

ACT No. XXII OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 5th December 1856.)

AN ACT for establishing a Toll on Boats and Timber passing through the Kurratiya river in the district of Bogra.

WHEREAS it is expedient, with a view to afford facilities for the internal commerce of the Districts of Dinagepore, Rungpore, and Bogra, to adopt measures for the improvement of the navigation of that part of the Kurratiya river, which lies within the district of Bogra, and whereas any measure which may be adopted for this purpose will necessarily occasion a considerable outlay at the first, and an annual expense thereafter, and it is just and reasonable that, to defray the same, a moderate toll should be levied on all boats, timber, rafts, and floats, passing through or within such part of the said river; and whereas it is expedient to encourage individual enterprise, and the employment of private capital on works of public utility: It is enacted as follows:—

I. Tolls, at the rates specified in the Schedule annexed to this Act, may be levied on all boats, timber, rafts, and floats, passing through or within the aforesaid part of the Kurratiya river, at such stations or places as the Lieutenant Governor of Bengal may from time to time appoint. The said tolls shall be levied by such persons, and under such rules, as the said Lieutenant Governor may direct; and all such rules shall be duly notified in the English and Vernacular Gazettes for public information.

II. Provided that no such toll shall be levied until the Lieutenant Governor of Bengal shall be satisfied, by the report of a competent person, that effective measures have been taken to render the passage through the said part of the Kurratiya

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Kurratiya river navigable throughout the year. Provided, also, that the levy of the said tolls shall be continued only so long as the passage is kept so navigable.

III. Any person duly appointed or authorized to collect the said tolls may detain any boat, timber, raft, or float, for which the toll chargeable under this Act is not paid; and, on the report of such person, which report shall be made within twenty-four hours, the Deputy Collector of Bogra, or other public officer duly authorized by Government in that behalf, may publish a notice appointing a day for the sale of the same. At or after the time appointed by the notice, which shall not be less than fifteen days from the date of the publication thereof, if the toll be not paid, or sufficient cause for non-payment be not shown to the satisfaction of the Deputy Collector or other officer as aforesaid, such officer may sell the thing detained, or, in the case of a boat, such part of the tackle or lading thereof, or, in the case of a raft or float, such part of the same as may be necessary for the recovery of the toll, and shall pay the overplus, if any, to the owner on demand.

IV. Any person who, under color of this Act, shall unlawfully detain any boat, timber, raft, or float, or shall neglect, or without lawful excuse delay, to report the detention of any boat, timber, raft, or float, to the Deputy Collector or other officer as aforesaid, or shall demand or receive as toll any larger sum than is authorized by the Schedule annexed to this Act, shall, on conviction before a Magistrate, or other officer exercising the powers of Magistrate, forfeit a sum not exceeding two hundred Rupees.

V. For the purpose of carrying out the objects of this Act, the Lieutenant Governor of Bengal may authorize any public officer to cut any canal, clear and deepen any channel, stop any water-course, or take any other measures which may be judged necessary for making the river navigable as aforesaid, or may grant the like authority to any private person who may undertake to carry out those objects at his own expense; and may take possession, as for a public purpose, of any land that may be necessary for the execution of any of the above mentioned works, under the provisions of Regulation I of 1824, or of any Act that may hereafter be in force for taking possession of land for public purposes, whether the said works are to be executed at the expense of Government, or of such private person as aforesaid.

VI. If

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VI. If the Lieutenant Governor shall grant authority to any private person to carry out the objects of this Act at his own expense, ^{And may make a grant of the} he may also make a grant of the said tolls to such person upon such conditions and for such a term as to the said Lieutenant Governor shall appear just and proper, and may authorize such person, or any person or persons employed by him, to collect the said tolls.

SCHEDULE.

Of tolls chargeable on boats, timbers, rafts, and floats, passing into or through the Kurratiya river within the district of Bogra.

Budgerows, Bauleahs, and other Boats for personal accommodation	4 annas per oar.
Boats of burthen, empty	At the rate of 2 annas per 100 mds. burthen.
Ditto Ditto laden with bricks, tiles, and earthen-ware; straw, grass, reeds, and fire-wood; fruit and vegetables	At the rate of 4 annas per 100 mds. burthen.
Ditto Ditto with grain, pulse, seeds, and any other article not expressly enumerated	At the rate of 12 annas per 100 mds. burthen.

Timbers in rafts or otherwise, not being in boats, 2 annas each timber.

Bamboos in floats, 4 annas per 100 bamboos.

Every boat less than 50 maunds burthen shall be rated as 25 maunds—every boat of 50 maunds and less than 75 maunds shall be rated as 50 maunds—every boat of 75 maunds and less than 100 maunds shall be rated as 75 maunds—every boat of 100 maunds and less than 125 maunds shall be rated as 100 maunds; and so on.

Any number of bamboos less than an even hundred shall be rated as 100.