provisions as to penalties found in Act XXII. of 1855, Sections 55 to 59, 63 and 64. And Chapter VIII. provides for the arrest of foreign deserters and contains a few other miscellaneous provisions.

The Bill is followed by two Schedules: The first shows in a tabular form—(a) all the ports in which Act XXII. of 1855 is now in force, and to which the present measure will apply in the first instance; (b) the ships on which dues will be levied; (c) the maximum rate per ton; and (d) how often the rate will be leviable. The second schedule specifies the enactments which the Bill if it become law will remove from the Statute-book.

(Signed) A. HOBHOUSE.

WHITLEY STOKES,

Secretary to the Government of India.

The 15th April 1874.