M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 720 Press ~~Mis.~~

561-562

Dated 28 — 3 — 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 28th March 1861.

No. 501. Read the following letter from Captain A. H. HOPE, Superintendent and Agent for Army Clothing, to Colonel H. MARSHALL, Secretary to Government, Military Department, Fort Saint George, dated 7th March 1861, No. 311:—

SIR,

1. I have the honor to solicit you will please inform me whether, in reference to the letter to the Secretary to the Government of India in the Financial Department, of date 13th September 1860, and the opinion of the Advocate General, dated 1st October 1860, both which were duly published in the Fort Saint George Gazette, *vide* pages 885-6, the Master and Assistant Master Tailors, and the European Overseers of this Department, are subject to the provisions of the Income Tax.

2. It has been levied on their respective Departmental allowances and Military pay; and, they have, respectfully, begged my attention to the promulgations aforesaid, as exempting them from liability to the Tax.

3. All of them are amenable to Military discipline, are employed on work connected with the Army, and are liable to be remanded to their respective Corps for misconduct, like Staff Serjeants generally, whether of Native Corps, or those employed in the Commissariat Department.

Transferred to the Revenue Department.

FORT SAINT GEORGE,
11th March 1861.

(Signed) H. MARSHALL, Colonel,
Secretary to Government.

No. 502. ORDER THEREON, 28th March 1861, No. 720.

1. The Superintendent and Agent for Army Clothing applies for the exemption from Income Tax of the Master and Assistant Master Tailors and European Overseers of his Department, under Section 127 of Act XXXII of 1860.

2. The claim is brought forward under the ruling* of the Government of India which holds "Warrant and "Non-Commissioned Officers of the Commissariat De- "partment" exempt, "while employed upon the proper "duties of that Department;" those duties being considered, for the purposes of the Act, to be *Military*. When such Officers, however, are "detached from Military employment and engaged upon duties "of a Civil nature" they become subject to the Tax.

* *12th October* 1860, *No.* 10,528, *re-published at pages* 1,136 *and* 1,137 *of the "Fort Saint George Gazette" for* 1860.

3. His Excellency in Council is not of opinion that the duties performed by these Military Tailors, who are described by Captain Hope as being "employed on work connected with "the Army," can be considered *Military* in any sense which would exempt them from the operation of the Income Tax Act. In this view he is strengthened by the latest ruling (No. 43) on the Section in question, published at page 9 of the "Income Tax Manual." It is there laid down that a person "moving in the regular Regimental service or in any regular Military "service" if placed in an exceptional post, "not strictly within the regular line of Military "service, in which he receives pay beyond that of his proper Military rank" is liable to the payment of Income Tax. This ruling was passed on the case of an Assistant Surgeon in the Stud Department, but it appears to the Government to apply fully to the employment now in question.

4. The fact of the men referred to being "amenable to Military discipline" and "liable to "be remanded to their respective Corps for misconduct" does not affect the question; Military Subordinates in the Department Public Works are both one and the other, and are yet liable to Income Tax.

5. His Excellency in Council is, therefore, unable to recognize the right of the individuals in question to exemption from the Tax.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

N° 311

From

The Superintt and Agent for
Army Clothing

To.

The Secretary to Government
Military Department
Fort St George

Sir,

I have the honor to solicit you will please inform me whether in reference to the letter to the Secretary to the Government of India in the Financial Department, of date 13th September 1860, and the Opinion of the Advocate General dated 1st October 1860, both which were duly published in the Fort St George Gazette: vide pages 885/6: the Master and Assistant Master Tailors, and the European Overseers of this department, are subject to the provisions of the Income Tax.

2 It has been levied on their respective departmental allowances and Military Pay and, they have, respectfully, begged my attention to the Promulgations aforesaid - to exempting them from liability to the Tax.

3 All of them are amenable to Military discipline - are employed on work connected with the Army - and are liable to be remanded to their respective Corps for misconduct - like Staff Serjeants generally whether of Native Corps, or those employed in the Commissariat department.

I have the honor to be
Sir,
Your most obedt. Servt

A H Hope Captain
Supt and Agent for Army
Clothing

Army Clothg Departt.
Madras
7th March 1861

No 720

Proceedings of the Madras Government

Under date the 28th March 1861

Read the following letter from the Spt and Agent for Army Clothing

Asks if the Master and Apts Master Tailors, and the European Overseers of his department, are subject to the provisions of the Income Tax (Hereunder 7th March 1861 No 311)

The Superintendent and Agent for Army Clothing applies for the exemption from Income Tax of the Master and Apts Master Tailors and European Overseers of his Department under Section 127 of Act xxxii of 1860

2 The claim is brought forward under the ruling of the Govt of India which holds "Warrant and Non Commissioned Officers of the Commissariat Department" exempt, "while employed upon "the proper duties of that "Department"; those duties being considered, for the purposes of the Act, to be Military

× 12 Oct 1860 No 10528 republished at pages 1136 & 1137 of the Fort St George Gazette for 1860

Read the following letter from the Secretary to Government Military Department

Dated 5th April 1861
Received 8th April 1861

No 311

Asks if the Master and Apts Master Tailors and the European Overseers of this department are subject to the provisions of the Income Tax

Answered 21 March 1861

No 720. 28th March.

Military. When such Officers, however, are "detached from Military employment and engaged upon duties of a Civil nature" they ~~would~~ become subject to the Tax.—

3.— His Excellency in Council is not of opinion that the duties performed by these Military Tailors, who are described by Captain Hope as being "employed on "work connected with the "Army," can be considered Military in any sense which would exempt them ~~holders of such appointments~~ from the operation of the Income Tax Act. In this view ~~of the case~~ he is strengthened by the latest ruling (No 43) on the Section in question, published at page 97 of the "Income Tax Manual". It is there laid down that a person "moving in the regular Regimental service or in any "regular Military Service" if if placed in an exceptional post, "not strictly within the "regular line of Military "service, in which he receives "pay beyond that of his proper Military Rank," is liable to the payment of Income Tax. This ruling was passed on ~~that~~ the case of an Assistant Surgeon in the Stud Department, but it appears to the Govt. to apply fully to ~~certainly not be connected~~ the employment under question ~~with the Army, than~~ ~~that of a Military Tailor~~

4 The fact of the men referred to being "amenable "to Military discipline" and "liable to be remanded to "their respective Corps for misconduct" does not affect the question; Military Subordinates in the D. P. Warehouse one and the other, and are yet liable to Income Tax.

5.— His Excellency in Council is therefore unable to recognize the right of the individuals in question to exemption from the Tax.—

Copy to Mess.rs Supp.rs & agents for the Army Clothing Dep.t 29

13 Copies - Income Tax Com.rs ✓
3 " Special Income Tax Com.rs ✓
13 " Board of Revenue ✓
7 " Military Dep.ts ✓
3 " Military Aud.rs Genl ✓

CGW

Revenue 1861 Deptt.
Pro: of Govt for March

No 720.

Pro: of the Madras Govt
Dy 28th March 1861.

Exemption from Income Tax of the Master, Govt Master, Superintendent of the Army Clothing Deptt.

Applies for exemption from Income tax of the Master &c &c Govt Master Tailor and the European Overseers of this Deptt. His Excellency is unable to recognize the right of the individuals in question to exemption from tax.

No 501 & 502.

6. 21 Accd 1861