

PORT DUTIES ACT, 1839

ACT NO. XIII. OF 1839

(Rep., Act 12 of 1875)

[20th May, 1839.]

Passed by the Hon'ble the President of the Council of India in Council, on the 20th May, 1839.

I. **IT** is hereby enacted, that the several charges of the port and roadstead of Madras, levied under the heads of Anchorage duty, Light House duty, Regular Boat hire and Report Catamaran hire, shall from and after the first day of August next be consolidated and commuted into a Port duty to be levied at the rate of three Annas per Ton upon every Vessel, not being a vessel sailing under the colours of a Foreign European, or American nation of which the Tonnage shall not exceed 700 tons by measurement made in the manner prescribed by Act 5 and 6 of William IV. Cap. LVI. and if the vessel exceed 700 tons by measurement so made, the Port duty shall be levied as upon that tonnage.

II. And it is hereby enacted, that upon every vessel sailing under the colors of a Foreign European, or American nation, that may anchor in the Port of Madras, there shall be levied a consolidated Port duty at the rate of three Annas six Pie per ton, according to measurement made in the manner above prescribed.

III. And it is hereby enacted, that if any vessels, British, Native or Foreign, anchoring in the Port of Madras, shall not break bulk therein and shall not remain four complete days from the time of dropping anchor, there shall be levied upon such vessels reduced duties as follows; that is to say, two-fifths of the tonnage duty prescribed above shall be levied upon every vessel which without breaking bulk shall after anchoring therein sail again out of the Port within forty-eight hours, and seven-tenths upon every vessel which without breaking bulk shall stay more than forty-eight hours and less than four complete days.

IV. And it is hereby enacted, that all powers and authorities, penalties and other means whereby the payment of any of the charges of the Port and Roadstead of Madras may have been legally enforced before the passing of this Act, shall be applicable to the enforcing of the consolidated and commuted Port duties imposed by virtue of this Act.

V. And it is hereby enacted, that it shall be lawful for the Government of India to order the consolidation and commutation of any Port or Harbour duties, as levied in any subordinate Port of any Presidency into a Tonnage duty, which shall be leviable at the rate and in the manner specified in the next following Section of this Act, upon the vessels anchoring in and trading with such Port.

VI. And it is hereby enacted, that when the Governor General of India in Council shall direct the Port duties to be commuted and consolidated at any Port of the Madras Presidency, other than that of Madras, or at any subordinate Port of any other Presidency, the total amount levied at such Port shall not exceed one Anna per ton for British and Native vessels not exceeding 700 tons, and upon vessels exceeding that measurement at the rate for 700 tons, and upon Foreign European, and American vessels, at the rate of one Anna four Pie per ton; and all vessels anchoring in any such outports shall be charged with reduced duty, in the proportions above provided for the Port of Madras, if they leave such Port without breaking bulk before completing four entire days from the time of anchoring therein.

VII. And it is hereby enacted, that the consolidated and commuted Port duties above prescribed, when ordered to be levied in any Port by the Governor General of India in Council shall be levied by the Officer appointed by the Government of the Presidency within which the Port is situate to give Port Clearances or other customary documents to vessels sailing from such Port, that is to say, by the Master Attendant, or by the Collector of Customs at such Port, as may be ordered by such Government, and if such duties be not paid upon demand, it shall be competent to such Officer to withhold from the vessel on account of

which payment may be refused, any Port Clearance or other customary document required to be possessed by ships leaving such Port until the same shall be paid.

VIII. And it is hereby enacted, that all the powers and authorities, penalties and other means by which any Port or Harbour duty of any subordinate Port of any Presidency which shall be consolidated, and commuted by virtue of this Act may have been legally enforced before the consolidation and commutation thereof as hereinbefore provided, shall be applicable to the enforcing of the consolidated and commuted duties at such Port imposed by virtue of this Act.
