

THE INDIAN PORTS ACT, 1875.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

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.
Power to withdraw this Act.
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 :
 - (n) number of crew :
 - (o) possession of gunpowder.

CHAPTER III.

[*Price eleven annas and nine pies.*]

CHAPTER III.

OF PORT OFFICERS, THEIR POWERS AND DUTIES.

SECTIONS.

8. Appointment of Conservator.
9. Conservator empowered to give directions for certain specified purposes.
Penalty for disobedience to Conservator's orders.
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.
23. Graving, &c., vessel within prohibited limits.
24. Boiling pitch, &c., on board vessel within prohibited limits.
25. Drawing spirits by unprotected artificial light.
26. Warping.
27. Leaving out hawser, &c., after sun-set.

Gunpowder.

Gunpowder.

SECTIONS.

- 28. Place of deposit for gunpowder.
- 29. Government to fix time and manner of landing and shipping powder, &c.
- 30. Master to make declaration.
- 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 Oil.

- 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.

CHAPTER VI.

OF PORT-DUES AND CHARGES.

- 45. Levy of Port-dues.
- 46. Local Government may vary port-dues,
Proviso.
- 47. Accounts

SECTIONS.

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-due on vessels in ballast.
57. Port-due on vessels not discharging or taking in cargo.
58. Port-dues not chargeable on vessels re-entering from stress of weather.

Hospital Port-dues.

59. Power to impose hospital port-dues.
60. Application of hospital port-dues.

Fees for certain Services.

61. Fees for pilotage, hauling, re-mooring, &c.

CHAPTER VII.

OF HOISTING SIGNALS.

62. Master to hoist number of vessel.
63. Penalty for not hoisting signal.
64. Pilot to require Master to hoist signal.
And if Master refuses to do so, pilot may anchor.
65. Punishment of pilot disobeying provisions of this chapter.

CHAPTER VIII.

OF PENALTIES.

66. Offences how triable, and penalties how recovered.
67. Costs of conviction.
68. Damages, &c., payable under this Act, how ascertained and recovered.
69. Costs of distress.

70. Magistrate

SECTIONS.

70. Magistrate to determine the amount to be levied in case of dispute.
71. Jurisdiction over offences beyond local limits of jurisdiction.
72. Conviction to be quashed on merits only.
Form of conviction.

CHAPTER IX.**MISCELLANEOUS.**

73. Hoisting unlawful colours in port.
74. Foreign deserters.
75. Application of sections 11 and 22.
76. Disputes concerning amount due under section 15 or section 43.
77. 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.

1875.]

ACT No. XII OF 1875.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 15th
March 1875).*

An Act 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 ;
It is hereby enacted as follows :—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Indian Ports Act, 1875 :"

Short title.

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*) ;

Present local extent.

(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.

Power to extend this Act.

But nothing herein contained shall—

(c) apply to any vessel belonging to, or in the service of, Her Majesty or the Government of India, or to any vessel of war belonging to any Foreign Prince or State ;

(d) deprive any person of any right of property or other private right, except as hereinafter expressly provided ; or

(e) affect

(e) 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.

Repeal of Acts.

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

Every declaration, appointment or rule made under any such Act and now in force shall be deemed to have been made under this 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.

Interpretation-clause.

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

“ Vessel.”

“ Vessel ” includes anything made for the conveyance by water of human beings or of property :

“ Master.”

“ Master,” when used in relation to any vessel, means any person (except a Pilot or Harbour-Master) having for the time being the charge or control of such vessel :

“ Pilot.”

“ Pilot ” means a person for the time being authorized by the Local Government to pilot vessels :

“ Owner.”

“ Owner ” includes also any agent to whom a vessel is consigned :

“ Gunpowder.”

“ Gunpowder ” includes also rockets and other combustible ammunition :

“ Magistrate.”

“ Magistrate ” means a person exercising powers under the Code of Criminal Procedure not less than those of a Magistrate of the Second Class and includes, in the Towns of Calcutta, Madras and Bombay, a Magistrate of Police ; and

“ Port.”

“ Port ” includes also any part of a river or channel in which this Act is for the time being in force.

CHAPTER II.

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,

Power to extend this Act.

(a) 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,

(b) 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,

Power to extend specially sections 38, 39, 40 and 41.

(c) withdraw this Act from any port or any part thereof in which it is for the time being in force :

Power to withdraw this Act.

Provided that every notification under clause (a) or clause (b) of this section may define the limits of the port, river or channel to which it refers, and that such limits may extend to high-water-mark.

Such limits may include any piers, jetties, landing-places, wharfs, quays, docks, 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 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 highest point reached by ordinary spring-tides at any season of the year.

6. The Local Government may from time to time, with the like sanction, and subject to the rights referred to in section five, alter the limits of any port in which this Act may be in force, and declare or describe, by notification in the official Gazette or by means of maps, posts or otherwise, the precise extent of such limits.

Limits how to be altered.

7. The Local Government may, from time to time, make such rules, consistent with this Act, as it may think

Local Government empowered to

- make Port-rules as to— think necessary for any of the following purposes, namely,—
- entering or leaving port: (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 :
- berths of vessels : (b) for regulating the berths, stations and anchorages to be occupied by vessels in any such port :
- striking yards, &c. : (c) for striking the yards and top-masts, and for rigging-in the booms and yards, of vessels in any such port ; and for swinging or taking-in davits, boats and other things projecting from such vessels :
- removal of anchors, &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 :
- taking in or discharging ballast : (e) for regulating vessels whilst taking in or discharging ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged :
- keeping free passage : (f) for keeping free passages of such width as may be deemed necessary within any such port, 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 :
- regulating the anchoring : (g) for regulating the anchoring, fastening, mooring, and unmooring of vessels in any such port :
- moving and warping : (h) for regulating the moving and warping of all vessels within any such port and the use of warps therein :
- use of mooring buoys : (i) for regulating the use of the mooring buoys, chain and other moorings, in any such port :
- rates for 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 :
- cargo-boats, &c. : (k) for licensing and regulating cargo and other boats, and catamarans plying for hire in any such port :
- fires and lights : (l) for regulating the use of fires and lights within any such port :

(m) for

(*m*) for enforcing and regulating the use of signal-lights :
signal-lights by vessels at night in any such port :

(*n*) for regulating the number of the crew which number of
must be on board any vessel afloat within the limits crew :
of any such port :

(*o*) for fixing the limits within which vessels possession of
shall be prohibited from having on board in any such gunpowder.
port any quantity of gunpowder in excess of such
quantity as the Local Government prescribes in this
behalf.

CHAPTER III.

OF PORT OFFICERS, THEIR POWERS AND DUTIES.

8. The Local Government shall appoint some Appointment
officer or body of persons to be Conservator of every of Conserva-
port subject to this Act, and may suspend or remove tor.
such officer or body.

Subject to any direction by the Local Govern-
ment to the contrary—

(*a*) in ports where there is a Master Attendant,
such Master Attendant shall be the Conservator :

(*b*) in ports where there is no Master Attendant,
but where there is a Harbour-Master, such
Harbour-Master shall be the Conservator.

Where the Harbour-Master is not Conservator,
the Harbour-Master and his Assistants shall be subor-
dinate to, and subject to the control of, the Conserva-
tor.

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

9. The Conservator of any port subject to this Conservator
Act may, in respect of any vessel within such port, empowered
give directions for carrying into effect any port-rule to give direc-
for the time being in force therein. tions for cer-
tain specified
purposes.

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
Penalty for
disobedience
to Conserva-
tor's orders.

fine

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;

Expenses caused thereby to be paid by offender.

and, in case of such refusal or neglect, the said Conservator may do, or 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.

Service of written notice.

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.

Power to cut warps, ropes, &c.

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.

Power to remove floating timber, &c., or obstruction on shore within limits of port.

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 thereof; 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;

Expenses of removal.

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

Penalties for causing obstruction or public nuisance.

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

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 is mentioned in section eleven, 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;

Recovery of expenses of removal.

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;

Power to sell timber, &c.

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;

Proceeds how dealt with.

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 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.

Removal of obstructions lawfully made.

Every

Compensation how determined.

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.

Notice to Conservator, if vessel fouls Government moorings.

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, 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;

Expense of clearing vessel.

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

Penalty.

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.

Power to raise wreck, &c., impeding navigation within the port.

15. If any vessel be wrecked, stranded or sunk in any such port, so as to impede, or be likely to impede, the navigation thereof, the Conservator may cause the same to be raised, removed or destroyed;

Expense how recoverable.

and may recover the same on behalf of the Local Government in the manner provided by section forty-four.

Power to board vessels.

16. The Conservator or any of his Assistants may, whenever he suspects that any offence has been, or is about to be, committed 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

either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.

If the Master of such vessel, or if any person in possession or occupation of any such building or place, without lawful excuse refuse to allow any officer or other person to board or enter such vessel, building or place 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 subject to this Act, the Conservator may require the Master of any ship within the port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the orders of such Master.

Power to require crews to prevent or extinguish fire.

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 seaman then under his orders who, after being directed by the Master to obey the Conservator's orders for the purpose aforesaid, refuses 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,

Powers of Conservator may be exercised by 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 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 direction of any such officer or Assistant, done within the limits of such port;

Indemnity to Government against default of Harbour-Master, &c.

NOR

15

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 :

Proviso.

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.

Injuring
buoys, &c.

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 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 damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.

Wilfully
loosening
vessel from
moorings.

21. Whoever wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port 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.

Improperly
discharging
ballast.

22. No ballast or rubbish, and no 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, or into or upon any place on shore, from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods.

Whoever

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 five hundred rupees over and above any expenses which may be incurred in removing the same. If after receiving notice from the Conservator of the port to desist casting or throwing any such ballast or other thing, any Master continues so to cast or throw it, he shall also be liable to simple imprisonment for a term which may extend to two months.

Nothing in this section applies to any case in which such ballast or other thing is cast or thrown into any such port 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 any vessel in any such 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.

Graving, &c.,
vessel within
prohibited
limits.

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, or at any place within its limits 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.

Boiling pitch,
&c., on board
vessel within
prohibited
limits.

25. If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, 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.

Drawing
spirits by
unprotected
artificial
light.

26. Every Master of a vessel in any port subject to this Act shall, when required so to do by the
Conservator

Warping.

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.

Leaving out hawser, &c., after sun-set.

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

Place of deposit for gunpowder.

28. The Local Government shall appoint a proper place in which gunpowder in excess of the quantity allowed by rule under section seven, clause (o), for any ship in any port subject to this Act, shall be deposited; and shall also appoint an officer to receive the same.

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

29. The Local Government may in such case 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.

Master to make declaration.

30. The Master of such vessel shall, upon such gunpowder being deposited, make and sign a declaration in writing that there is not then, to his knowledge or belief, on board such vessel any gunpowder exceeding the quantity allowed by the rule last aforesaid.

Officer to give receipt and to account for powder deposited.

31. The officer with whom such gunpowder 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

32. If any vessel be prevented by stress of weather from landing or depositing such gunpowder, in excess of the quantity allowed as aforesaid, 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.

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

33. The Local Government may also, in 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 above-mentioned, shall take in the same, whether such gunpowder has been previously landed from such vessel or not.

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

34. The Master of any vessel having 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 ;

Penalties for having prohibited powder on board.

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 any gun, musket, or other firearm 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 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.

Guns not to be discharged in port.

Exception.

Penalty.

Extinguishment of Fires.

36. The Master of any vessel in which fire takes place while lying in any port, who wilfully omits to take order to extinguish such fire, shall be punished

Penalty on Master omitting to take order to extinguish fire.

with

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 or shipped on board of 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.

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

38. No vessel of the burden of two hundred tons or upwards, shall be moved in any port to which this section has been specially extended 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 in any such port 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.

Vessels above 200 tons to be provided with force-pump, &c.

39. Every vessel exceeding the burden of two hundred tons and lying in any such port shall be provided with

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 such port for anchors, cables or other stores lost or supposed to be lost therein. Unauthorized person not to search for lost stores.

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

41. No person shall, without the permission of the Conservator, 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 such port; Removing stones, &c., or injuring shores of port prohibited.

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 any other thing, or do any 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 Publication of orders of Local Government.

order

order relates, and in the Custom-house, if any, of every port subject to this Act.

Penalty for disobedience to rules.

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

And 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.

Salvage payable for wreck, &c.

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

Register to be kept.

A register shall be kept of all 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 has 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.

Property recovered may, in certain cases, be sold.

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 fails 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

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:

Proceeds how
applied.

Provided that he makes his claim within one year from the date of the sale.

CHAPTER VI.

OF PORT-DUES AND CHARGES.

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.

Levy of
port-dues.

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 on vessels entering 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 conditions and modifications; and such dues shall be levied accordingly.

All port-dues now leviabie in any of the said ports shall continue to be so leviabie until it is otherwise declared in exercise of the powers conferred by this section.

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

No order increasing or imposing port-dues under this section shall take effect until the expiration of sixty days from the day on which such order has been published in the local official Gazette.

Local Government may vary port-dues.

46. The Local Government may, from time to time, exempt the vessels entering any port subject to this Act from the levy of port-dues and cancel such exemption, or it may from time to time vary the rate at which port-dues shall be levied in any such port, in such manner as, having regard to the receipts and charges on account of that port, it thinks expedient, by reducing or raising the dues, or any of them :

Proviso.

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

Accounts of port-dues.

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 unpaid, 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

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. Collection of port-dues.

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 port-dues are paid, and the name, tonnage and other proper description of the vessel in respect of which such payment is made. Voucher to be given.

49. Within twenty-four hours after the arrival within the limits of any port subject to this Act 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. Master to report arrival.

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, ferry-steamers or river-steamers plying in any of the ports subject to this Act.

50. If

Conservator may in certain cases ascertain draught, and charge expense to Master.

50. If any vessel liable to the payment of port-dues is in any such port without proper marks on the stem and stern-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.

Tonnage of vessel liable to port-dues how ascertained

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

if registered ;

(a).—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 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 are 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.

if not registered.

(b).—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

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

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

and in case any part of the said port-dues or charges, or of the costs of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest 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 is to grant a port-clearance for any vessel, shall not grant such clearance—

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

(a) until her owner or Master, or some other person, has paid or secured to the satisfaction of such officer the amount of all port-dues, fees and charges, and of all fines, penalties and expenses to which such vessel or her owner or Master is liable under this Act;

(b) until all expenses, which by the Merchant Shipping Act, 1854, section 228, are to be borne by her owner, incurred since her arrival in the port from which she seeks clearance, have been duly paid.

54. If the Master of any vessel in respect of which any port-dues or charges are payable causes her 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

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

to which she may proceed or in which she may be, to levy such dues or charges.

Every Collector or other officer to whom such requisition shall be directed shall proceed to levy such dues 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 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 seventy.

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

55. If the Master of any such vessel evades the payment of any port-dues 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 such 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 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 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.

Port-due on vessels in ballast.

56. Vessels entering any port subject to this Act (other than the ports in British Burma) in ballast and not carrying passengers, shall be charged with a port-due not exceeding three-fourths of the port-due with which they would otherwise be chargeable.

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

57. When any vessel enters any port subject to this Act, but does not discharge or take in any cargo or passenger therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), the port-due chargeable in respect of

of such vessel shall be at a rate equal to one-half the rate chargeable in respect of other vessels :

Provided that no vessel entering any of the ports subject to the Governor of Fort St. George in Council and leaving the same within forty-eight hours without discharging or taking in any passengers or cargo, shall be charged with any port-dues.

58. No port-due shall be chargeable in respect 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.

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

Hospital Port-Dues.

59. The Local Government may, from time to time, by notification in the official Gazette, order that there shall be paid in respect of every ship entering any port subject to this Act, 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.

Power to impose hospital port-dues.

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

No order imposing or increasing hospital port-dues shall take effect until the expiration of sixty days from the day on which such order has been published in the official Gazette.

Whenever the Local Government is satisfied that proper provision has been made by the owners or agents of any ship or class of ships for giving medical aid to the seamen employed on board such ship or class of ships, it may, by notification in the official Gazette, exempt such ship or class of ships from any payment under this section. The Local Government may, by like notification, withdraw any such exemption.

60. Such hospital port-dues shall be applied, as the Local Government may direct, to the support of any such hospital or dispensary as aforesaid, or otherwise for providing sanitary superintendence and medical aid for the shipping in such port and for the seamen belonging to such ships, whether such seamen are ashore or afloat.

Application of hospital port-dues.

Fees

Fees for certain Services.

Fees for pilotage, hauling, re-mooring, &c.

61. Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, re-mooring, hooking, measuring, and other services rendered to vessels, at such rates as the Local Government may, from time to time, direct :

Provided that, in the case of fees for pilotage, the previous sanction of the Governor-General in Council has been obtained.

The fees now chargeable for such services shall continue to be chargeable unless and until they are altered in exercise of the power conferred by the former part of this section.

CHAPTER VII.

OF HOISTING SIGNALS.

Master to hoist number of vessel.

62. The Master of every inward or outward-bound vessel, on arriving within signal-distance of any signal-station established within the limits of the river Hugli, or within the limits of any part of a river or channel subject to this Act shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.

Penalty for not hoisting signal.

63. Any Master of a vessel arriving as aforesaid, who refuses or neglects to conform to the above rule, shall be liable on conviction, for each instance of such refusal or neglect, to a fine not exceeding one thousand rupees.

Pilot to require Master to hoist signal.

64. Every pilot in charge of a vessel shall require the number of the vessel of which he is in charge to be duly signalled as provided under section sixty-two.

And if Master refuses to do so, pilot may anchor.

When, on a requisition from the pilot to that effect, the Master of a vessel refuses to hoist the number of a vessel, or to adopt such other means of making

making her name known as may be practicable and usual, the pilot in charge of such vessel may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.

65. Any pilot in charge of a vessel who disobeys, or abets within the meaning of the Indian Penal Code disobedience to, any of the provisions of this chapter, shall be liable to a penalty not exceeding five hundred rupees for each instance of such disobedience or abetment, and in addition shall be liable to dismissal from his appointment.

Punishment of pilot disobeying provisions of this chapter.

CHAPTER VIII.

OF PENALTIES.

66. All offences against this Act shall be triable 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.

Offences how triable, and penalties how recovered.

67. 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.

Costs of conviction.

Such costs may be assessed by the Magistrate, and may be levied and recovered in the same manner as any fine under this Act.

68. 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.

Damages, &c., payable under this Act, how ascertained and recovered.

69. Whenever

Costs of
distress.

69. 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.

Magistrate
to determine
the amount
to be levied
in case of
dispute.

70. If any dispute arise concerning the amount leviable by any distress or arrest under this Act, or the charges or costs payable under the last preceding section, the person making such distress or using such arrest 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.

Jurisdiction
over offences
beyond local
limits of
jurisdiction.

71. 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 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.

Conviction to
be quashed
on merits
only.

72. 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;

Form of
conviction.

and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.

If

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 IX.

MISCELLANEOUS.

73. 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 subject to this Act, any flag, jack, pendant or colours, the use whereof on board such vessel has been prohibited by the Statute 17th & 18th of 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.

Hoisting
unlawful
colours in
port.

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.

Any officer of Her Majesty's Navy within the limits of such port, or the Conservator of such port, may enter on board any such vessel, and seize and take away any flag, jack, pendant or colour so unlawfully hoisted, carried or worn on board the same.

74. Any Magistrate, upon an application being made to him by the 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, or by the representative of such Consul, 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 ;

Foreign de-
serters.

and

33

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, or, if the vessel has sailed, for a reasonable time not exceeding one month :

Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during such detention ;

Provided also that the detention of such deserter shall not be continued beyond twelve weeks.

Application of sections 11 and 22.

75. 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, but not otherwise subject to this Act, 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-six and sixty-eight.

In any of the said ports for the shipment and landing of goods 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 appointed in that behalf by the Local Government.

Disputes concerning amount due under section 15 or section 43.

76. Any dispute arising concerning the amount due under section fifteen or section forty-three shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.

Amendment of Act XIII of 1867.

77. 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 Act, 1875, in either of the ports of Maulmain and Bassein.”

THE FIRST SCHEDULE.

THE FIRST SCHEDULE.

(See section 2).

PART I.—BRITISH BURMA.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Maulmain ...	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Not exceeding four annas per ton.	Once in sixty days.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pie per ton.	Ditto.
Rangoon ...	Sea-going vessels of ten 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 ten tons and upwards, but less than twenty-five tons.	Ditto ..	Ditto.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pie per ton.	Ditto.

PART II.—THE LOWER PROVINCES.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Chittagong ...	Sea-going vessels of ten tons and upwards.	Not exceeding four and a half annas per ton.	Once in sixty days.
Port Canning ...	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton; provided that in the case of <i>dhonis</i> and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port, except in the case of <i>dhonis</i> and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in ninety days.

THE FIRST SCHEDULE,—continued.

(See section 2).

PART II.—THE LOWER PROVINCES,—continued.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Port Canning—continued.	Tug-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 twenty tons and upwards.	Not exceeding four annas per ton; provided that in the case of <i>dhonis</i> and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port, except in the case of <i>dhonis</i> and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in sixty days.
	Tug-steamers and river-steamers.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and 31st December in each year.
Cuttack Ports,—namely, Bala-sore, Chúrāman, Laichhūnpur, Chānua, Subarnrekha, Dhāmra and Sartha.	Sea-going vessels of three hundred maunds and upwards.	Not exceeding six anna per hundred maunds.	Whenever the vessel enters the port.

PART III.—THE MADRAS PRESIDENCY.

Name of port.	Vessels chargeable.	Rates of port-dues.	Due how often chargeable in respect of same vessel.
<i>Madras</i> Eastern Group— 1. Ganjam ...	Sea-going vessels of fifteen tons and upwards.	Not exceeding three annas per ton: provided that in the case of vessels employed in the coasting trade, not being steamers, the rates shall be one-half the rates chargeable in respect of other	(a.) No coasting steamer having paid port-dues at any port shall be chargeable with port-dues again at the same or at any other port of the same group within thirty days.

THE FIRST SCHEDULE,—*continued.**(See section 2).*PART III.—THE MADRAS PRESIDENCY,—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.	
<i>Eastern Group—continued.</i>				
1. Ganjam— <i>contd.</i>		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.	(b.) No coasting vessel other than a coasting steamer shall be chargeable with port-dues at the same port more than once in sixty days.	
2. Gopalpur ...	Sea-going vessels of fifteen tons and upwards.	Ditto ...	(c.) No vessel other than a coasting vessel or a coasting steamer shall be chargeable with port-dues at the same port more than once in ninety days.	
3. Calingapatam ...	Ditto ...	Ditto ...	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.	
4. Bimlipatam ...	Ditto ...	Ditto ...		
5. Vizagapatam ...	Ditto ...	Ditto ...		
6. Coconada ...	} Ditto ...	Ditto ...		
7. Coringa* ...				
8. Masulipatam ...	Ditto ...	Ditto ...		
9. Madras ...	Ditto ...	Ditto ...		
10. Cuddalore ...	Ditto ...	Ditto ...		
11. Porto Novo ...	Ditto ...	Ditto ...		
12. Tranquebar ...	Ditto ...	Ditto ...		
13. Negapatam ...	} Ditto ...	Ditto ...		
14. Nagore* ...				
15. Tuticorin ...	Ditto ...	Ditto ...		
<i>Western Group—</i>				
1. Mangalore ...	Ditto ...	Ditto ...		
2. Cannanore ...	Ditto ...	Ditto ...		
3. Tellicherry ...	Ditto ...	Ditto ...		
4. Calicut ...	} Ditto ...	Ditto ...		
5. Beypore* ...				
6. Cochin ...	Ditto ...	Ditto ...		

NOTE.—As regards the levy of port-dues, each of the following pairs of ports (namely)—Coconada and Coringa, Negapatam and Nagore, Calicut and Beypore—shall be treated as if it were only one port; every vessel in respect of which such dues have been charged and taken at one of any of the said pairs being exempted from the charge on entering the other of the same pair.

THE FIRST SCHEDULE—continued.

(See section 2).

PART IV.—THE BOMBAY PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Bombay ...	Sea-going vessels of ten 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.
	Tug-steamers, Ferry-steamers and River-steamers.	Ditto ...	Once between the 1st January and the 30th June, and once between the 1st July and 31st December in each year.
<i>Northern Group of Ports—</i>			
1. Gogo ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
2. Bávliári ...	Ditto ...	Ditto ...	Ditto.
3. Khun ...	Ditto ...	Ditto ...	Ditto.
4. Tankária ...	Ditto ...	Ditto ...	Ditto.
5. Dehegám ...	Ditto ...	Ditto ...	Ditto.
6. Dehej ...	Ditto ...	Ditto ...	Ditto.
7. Broach ...	Ditto ...	Ditto ...	Ditto.
8. Bhagwá ...	Ditto ...	Ditto ...	Ditto.
9. Surat ...	Ditto ...	Ditto ...	Ditto.
10. Matwád ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE,—*continued.**(See section 2).*PART IV.—THE BOMBAY PRESIDENCY,—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
<i>Northern Group of Ports,—continued.</i>			
11. Bulsar ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
12. Umarsári ...	Ditto ...	Ditto ...	Ditto.
13. Kolak ...	Ditto ...	Ditto ...	Ditto.
14. Kálai ...	Ditto ...	Ditto ...	Ditto.
15. Maroli ...	Ditto ...	Ditto ...	Ditto.
16. Umbargám ...	Ditto ...	Ditto ...	Ditto.
17. Gholwad ...	Ditto ...	Ditto ...	Ditto.
18. Dáhánu creek ...	Ditto ...	Ditto ...	Ditto.
19. Tárápur ...	Ditto ...	Ditto ...	Ditto.
20. Alivára Navápur	Ditto ...	Ditto ...	Ditto.
21. Sátpáti creek ...	Ditto ...	Ditto ...	Ditto.
22. Máhim (Kelva)...	Ditto ...	Ditto ...	Ditto.
23. Kelva ...	Ditto ...	Ditto ...	Ditto.
24. Dántivra ...	Ditto ...	Ditto ...	Ditto.
25. Arnála ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE—*continued.*

(See section 2).

PART IV.—THE BOMBAY PRESIDENCY,—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
<i>Southern Group of Ports—</i>			
1. Bandora ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton : provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
2. Veráva ...	Ditto ...	Ditto ...	Ditto.
3. Manori ...	Ditto ...	Ditto ...	Ditto.
4. Utan ...	Ditto ...	Ditto ...	Ditto.
5. Bassein ...	Ditto ...	Ditto ...	Ditto.
6. Bhiwandi ...	Ditto ...	Ditto ...	Ditto.
7. Kallian ...	Ditto ...	Ditto ...	Ditto.
8. Tanna ...	Ditto ...	Ditto ...	Ditto.
9. Trombay ...	Ditto ...	Ditto ...	Ditto.
10. Panwel ...	Ditto ...	Ditto ...	Ditto.
11. Karanja ...	Ditto ...	Ditto ...	Ditto.
12. Rewas ...	Ditto ...	Ditto ...	Ditto.
13. Nagothna ...	Ditto ...	Ditto ...	Ditto.
14. Thal ...	Ditto ...	Ditto ...	Ditto.
15. Alibág ...	Ditto ...	Ditto ...	Ditto.
16. Revdandá ...	Ditto ...	Ditto ...	Ditto.
17. Talkhári ...	Ditto ...	Ditto ...	Ditto.
18. Bánkot ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE,—*continued.**(See section 2).*PART IV.—THE BOMBAY PRESIDENCY,—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
<i>Southern Group of Ports,—contd.</i>			
19. Kelsi ...	Sea-going vessels of ten tons and upwards (except fishing boats)	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
20. Harnai ...	Ditto ...	Ditto ...	Ditto.
21. Anjanwel ...	Ditto ...	Ditto ...	Ditto.
22. Boryá ...	Ditto ...	Ditto ...	Ditto.
23. Jaygarh ...	Ditto ...	Ditto ...	Ditto.
24. Ratnágiri ...	Ditto ...	Ditto ...	Ditto.
25. Purnagarh ...	Ditto ...	Ditto ...	Ditto.
26. Yeshwantgarh	Ditto ...	Ditto ...	Ditto.
27. Viziádurg ...	Ditto ...	Ditto ...	Ditto.
28. Devgarh ...	Ditto ...	Ditto ...	Ditto.
29. Áchara ...	Ditto ...	Ditto ...	Ditto.
30. Málwan ...	Ditto ...	Ditto ...	Ditto.
31. Nivti ...	Ditto ...	Ditto ...	Ditto.
32. Vengorla ...	Ditto ...	Ditto ...	Ditto.
33. Reri ...	Ditto ...	Ditto ...	Ditto.
34. Tirekhol ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE,—concluded.

(See section 2).

PART IV.—THE BOMBAY PRESIDENCY,—concluded.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
<i>Southern Group of Ports,—concluded.</i>			
35. Karwar including Baitkhol.	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton : provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
36. Chendya ...	Ditto ...	Ditto ...	Ditto.
37. Ankola ...	Ditto ...	Ditto ...	Ditto.
38. Gangawli ...	Ditto ...	Ditto ...	Ditto.
39. Tadri ...	Ditto ...	Ditto ...	Ditto.
40. Honáwar ...	Ditto ...	Ditto ...	Ditto.
41. Shiráli ...	Ditto ...	Ditto ...	Ditto.
42. Coomta ...	Ditto ...	Ditto ...	Ditto.
43. Murdeshwar ...	Ditto ...	Ditto ...	Ditto.
44. Bhatkal ...	Ditto ...	Ditto ...	Ditto.
Karáchi ...	Ditto ... Tug-steamers and river-steamers.	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 ten tons and upwards.	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 duties.	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 (Karáchi).	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 Maulmain and Bassein, and</i> " The preamble down to and including the words "mentioned; And" Section one down to and including the word "Bassein."
Act VII of 1873 ...	Burma Port-dues.	The whole.
Bengal Act I of 1862 ...	Hoisting Signals.	Ditto.
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.

THE SECOND SCHEDULE—*concluded.*

(See section 3).

Number and year.	Subject.	Extent of repeal.
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.
Bengal Act III of 1872 ...	Amending Bengal Act V of 1870 and Act XXII of 1855.	Section 5.
Madras Act I of 1864 ...	Extension of parts of Act XXII of 1855.	The whole.
Madras Act VII of 1867	Port-dues.	Ditto.
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.	Ditto.
Bombay Act I of 1873 ...	Bombay Port Trust Act, 1873.	Section 75.