

ACT No. XXVIII OF 1858.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 31st July 1858.)

An Act for the maintenance of a Police Force for the Port of Madras.

Preamble. WHEREAS it is expedient to make further provision for the security of the traffic between the shore and the shipping in the Port of Madras, by increasing the Police Force; and whereas it is just and expedient that the said traffic should contribute towards the expenses and maintenance of the said Force; It is enacted as follows :—

I. To meet the expense of such an increase to the Police Force, established under the provisions of Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca*) as may be necessary for the purposes of this Act, the sum of three annas shall be charged and taken by the owner of every boat employed to convey cargo or goods to or from any ship or vessel in the Port of Madras, in addition to the hire payable under Act IV of 1842 (*for the better management of boats and catamarans in the Madras Roads and for the amendment of certain Harbour Regulations*).

Additional charge on the hire of boats carrying cargo or goods.

II. The

II. No cargo or goods of any description shall be conveyed in any boat to or from any ship or vessel in the Port of Madras unless accompanied by an Officer of the Police Force, and it shall be the duty of the Commissioner of Police to provide every such boat with an Officer of the Police Force for this purpose.

No cargo to be conveyed, unless boat be accompanied by a Police Officer.

III. The owner of any boat and the tindal and boatmen for the time being employed in any boat in which any cargo or goods shall be conveyed to or from any ship or vessel in the Port of Madras without having an Officer of the said Force on board of such boat, and every boat-owner, tindal, and boatman who shall either hinder any such Officer from accompanying any such boat or shall obstruct him in the performance of his duty when in any such boat, shall, on conviction before a Magistrate, be liable as follows : every boat-owner for the first offence to a penalty not exceeding fifty Rupees, and for a second or any subsequent offence to a penalty not exceeding one hundred Rupees; every tindal for the first offence to corporal punishment not exceeding twenty stripes of a rattan, and for a second or any subsequent offence to corporal punishment not exceeding twenty-five stripes of a rattan ; and every boatman for the first offence to corporal punishment not exceeding fifteen stripes of a rattan, and for a second or any subsequent offence to corporal punishment not exceeding twenty stripes of a rattan.

Penalties.

IV. Every boat-owner shall on every Monday make to the Commissioner of Police, or to such other person as the said Commissioner of Police shall appoint to receive the same, a return in writing, signed by such boat-owner, of the number of trips made by each of his boats on each day during the preceding week.

Owner to make a weekly return of trips.

V. Every boat-owner who shall neglect to make such return as in the next preceding Section specified, shall, on conviction before a Magistrate, be liable for a first offence to a penalty not exceeding fifty Rupees, and for a second or any subsequent offence to a penalty not exceeding one hundred Rupees; and every boat-owner who shall make a false return shall be liable to a penalty not exceeding three hundred Rupees, and to the forfeiture of all licenses which he may hold under the provisions of Act IV of 1842.

Penalty for neglecting to make return, and for making false return.

VI. Every

VI. Every boat-owner shall on every Monday pay to the said Commissioner of Police, or to such other person as the said Commissioner of Police may appoint to receive the same, the said sum of three annas for every trip made by any boat belonging to him, employed in conveying cargo or goods, according to the weekly return to be made by him as hereinbefore directed; and in default of such payment, one or more of the boats of any boat-owner making such default may be seized and sold by virtue of a warrant under the hand and seal of a Magistrate until the amount so due by such boat-owner and the expenses of sale shall be realized; and such amount, when realized, shall be forthwith paid to the said Commissioner of Police.

Boat-owner to pay weekly to the Commissioner of Police the sums charged under this Act.

Monies received under this Act to be paid into the General Treasury.
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VII. All monies paid to or received by the said Commissioner of Police under this Act shall be paid by him, at least once a month, into the General Treasury of

VIII. No conviction, order, or judgment of any Magistrate under this Act 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*; and 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.

Conviction to be quashed on merits only. Form of conviction, &c.

IX. None of the foregoing provisions of this Act shall be taken or deemed to extend or apply to any boat which shall convey only mails or passengers with their baggage to or from any ship or vessel in the Madras roads.

Act not to apply to boats conveying only mails or passengers with their baggage.

X. From and after the passing of this Act it shall be lawful for the Commissioner of Police and the Members of the Police Force at Madras to exercise, within the limits of the Port of Madras as defined under the provisions of Act XXII of 1855 (*for the regulation of Ports and Port-dues*), all powers given

Powers &c. of the Commissioner of Police and the Police Force within the Port of Madras.

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given to them respectively by Act XIII of 1856, or which may be lawfully exercised by Constables within the local limits of the jurisdiction of the Supreme Court ; and all provisions of the last mentioned Act applicable to the said Commissioner and Police Force at Madras shall apply to them respectively in the execution of the powers hereby given.

XI. This Act shall take effect from and after such day as shall be notified in the Official Gazette by the Governor in Council of Fort Saint George.

When this Act shall
take effect.