

(1) Number of pages 8(2) Date of repair 22. 12. 77

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 794	Press
203-204	~~Mis.~~
Dated 60 — 3.	18 66.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
10th March 1866*

No. 203 Read the following Proceedings of the Madras Government in the
Revenue Department :—

Intimating that the questions raised by the
Railway authorities, relative to the duties
leviable on Railway materials, &c, sent out
from England for use in this country, have
been already settled. } (Here enter 6th March 1866, No. 572.)

No. 204. ORDER THEREON, 10th March 1866, No. 794.

RAILWAY, No. 22.

Communicated to the Consulting
Engineer for Railways.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,

Secretary to Government.

To the Consulting Engineer for Railways, with one Enclosure.

Ezd. S. T. Augustin.

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*Proceedings of the Madras Government, Revenue Department,
6th March 1866.*

No. 86. Read the following Endorsement of the Acting Consulting Engineer for Railways, dated Madras, 15th February 1866, No. 71 :—

Read the following letter from the Agent and Manager of the Madras Railway Company, to the Acting Consulting Engineer for Railways, dated Madras, 2nd February 1866, No. 72 :—

1. I have the honor to submit, for the consideration of His Excellency the Governor in Council, a copy of paragraphs 13, 14, and 15 of a letter from the Managing Director of this Company, No. 370, dated the 8th December 1865, with reference to the duties leviable on Railway materials, machinery, &c., &c., sent out from England for use in this country.

2. His Excellency will observe, that the Railway Board approve the construction placed by me in my communication of the 3rd April 1865, addressed to the Consulting Engineer upon Mr. Prinsep's letter of the 24th October 1864, No. 1,494, which declares that "all Railway materials in whatever stage of manufacture have been admitted at one per cent. duty, also galvanized sheet iron, iron wire, and rails."

3. The Government, by their Order of the 13th December 1864, No. 2,246, desired that Mr. Prinsep's letter be communicated to the Board of Revenue, and Financial Railway Department, with the intention, I imagine, that it should be acted on, and it was this, which induced me to prefer a claim against the Collector of Sea Customs, for a refund of Rupees 4,395-1-5, which had been paid by this Company in error upon certain articles.

4. As I had the pleasure, at our interview this morning, to discuss this question at length, I deem it unnecessary to do more than request you to be good enough to solicit the sanction of Government, to a refund of the money paid in excess to the Collector of Sea Customs, and to issue such orders as will be a guide in our future transactions.

5. I imagine that I may take it for granted, that His Excellency the Governor in Council endorses the interpretation placed by the Board upon the Proceedings of Government of the 19th May last, and that the necessary orders will now be issued to the Collector of Sea Customs to exempt weighing and other machines, used in the business of the Railway, from duty.

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Extract of a letter from the Managing Director, No. 370, dated 8th December 1865

Paragraph 13. Your letters, 625, 634, and 643, refer to various correspondence, therewith transmitted, between the Collector of Sea Customs, the Government Consulting Engineer and yourself, respecting the duties leviable on certain articles sent out by us for the purposes of the railway, and in paragraph 12 of the last of those letters you have requested the views of the Board on the questions at issue.

14. With respect to one of these, the right of weighing and some other machines to be considered and treated for Customs purposes as "machines," and so exempt from duty, the Board conclude from the Proceedings of Government of the 19th of May last, that the objection of the Collector to so admitting them may be considered as withdrawn, and they can only express their inability to understand on what principle the objection was taken in the first instance.

15. As regards the other question, of the true intention and proper application of the Bengal Revenue Secretary's letter, quoted in yours to the Government Consulting Engineer of the 3rd

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6th March 1866.*

April, we are not so well able to judge, having no copy of that letter before us, but we observe that your interpretation of the expression in it that "all railway materials" are admitted at 1 per cent. duty, and your application thereon founded for a refund of excess duty paid on certain articles, is refused on the ground that the order was passed with reference to a specific question respecting the duty on *iron* for railways, and is therefore not applicable to "all railway materials," as it purports, but to *iron* materials only. This is the view taken, we observe, by the Collectors of Sea Customs at Calcutta and Madras, and by the Madras Government and Revenue Board; but in the absence of any authoritative explanation of the intention and scope of the ambiguous order by the authority that issued it, the Board approve of yours as the obvious construction of the words used, particularly as there is no apparent reason for treating iron materials for railways differently from steel, zinc, or other materials used in construction, as under the other construction of the order they would be. With these observations the Board desire that the subject may again be brought under the consideration of Government.

1. Submitted for the orders of Government.
2. Mr. Prinsep's letter, to which allusion is made in paragraph 2 of the Agent and Manager's communication, was communicated to the Financial Railway Department, with Order of the 13th December 1864, No. 2,246, in the Revenue Department.
3. The last Order of Government, in the Revenue Department, on the questions raised by the Railway authorities, was passed on the 19th May 1865, No. 1,057.
4. The Railway Board, in their letter of the 8th December 1865, an extract from which is submitted by the Agent and Manager, treat upon two points.
 - 1st.—The exemption from duty of weighing and other machines.
 - 2nd.—The admission, at 1 per cent. duty, of "all Railway materials."
5. It seems to me that weighing and other machines should be placed under the category of "machinery of all kinds;" and that "all Railway materials," which are not classed as "iron," should be assessed at the ordinary rate of duty.

* Vide Act XI. of 1862.

(Signed) J. H. M. SHAW STEWART, Major, R. E.,
Acting Consulting Engineer for Railways.

Referred to the Revenue Department.

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government, P.W.D.

FORT SAINT GEORGE,
19th February 1866.

No. 87.

ORDER THEREON, 6th March 1866, No. 572.

Separate Revenue, No. 2.

Customs

1. The Governor in Council observes that both the questions raised in these letters have been duly considered and settled.
2. As regards the admission of weighing machines free of duty, the Consulting Engineer will be furnished with a copy of the letter of the Supreme Government, dated 31st March 1865, No. 1,843, deciding that such machines should in all cases be charged with duty on Import. The Railway Board, the Agent, and the Consulting Engineer are apparently unaware that the part of Act XI. of 1862, to

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6th March 1866.*

which they refer, was repealed by Act XXIII. of 1862, and that Act XXV. of 1865 which is the law now in force, follows Act XXIII. of 1862 with respect to machinery.

3. As regards the admission of all Railway materials at one per cent., the Government adhere to the decision conveyed in their Order dated the 19th May last, No. 1,057.

4. Act XXV. of 1865 fixes the duty on iron at the rate of 1 per cent. *ad valorem*; but there is not, and never has been, any law which admitted "all Railway materials" at the same rate.

(True Extract.)

Secretary to Government.

To the Public Works Department,
the Board of Revenue.

Exd. S. T. Augustin.

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Bill

Receiving
Mar 11

Forward to the
Counting Business
for Railways -

Trust St George
1000, 2000, 1000

AB

To Mrs Eager for the
with 1000

13

Jan 12 March

P W 1886 Depu-
Pro. of Govt. for March
959

Pro. of the Madras Govt.
in the Revenue Dept.

Of 6th } March 1886.
(No. 81)

Ca: over No 572

No 794 - 10th March 1886.

Intimating that
the questions raised
by the Railway
Authorities, relative
to the duties leviable
on Railway materi-
-als &c sent out from
England for use in
this country, have
been already re-
settled -

With an order

A 203.204