

ACT No. XIII OF 1867.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 1st March 1867.*)

An Act for the levy of enhanced Port-dues in the Ports of Moulmein and Bassein, and to provide for the establishment and maintenance of Coast Lights in the eastern part of the Bay of Bengal.

WHEREAS under Act No. XXXV of 1857 (*for the levy of Port-dues in the Ports of Moulmein, Rangoon, Kyouk Phyoo, Akyab and Chittagong*), and under Act No. XXV of 1860 (*for the levy of Port-dues in the Port of Bassein*), the maximum rate of port-dues leviable in the ports of Moulmein and Bassein, is four annas for every ton of burden in respect of every sea-going vessel of the burden of ten tons and upwards which shall enter the same ports respectively: And whereas, for the purpose of defraying the expense of maintaining the port-lights of British Burmah, it is expedient to enhance the rate so leviable to the extent hereinafter mentioned: And whereas lights have been established on the Cocos and on the Alguada Reef, and a light to be called "the Oyster Reef Light," and other lights or beacons are intended to be hereafter established and maintained in the eastern part of the Bay of Bengal for the safety and guidance of ships navigating the same: And whereas it is just and reasonable that such ships should be liable to contribute to the expense of the lights and beacons last aforesaid; It is hereby enacted as follows:—

1. A port-due not exceeding the rate of five annas and six pie per every ton of burden, shall be chargeable in respect of every sea-going vessel of the burden of twenty-five tons and upwards, which shall enter either of the said ports of Moulmein and Bassein; and such port-due shall, to the extent of one anna six pie, be applicable in the first place to defray the expense of maintaining the existing port-lights of British Burmah.

Port-due of five annas six pie chargeable on vessels of twenty-five tons entering Moulmein or Bassein.

2.

Section 1 to be read with Acts XXXV of 1857 and XXV of 1860.

2. The last preceding Section shall be read with, and taken as part of, the said Acts Nos. XXXV of 1857 and XXV of 1860.

3. From and after the passing of this Act, a toll to be called Coast Light Dues shall be paid in respect of every vessel of the burden of fifty tons and upwards, at the rate of one anna per ton of burden, in the cases following; (that is to say):—

(1). If the voyage of such vessel be from the Straits of Malacca or from any place eastward of the said Straits to Bassein:

(2). If the voyage be from Akyab to Bassein, Rangoon or Moulmein:

(3). If the voyage be from the said Straits or from any place eastward of the said Straits to Akyab, or from Bassein, Rangoon, Moulmein, or the coast of Tenasserim to Akyab:

(4). If the voyage be from Calcutta, Madras, or any other place on the eastern coast of India, or from Ceylon or any port to the westward of Ceylon, to Akyab, from and after the establishment and during the maintenance of the said Oyster Reef Light:

(5). If the voyage be from Calcutta, Madras, or any other place on the eastern coast of India, or from Ceylon or any port to the westward of Ceylon, to Bassein, Rangoon, Moulmein, or any port on the Tenasserim coast:

(6). If the voyage be to the port of Calcutta from Port Blair, the Straits' Settlement, or any place eastward of Port Blair, except the ports of British Burmah:

(7). If the voyage be from Calcutta to Port Blair, the Straits' Settlement, or any place eastward thereof:

(8). If the voyage be from Rangoon or Moulmein to Bassein, or from Bassein to Rangoon or Moulmein, from and after the establishment and during the maintenance of a light either on the Baraguay Flat or on the Krishna Shoal.

4. Any vessel taking in any cargo off the coast of British Burmah and not entering any port for that purpose, shall pay the same light-dues as she would have been liable to pay had she taken in her cargo at the port at which a port-clearance shall be granted to such vessel.

Payment of light dues by vessel taking cargo off coast.

5. Nothing

5. Nothing hereinbefore contained shall authorize the levy of coast light dues on vessels making the voyage from the Straits of Malacca, or from any place to the eastward thereof, to Rangoon or Moulmein.

Exemption of vessels making certain voyages from coast light dues.

6. 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.

Ships to pay tolls on return voyages.

7. Notwithstanding anything hereinbefore contained, Ships-of-war belonging to Her Majesty or to any Foreign Government or State, shall be exempt from the payment of the tolls leviable under this Act.

Ships-of-war to be exempt from toll.

8. The management and control of the said coast lights and the other lights and beacons mentioned or referred to in the preamble to this Act, are hereby vested in the Chief Commissioner of British Burmah, subject to the directions of the Governor General of India in Council.

Management of the lights vested in the Chief Commissioner of British Burmah.

9. The said Chief Commissioner may appoint any person he may think fit to be a Collector of the tolls leviable under this Act, at any port, harbour, or place under his administration.

Appointment of Collector of tolls.

10. The tolls to be levied under Section 3 of 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 of or under the Government of India, 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 India, the toll shall be payable immediately upon her entering such port, harbour, or roadstead.

Tolls to be paid before port-clearance is granted.

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11. The Collector or other chief officer of Customs at any port, harbour, or place in the possession or under the Government of India, or any other officer whom the Government to which such port, harbour, or place is subordinate may appoint to receive the tolls last hereinbefore referred to, 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.

12. 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 India, 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 Section 3 of 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 Section 3 of 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.

13. Notwithstanding

13. Notwithstanding anything 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 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, or other person who, at the time of such toll becoming due, shall have the command of any ship liable thereto.

14. In order to ascertain the burden of any ship liable to pay toll under Section 3 of 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 vested in Her Majesty or Her Successors under the Statute 21 & 22 Vic., cap. 106 (*An Act for the better Government of India*), 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 recoverable in the same manner as tolls payable under Section 3 of 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.

15. 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 Section 3 of 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

endeavour to evade the payment of any tolls payable under Section 3 of this Act, or shall obstruct any officer of Government in the discharge of his duty under this Act, he shall be punishable by a Magistrate in a summary manner by a fine not exceeding two hundred Rupees.

16. If any dispute shall arise respecting the liability of any ship to the payment of toll under Section 3 of this Act, or in respect of 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.

17. 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.