

HORSBURGH LIGHT HOUSE.

ACT No. XIII. OF 1854.

[Passed on the 7th April, 1854.]

1. Repeals Act 6, 1854.
2. 3. Horsburgh Light House to remain the property of the E. I. Co. and (3) that and the floating lights to be called the "Straits' Lights".
4. Ships of 50 tons and upwards to pay tolls as specified.
5. Ships to pay tolls on return voyages.
6. Ships of War, British and Foreign and E. I. Co.'s Ships to be exempt from toll.
7. Straits' traders to be liable to only half toll.
- 8, 9. Vests the management of the "Straits' Lights" in the Governor of the Settlements (9) who may appoint collector of tolls.
10. Directs how tolls collected shall be applied.
- 11, 12. Tolls to be paid before port-clearance granted, (12) to proper officer who shall give receipt for same.
- 13, 14. Port-clearance not to be granted till tolls are paid, and ship and goods may be distrained and sold for tolls and (14) the Collector may sue for recovery of tolls.
15. Collector may require production of ship's register to ascertain burden of ship and may cause ship to be measured, &c.
16. Empowers collector of tolls to make enquiry on what voyage any ship is bound, &c.
17. Gives Magistrate jurisdiction to decide disputes respecting tolls under this Act.
18. Empowers the G. G. in C. to alter rates of tolls.
19. Interpretation Clause.

An Act to repeal Act No. VI. of 1852, and to make provision for defraying the cost of the Light-House on Pedra Branca, and for maintaining the same, and also a Floating Light established in the Straits of Malacca, to the West of Singapore, and for the establishment and maintenance of such further Lights in or near to the said Straits as may be deemed expedient.

Whereas it was deemed desirable, for the safety and guidance of Ships navigating the China Seas, to build a Light-House on the Island Rock called Pedra Branca, situate at the Eastern entrance of the Straits of Singapore; and whereas certain sums of money were subscribed by private individuals for that purpose, but the same were insufficient to defray the expense of building such Light-House; and whereas the East India Company agreed to build such Light-House, and to advance certain sums of money to complete the same on condition that the said sums of money should be repaid to them by the levy of certain tolls; and whereas, since the passing of Act No. VI. 1852, a Floating Light has been established by the East India Company in the Straits of Malacca to the West of Singapore, at a place called the 2½-fathom bank, and it may hereafter be deemed expedient to establish and maintain other lights or beacons in or near to the said Straits, for the safety and guidance of Ships navigating the same; and whereas many Ships which derive the benefit of the Horsburgh Light and the said Floating Light established aforesaid, do not contribute to the expense thereof, and it is just and reasonable that they should be liable so to do; It is enacted as follows:

I. Act No. VI. 1852 is hereby repealed, except so far as it relates to any Act already done under the same, or to any toll

now due under the provisions thereof, or to any proceedings already adopted, or hereafter to be adopted, for the recovery of any such toll.

II. The Light-House on Pedra Branca aforesaid shall continue to be called "The Horsburgh Light-House," and the said Light-House, and the appurtenances thereunto belonging or occupied for the purposes thereof, and all the fixtures, apparatus and furniture belonging thereto, shall remain the property of, and be absolutely vested in, the East India Company and their successors.

III. The light maintained at the Horsburgh Light-House, and the said Floating Light established as aforesaid, and such other light or lights as shall be established by the East India Company in lieu of such Floating Light, or in addition thereto, in or near to the Straits of Malacca or Singapore, shall be called "The Straits' Lights."

IV. If, after the passing of this Act, any Ship, of the burden of fifty tons or upwards, shall depart from, or enter any port, harbour or roadstead in the possession or under the Government of the East India Company, upon, or during, or at the termination of any voyage, in the ordinary course of which she would pass any of the said lights, a toll shall be paid in respect of such Ship, except in the cases hereinafter mentioned at the rates following, that is to say—

1. If the voyage be one in the ordinary course whereof such Ship would pass the whole of the said lights, at the rate of one anna for every ton of her burden.

2. If the voyage be one in the ordinary course of which she would pass any one or more of the said lights, but not all of them, at the rate of half an anna for every ton of her burden. Provided that such toll shall not be payable at any such port or place, if such toll shall have been paid at the same or any other port or place under the Government of the East India Company in respect of the same voyage, and a proper voucher for such payment shall be produced, or other satisfactory proof of such payment given. Provided also that no toll shall be payable under this Act on account of any Ship in respect of any voyage for which toll hath been already paid or become payable under the

said Act No. VI. 1852, or during the period covered by such payment.

V. The return of a Ship from any port or place shall be deemed a distinct voyage within the meaning of this Act, notwithstanding toll shall have been paid in respect of her voyage to such port or place, and notwithstanding the terms of any Charter-party.

VI. All Ships of war, belonging to Her Majesty, or to any Foreign Government or State, and all Ships belonging to the East India Company shall be exempt from the payment of such toll.

VII. And whereas there are certain Vessels of small burden, called Straits' traders, which are engaged in the trade carried on between different ports and places, within or near to the said Straits, and it is just and reasonable, that such Vessels should not be charged full toll in respect of any voyage in the courses of such trade. It is therefore enacted, that in respect of any voyage which shall be made by any such Vessel in the course of such trade, toll shall be paid at only one-half of the rate at which it shall be payable in other cases under this Act.

VIII. The management and control of the said "Horsburgh Light House," and of the said Straits' Lights, are hereby vested in the Governor of the Straits' Settlements.

IX. The said Governor may appoint any person he may think fit, to be a collector of the tolls payable under this Act, at any port, harbour, or place under his Government.

X. The Funds raised by the tolls payable under this Act shall be applicable in the first place to defray the necessary expenses of maintaining and keeping up the said Light-House and the said Straits' Lights, and the establishment and maintenance of such other lights as aforesaid, as the Governor General of India in Council may think fit to establish and maintain, and all necessary expenses incidental thereto, and the surplus thereof shall from time to time, be applied in liquidation of the moneys advanced by the East India Company towards the erection and completion of the said Light-House, and the apparatus and furniture thereof.

XI. The toll to be levied under this Act shall become due

and be payable in respect of any Ship clearing out or departing from any port, harbour or roadstead, in the possession or under the Government of the East India Company, upon any such voyage as aforesaid, previously to the granting of any Port-Clearance for such Ship, or in the event of her not requiring a Port-Clearance, on her preparing to leave such port, harbour or roadstead on such voyage; and in respect of any Ship entering any such port, harbour or roadstead as aforesaid, upon or during, or at the termination of any such voyage from any port or place not under the Government of the East India Company, the toll shall be payable immediately upon her entering such port, harbour or roadstead.

XII. The Collector or other Chief Officer of Customs at any port, harbour or place in the possession, or under the Government of the East India Company, or any other Officer, whom the Government to which such port, harbour or place is subordinate, may appoint to receive the tolls above-mentioned, shall collect the same by himself, or by any Officer, in his establishment whom he shall appoint. The Officer to whom any such toll shall be paid, shall grant to the person paying the same a proper voucher in writing, under his hand, describing the name of his office, and the port or place at which such payment shall be made, the name, tonnage and other proper description of the Ship, and the voyage in respect of which such toll shall be paid.

XIII. The Officer of Government, whose duty it shall be to grant a Port-Clearance for any Ship clearing out of, or leaving any such port, harbour or place under the Government of the East India Company, shall not grant such Port-Clearance to any Ship until the Owner or Agent of such Ship, or the Master or other person in command thereof, shall pay all tolls to which such Ship shall be liable under this Act, or produce a proper voucher for, or give satisfactory proof of the payment of such tolls at the same or some other port or place. If any Master or Owner, or other person having the charge of any Ship liable to the payment of any tolls under this Act, shall refuse or neglect to pay the amount thereof to the person authorized to collect, or receive the same, such person may distrain or cause to be distrained, any goods, or merchandize, to whomsoever the same may belong, on board such Ship, and any tackle, apparel or furniture

belonging to such Ship, and may remove the same, or cause the same to be removed, to some convenient place, leaving on board such Ship notice, in writing of such distress and of the cause thereof, and of the place of removal, if such tolls, together with the costs of such distress and removal, shall not be paid within three whole days after the seizure, exclusive of the day of such seizure, the person authorized to collect or receive such tolls may cause the goods, merchandize, tackle, apparel and furniture so seized, to be sold, and out of the proceeds of such sale shall pay the amount of the tolls to which such Ship may be liable under this Act, together with the reasonable costs of such seizure, detention, and sale, rendering to the Master or Owner, or other person having the command of such Vessel, the over-plus, if any, on demand.

XIV. Notwithstanding any thing in this Act contained, the person authorized to collect the said tolls at any such port, harbour or place aforesaid, may, in his own name, sue for and recover, on behalf of the East India Company, the amount of any tolls payable to him under this Act, by action in any of the Civil Courts of Her Majesty or of the East India Company against the Owner or Master, or other person, who at the time of such toll becoming due, shall have the command of any Ship liable thereto.

XV. In order to ascertain the burden of any Ship liable to pay toll under this Act, the person authorized to collect such toll may require the Owner, Master or other person in command of such Ship, or any person having possession of the same, to produce the register of such Ship for the inspection of such person, if the Ship shall be a British registered Ship or a Ship registered in any part of the territories of the East India Company, and upon the refusal or neglect of any such Owner, Master or other person to produce such register, or if such Ship shall not be a Ship registered as aforesaid upon the refusal or neglect of such Owner or Master to satisfy the person authorized to collect such tolls as to what is the true burden of the Ship, it shall be lawful for such person to cause such Ship to be measured at the expense of the Master thereof, and such expense shall be receivable in the same manner as tolls payable under this Act, or it shall be lawful for such person to deliver to

such Master, Owner or other person in command of the Ship, or in the possession thereof, or to leave for him on board such Ship a notice in writing, specifying what, in his judgment, is the burden of the Ship, and the burden specified in such notice shall be deemed to be the real burden of the Ship and be treated as such for all the purposes of this Act, until the Owner, Master or other person having the command of the Ship shall give sufficient proof of the true burden thereof.

XVI. The Master of any Ship which shall depart from or enter any such port, harbour or roadstead as 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 tolls under this Act, specify upon what voyage he is bound, and if any Master of any such Ship, shall refuse or neglect so to do, or shall give a false statement, or shall endeavour to evade the payment of any tolls payable under this Act, or shall obstruct any Officer of Government in the discharge of this duty under this Act, he shall be punishable by a Magistrate in a summary manner by a fine not exceeding two hundred rupees.

XVII. If any dispute shall arise respecting the liability of any Ship, to the payment of toll under this Act, or in respect to the burden of any Ship, or the amount of toll payable, or the amount of any charges on account of any distress, removal or sale under this Act; such dispute shall be heard and determined by a Magistrate in a summary manner, and the decision of such Magistrate shall be final.

XVIII. The Governor General of India in Council may, from time to time, as he may think fit, reduce the tolls payable under this Act, in respect of all vessels or of any particular class or classes of vessels, and again raise the same to any amount not exceeding the amounts above specified.

XIX. The word "Ship" throughout this Act shall be held to mean and include a Schooner, Cutter, Brig, Brigantine, Barque, Steam-vessel and any square-rigged Vessel. The word "Master" shall mean any person having the Command of a Ship.

The word "Magistrate" shall be deemed to include a Joint Magistrate and any person lawfully exercising the powers of Magistrate, and Justice of the Peace.

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