

THE BURMA FERRIES ACT, 1873.

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ACT No. II OF 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st
January 1873).

An Act for regulating Ferries in British Burma.

Preamble.

WHEREAS it is expedient to regulate the public ferries within the Province of British Burma; It is hereby enacted as follows :—

I.—Preliminary.

Short title.

1. This Act may be called "The Burma Ferries' Act, 1873 :"

Local extent.

It extends only to the territories under the administration of the Chief Commissioner of British Burma ;

Commencement.

And it shall come into force on the passing thereof.

II.—Public Ferries.

Power to declare and establish public ferries.

2. The Chief Commissioner may declare what ferries within any part of British Burma shall be deemed public ferries, and the district in which, for the purposes of this Act, they shall be deemed to be situate,

and may at any time hereafter establish new ferries, where, in his opinion, they are needed,

and may, from time to time, change the course of any public ferry,

or discontinue any public ferry which he deems unnecessary.

Every such declaration, establishment, change or discontinuance shall be made by notification in the local official Gazette.

3. The

3. The immediate superintendence of all public ferries shall, except as hereinafter provided, be vested in the Deputy Commissioner of the district in which they are situate,

Superintendence of ferries.

and he shall make all necessary arrangements for the supply of boats for such ferries, and for the collection of the authorized tolls leviable thereat.

4. The Chief Commissioner may direct that any public ferry situated within the limits of a town may be managed by the officer or public body charged with the superintendence of the municipal arrangements of such town,

Management may be vested in local municipality;

and may further direct that all or any part of the proceeds from such ferry shall be paid into the Municipal Fund of such town,

and proceeds paid into Municipal Fund.

and thereupon such ferry shall be managed, and such proceeds or part thereof shall be paid, accordingly.

5. The tolls of any public ferry may be put up to public auction for such term not exceeding three years as may be deemed expedient by the Commissioner of the Division in which such ferry is situate, and may be let to the highest bidder.

Letting ferry-tolls by auction.

The lessee shall conform to the rules made under this Act for the management and control of such ferry,

and may be called upon by the officer putting the tolls of the ferry up to auction to give such security for his good conduct and for the punctual payment of the rent as such officer may deem fit.

Such officer may, for sufficient reason duly recorded in writing, refuse to accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from auction.

6. Subject to the revision and confirmation of the Chief Commissioner, the Commissioner of each Division shall have power to make rules consistent with this Act—

Power to make rules.

for the control and the management of all public ferries within his division ;

for

for regulating the time and manner in which, and the terms on which, the tolls of such ferries may be let by auction ;

for collecting the rents payable for the tolls of such ferries ;

and for fixing the limits of the same ;

and, when the tolls of a ferry have been let under section five, he shall have power (subject as aforesaid) to make additional rules—

for regulating the number and kinds of boats and their dimensions, and the number of crew for each boat, which the lessee of the tolls will be required to keep ;

the hours during which he shall be bound to ply,

and the number of passengers, carts, carriages and animals, and the quantity of goods, that may be carried in each kind of boat at one trip ;

and for the keeping of such boats continually in good condition for the safe conveyance of passengers and property.

The lessee shall make such returns of traffic as the Commissioner may from time to time require.

Private ferry not to ply within certain distance of public ferry without sanction.

7. No person shall, except with the sanction of the officer charged with the management of a public ferry, keep a ferry-boat for the purpose of plying for hire within the limits of such public ferry.

Nothing hereinbefore contained shall prevent persons plying between two places, one of which is without and one within the said limits, or apply to boats which the Chief Commissioner expressly exempts from the operation of this section.

III.—Tolls.

Tolls.

8. Tolls, according to such rates as are from time to time fixed by the Chief Commissioner, shall be levied on all persons, animals and other things carried by means of any public ferry :

Provided that the Chief Commissioner may, from time to time, declare what persons, animals or other things shall, when employed or transmitted on the public

public service, or for other sufficient reason, be exempt from payment of such tolls.

Where the tolls of a ferry have been let under section five, any such declaration, if made after the date of the auction, shall entitle the lessee to such abatement of the rent payable in respect of the tolls as may be fixed by the Commissioner of the Division with the concurrence of the Chief Commissioner.

9. The lessee or other person authorized to collect the tolls of any public ferry, shall affix a table of such tolls, legibly written or printed in the vernacular language, in some conspicuous place near the ferry,

and shall be bound to produce, on demand, a list of the tolls, signed by the Deputy Commissioner or such other officer as he appoints on this behalf.

10. All tolls or rents received under this Act shall, except in the cases provided for by section four, be credited to the district fund.

IV.—Penalties.

11. Every lessee or other person authorized to collect the tolls of a public ferry, who neglects to affix and keep in good order and repair the table of tolls mentioned in section nine,

or who wilfully removes, alters or defaces such table, or allows it to become illegible,

or who fails to produce, on demand, the list of the tolls mentioned in section nine,

shall be liable to fine not exceeding twenty rupees.

12. Every such lessee or other person as aforesaid asking or taking other than the lawful toll,

or without due cause delaying any person, animal or other thing,

shall be liable to a penalty not exceeding fifty rupees.

13. In the event of any breach by a lessee of the tolls of a ferry, of the rules for the management of such ferry made under section six,

the

Table of tolls.

Tolls or rents to be credited to district fund.

Penalty for failing to affix, or for removing, &c., table of tolls.

Penalty for taking unauthorized toll,

and for causing delay.

Cancelment of lease on breach of rules.

the Deputy Commissioner may impose upon him a fine not exceeding twenty rupees,

and in that event, or in the event of repeated liability to the penalties respectively provided by sections eleven and twelve,

the Deputy Commissioner may also, with the sanction of the Commissioner of the Division, cancel the lease of the tolls of such ferry and make other arrangements for its management during the whole or any part of the term for which the tolls were let.

Penalties on passengers offending.

14. Every person crossing at any public ferry who refuses to pay the proper toll,

or who, with intent of avoiding payment thereof, fraudulently or forcibly crosses any ferry-station without paying the toll,

or who obstructs any toll-collector or lessee of the tolls of a public ferry, or any of his assistants, in any way in the execution of their duty under this Act,

shall be liable to fine not exceeding fifty rupees over and above the value of the damage, if any, which he has done.

Penalty for plying with- in public ferry-course without license.

15. Whoever conveys for hire any passenger, animal, cart, carriage or other vehicle, or any goods or merchandise, to or from any point within the limits assigned to each public ferry, in contravention of the provisions hereinbefore contained, shall be liable to fine not exceeding fifty rupees.

Where the tolls of such ferry have been let under the provisions hereinbefore contained, the whole or any portion of any penalty realized under this section or section fourteen may, at the discretion of the convicting Magistrate or Bench of Magistrates, be paid to the lessee.

Officers by whom offences are tri- able.

16. All offences against this Act shall be heard and determined by any Magistrate or Bench of Magistrates; and any Magistrate or Bench of Magistrates having summary jurisdiction under chapter XVIII of the Code of Criminal Procedure, shall try such offences in manner provided by that chapter.

Every

Every Magistrate or Bench of Magistrates trying offences under this section may enquire into and assess the value of the damage (if any) done by the offender to the ferry concerned, and shall order the amount of such value to be paid by him in addition to any fine imposed upon him under this Act; and the amount so ordered to be paid shall be leviable as if it were a fine.