

# ACT No. I OF 1867.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 18th January 1867.)

*An Act to authorize the levy of tolls for the improvement of the navigation of the Ganges.*

WHEREAS it is expedient to authorize the levy of tolls on certain steamers, flats and boats plying on the river Ganges, to be applied for the improvement of the navigation of the said river between Allahabad and Dinapore; It is hereby enacted as follows:—

Interpretation clause.

1. In construing this Act—

“Lieutenant Governor.”

“Lieutenant Governor” shall mean the Lieutenant Governor of the North-Western Provinces of the Presidency of Fort William;

“Master.”

“Master” shall include every person (except a pilot) having command or charge of any steamer, flat or boat; and

“Magistrate.”

“Magistrate” shall include any person exercising any of the powers of a Magistrate.

2. A toll not exceeding twelve annas per hundred maunds shall be payable, at such place or at one of such places subject to the government of the Lieutenant Governor as he shall from time to time direct, in respect of every steamer, flat and boat of the burden of two hundred maunds and upwards, which shall pass up or down the Ganges by such place or any one of such places. Provided that toll shall be levied in the case of steamers only on sixty-five per cent. of the burden, and in the case of flats only on ninety per cent. of the burden.

3. The burden of steamers and flats liable to pay tolls under this Act shall be determined according to the method which may from time to time be practised by the Master Attendant at Calcutta in order to ascertain the amount of port dues which such steamers and

Rules for measurement of burden.

and flats would be liable to pay on arriving within the limits of the port of Calcutta. The following method shall be used for determining in maunds, according to actual floatage or displacement, the burden of boats liable to pay tolls under this Act; (that is to say), half the length in feet at the water-level of the boat, shall be multiplied by the greatest width in feet at the water-level, and the product shall further be multiplied by the draft of water in feet, and the number so found shall be taken to be the burden in maunds. Thereupon the toll shall be calculated according to the even hundreds of maunds, fractions of a hundred being neglected.

4. The funds raised by the tolls payable under this Act shall be applicable, at the discretion of the Lieutenant Governor, to defray the expenses of improving and facilitating the navigation of the Ganges between Allahabad and Dinapore.

Application of funds raised under this Act.

5. The Lieutenant Governor may appoint any person he may think fit to collect the tolls payable under this Act at any place or places under his government, and may from time to time remove any such person and appoint another person in his stead.

Appointment of Collector of tolls.

6. Sections 2 and 3 of this Act, and a list of the rates of toll and of the place or places of collecting the toll leviable under this Act, shall be at all times exhibited at such place or places in the English and Urdú languages, and shall also be published thrice in the local *Gazette*.

List of tolls.

7. Every person so appointed shall collect the tolls leviable under this Act by himself, or by any officer in his establishment (if any) whom he shall appoint in this behalf. The officer to whom any such toll shall be paid shall grant to the person paying the same a voucher in writing under his hand, describing the name of his office and the place at which such payment shall be made; the name (if any), burden and other proper description of the steamer, flat or boat, and the voyage in respect of which such toll shall be paid.

Tolls to be paid to proper officer, who shall give a voucher for the same.

8. If any toll leviable under this Act in respect of any steamer, flat or boat shall not be paid on demand to the person authorized to collect the same, it shall be lawful for such person to seize such steamer, flat or boat, and any furniture thereof, and to detain the same; and such person shall, within twenty-four hours of such seizure and detention, report

Payment of tolls how to be enforced.

report the same to the nearest Collector or Deputy Collector of the District in which the seizure has been made, or other public officer duly authorized by the Lieutenant Governor in this behalf. On receipt of such report, the Collector, Deputy Collector or other officer as aforesaid shall publish a notice appointing a day for the sale of the said steamer, flat or boat and any furniture thereof. The sale shall be held at some period not less than fifteen days from the date of the publication of notice of sale. If the toll and also any expenses occasioned by non-payment be not paid, or sufficient cause for non-payment be not shown, at or before the time of sale, to the Collector, Deputy Collector or other officer as aforesaid, such officer shall sell the steamer, flat or boat and furniture seized, or so much thereof as may be necessary to pay the toll, and also any expenses occasioned by non-payment. So much of the property seized as may not have been sold, and so much of the sale-proceeds as may be in excess of the sum necessary for satisfying the toll and for defraying the expenses occasioned by non-payment, shall be returned to the master of the steamer, flat or boat.

9. Notwithstanding anything in this Act contained, the person authorized to collect the tolls payable under this Act at any such place as last aforesaid, may, in his own name, sue for and recover, on behalf of the Government of India, the amount of any tolls payable to him under this Act, by suit in any of the Civil Courts against the owner or master of any steamer, flat or boat liable thereto.

10. Upon the refusal or neglect of any owner or master of any steamer, flat or boat liable to pay toll under this Act, to satisfy the person authorized to collect such toll as to what is the true burden, as ascertained under Section 3 of this Act, of the steamer, flat or boat, it shall be lawful for such person to cause such steamer, flat or boat to be measured at the expense of the master thereof, and such expense shall be recoverable in the same manner as tolls payable under this Act; or it shall be lawful for such person to deliver to the master or owner of such steamer, flat or boat, or to leave for him on board such steamer, flat or boat a notice in writing specifying what, in his judgment, is the burden of the steamer, flat or boat, and the burden specified in such notice shall be deemed to be the real burden of the steamer, flat or boat, and be treated as such for all the purposes of this Act, until the owner or master of the steamer, flat or boat shall give sufficient proof of the true burden thereof, as ascertained under Section 3 of this Act.

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11. The master of any steamer, flat or boat which shall depart from, or arrive at, any place as last aforesaid, upon, or in the course of, or at the termination of any voyage, shall, upon demand by any person authorized to collect or receive the tolls under this Act, specify whence he is come and whither he is bound. If any master of any steamer, flat or boat shall refuse or neglect so to do, or shall make a false statement as to the place from which he is come or to which he is bound, or shall endeavour to evade the payment of any toll payable under this Act, he shall be punishable by a Magistrate by a fine not exceeding two hundred rupees.

12. If any dispute shall arise respecting the liability of any steamer, flat or boat to the payment of toll under this Act, or in respect of the burden of any steamer, flat or boat, or the amount of toll payable, or the amount of any charges on account of any sale under this Act, such dispute shall be heard and determined by a Magistrate, and the decision of such Magistrate shall be final.

13. The Lieutenant Governor may, from time to time as he may think fit, reduce all or any of the tolls payable under this Act, in respect of all vessels or of any particular class or classes of vessels, and again raise such tolls to any amount not exceeding the amount hereinbefore specified. He may also prescribe a mode or modes of measurement for burden differing from those prescribed in Section 3 of this Act; provided that the tolls payable under such new mode or modes of measurement shall not exceed the amount specified as aforesaid.

14. Whenever, in the opinion of such officer as the Lieutenant Governor shall appoint in this behalf, the construction of any bándhél or other contrivance for fishing or for any other purpose, in any part of the Ganges between Allahabad and Dinapore is likely to cause obstruction to the free and safe navigation of such part, he may by notice in writing, to be served on the owner or person in charge of such bándhél or other contrivance, or, if such owner or other person cannot be found, to be affixed at some conspicuous place in the nearest village prohibit the construction of such bándhél or other contrivance.

15. Any person who shall wilfully disobey any prohibition under the last preceding Section, or shall wilfully cause or aid in causing any obstruction to the navigation of the Ganges between Allahabad and Dinapore, or who shall wilfully omit

to remove such obstruction after being lawfully required so to do, shall be punished on conviction before a Magistrate with simple imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both, and shall also be liable to pay such fine as may be sufficient to meet all reasonable expenses incurred in abating or removing such obstruction or in repairing such damage.

16. It shall be lawful for the Lieutenant Governor from time to time to make rules not repugnant to any law in force, and to repeal, alter and amend such rules, for the management of the navigation of any part of the Ganges between Allahabad and Dinapore, and for regulating the conduct of persons employed for any of the purposes of this Act; and the Lieutenant Governor may affix fines as penalties for the infringement of such rules, not exceeding fifty rupees for any one infringement, or five rupees a day for any continuing infringement.

Such rules may contain directions for any of the following amongst other matters :—

(a). For fixing the number and the width of steamers, flats and boats to be allowed to pass into or out of or through any part of the Ganges between Allahabad and Dinapore at one time or abreast;

(b). For determining the length of time during which steamers, flats or boats may remain stationary on such part, and the amount of demurrage to be paid by steamers, flats or boats remaining stationary beyond such time;

(c). For regulating the mode in which and the place or places at which tolls are to be levied under this Act;

(d). For the removal of sunken vessels and obstructions;

(e). And for the storing and disposal of the cargo of steamers, flats and boats seized under this Act.

17. All fines imposed under this Act may be recovered in the manner prescribed by the Code of Criminal Procedure, and may be disposed of as the Lieutenant Governor shall from time to time direct.

Recovery of fines.