

EASTERN CANAL TOLLS, BENGAL ACT, 1836

ACT NO. XXII. OF 1836

(Rep., by Act 12 of 1873)

[26th September, 1836.]

*Passed by the Right Hon'ble the Governor General of India in Council, on the 26th September 1836.*

I. It is hereby enacted, that from the first day of November 1836, Regulation VII. of 1810 of the Bengal Code, and also such parts of Regulation XVIII. of 1806 of the Bengal Code, as relate to the Eastern Canal, commonly called "Tolly's Nullah," which connects the River Hooghly with the Sunderbunds shall be repealed.

II. And it is hereby enacted, that from the said first day of November 1836, the Governor of Bengal shall be competent to prescribe the amount of Toll, and the mode of levying the same, on boats rafts and floats, which shall enter on, or pass out of, or through, either of the two lines of navigation hereinafter described—that is so say,

1st. The Eastern Canal aforesaid from its entry into the Sunderbunds, to its junction with the River Hooghly.

2nd. The line made up to the Channel across the Salt-water Lake to Baminghatta, of the Canal leading from the Salt-water Lake to the Boitakhana Road, and of the new Circular Canal which connects the last mentioned Canal with the River Hooghly.

III. Provided always, that the aggregate amount of Toll levied on account of the whole passage along either of the two lines aforesaid, or on account of entering into, or passing out of, either of the two lines aforesaid, shall in no case exceed one Rupees and a half for every hundred Maunds burden on any boat, or two Annas for every timber, on every raft of timber, or four Annas for every hundred bamboos, on every float of bamboos.

IV. And it is hereby enacted, that the said Governor shall be competent to fix a rate of rent to be levied on every boat which shall remain in any part of either of the lines aforesaid longer than two days for every hundred Maunds of burden, and on every raft of timber which shall so remain longer than one day for every ten timbers, and on every float of bamboos which shall so remain longer than one day, for every two hundred bamboos.

V. And it is hereby enacted, that the said Governor shall be competent to appoint Officers for the collection of the Tolls and Rent hereinbefore mentioned, and to confer on such Officers, for the purpose of preventing acts whereby either of the said lines of navigation may be obstructed, or whereby the banks along either of the said lines of navigation may be damaged, any or all the powers possessed by Magistrates in respect to navigable Streams and Rivers.

VI. And it is hereby enacted, that whoever willfully causes any obstruction of either of the said lines of navigation, or any damage to the banks along either of the said lines of navigation, shall be punishable, on conviction before the Magistrate, with imprisonment for a term not exceeding fourteen days, or fine to an amount not exceeding 50 Rupees, or both; and in default of payment of such fine, with additional imprisonment for fourteen days.

VII. And it is hereby enacted, that Notifications of the rates of Toll and Rent, and of the places of collection, and of all Rules made by the said Governor under the authority given to him by this Act, shall be published in the Calcutta Gazette, and exposed to public view at every Toll-house, on either of the said lines in the English, Persian, and Bengalee tongues.

VIII. And it is hereby enacted, that if the Toll or Rent due in respect of any boat, raft or float, on

either of the said lines, shall not be paid on demand to an Officer authorized by the said Government to receive the same, it shall be lawful for such Officer to seize such boat, raft or float, and the cargo thereof, and to detain the same, and if the said Toll or Rent shall have been paid upon any day before the tenth day after such seizure, then the said boat, raft or float, shall be released, or if not paid within the said ten days, it shall be lawful for such Officer with the sanction, and under the directions of the Superintendent of Canals, to sell the property seized, or so much thereof, as the said Superintendent shall direct, for the purpose of satisfying the Toll or Rent which may be due, and also of defraying the expenses of seizure and detention; and in every such case, so much of the property seized which has not been sold, and so much of the price of the property sold, as is in excess of the sum necessary for satisfying the Toll or Rent which is due, and for defraying the expenses of seizure and detention, shall be returned to the Owner of the boat, raft or float.

IX. And it is hereby enacted, that if any person in charge of any boat, raft or float, shall attempt to evade payment of the Toll or Rent due thereon, or shall resist a seizure made by the authority and under the circumstances hereinbefore described, such boat raft or float and the cargo thereof, shall be forfeited to the Government under orders of the Superintendent, subject to appeal to the Commissioner of Revenue and Police.

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