

30-3-36/

M.R.O. 14-10,000-21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 559.	Press
//	~~Mis.~~
Dated 13-4-	1860..

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
for the month of April 1860.*

Ordered in consequence that the following letter be despatched.

No. 11. From J. D. BOURDILLON, Esq., Secretary to the Government of Fort Saint George, to the Secretary to the Government of India, dated 13th April 1860, No. 559.

The Third Clause of Act X of 1860, being the Act to amend the existing Customs Act, is in the following terms.

"If in a matter concerning the Revenue any dispute shall arise in respect to the
"construction of this Act, or of any Act relating to Customs Duties, or in respect to any other
"matter whatever relating to the importation or exportation of goods or merchandize, or
"relating to the levy or collection of the duties thereon, the Collector or other chief Revenue
"Authority of the Port at which the same may take place, shall settle the same, subject, however,
"to an appeal to the Government of India in the Revenue Department."

2. I am directed to represent for the consideration of the Government of India that the terms of this clause are objectionable, and ought to be altered.

In the first place, its provisions are unsuited to the state of things under this Presidency. There are, on the coast of the Madras Presidency, many Ports shipping goods for foreign countries, where the "chief Revenue Authority" is the Superintendent of Sea Customs, a Native official of a very low grade and on very small salary; and others where the chief Revenue Authority is only an Assistant or Deputy Collector. In the opinion of this Government it would be very objectionable to leave the decision of questions arising under the Act to Officers such as those above described, even subject to appeal.

3. Secondly, it appears to this Government extremely objectionable to make the appeal on such questions lie to the Government of India, passing over the Government of Madras. This Presidency possesses a Seaboard of about 1,500 miles in extent, stretching from the borders of Cuttack to Cape Comorin, and thence, omitting the small States of Travancore and Cochin, to the frontiers of Goa. This extensive Coast, contains very numerous Ports, the outlets for the produce of a country, including Mysore and the Southern Mahratta Country, of fully 1,50,000 square miles in area. The Ports are eighteen in number, and the subordinate ports 153; and they are distributed along both Coasts of the Peninsula.

4. To compel persons wronged, as they believe, by the acts of the local Officers, and they of the very subordinate classes above described, to appeal to Calcutta, would in the opinion of this Government, be equivalent to a denial of any redress whatever. The very distance would certainly make it hopeless in the eyes of many to appeal at all; they would prefer to suffer the wrong quietly.

5. And even supposing the appeal made, it cannot be supposed that it would receive much attention. The officer to whom it is to be addressed has immediately before him the vast trade of the Port of Calcutta, which pours forth from its single outlet the products of all the wealthy provinces watered by the Ganges and its affluents. He has also a multitude of other duties, vastly more engrossing and important still. What proportions, in the view of such a functionary would be assumed by petty questions coming in from distant and almost unknown places; often unskilfully stated, and difficult even to comprehend? It is easy to foresee that, in addition to the delay inseparable from the distance, there would be added much longer delay resulting from the matter being postponed to others more pressing; and, further, that the decision, if obtained at all, could not be relied on as the result of a patient and careful consideration of the case, and a full appreciation of its local peculiarities.

6. In the interest of the private persons concerned, therefore, this Government feels bound to raise its voice strongly against the Enactment. And it is, further, impelled to the same course by another consideration of a different kind.

7. The control of the Public Departments is one of the essential functions of Government; and so far as it is deprived of that, the governing authority of a Territory is superseded and degraded. Arrangements made within the last few years have already withdrawn more than one important part of the local administration from the control of the Presidency Authorities; and

Proceedings of the Madras Government, Revenue Department,
for the month of April 1860.

the Law now referred to is another step in the same direction. It would create a class of servants, nominally under this Government, but whose acts would be to a great extent out of its cognizance; and the Government would be without the power either to judge of the conduct of those servants, or to protect the public against their wrong doing.

8. This Government therefore protest against the Law, both as injurious to the public, and also as derogatory to this Government, and tending to degrade it to a position inconsistent with the intentions of the Imperial Legislature. If separate Governments are to be maintained at all in India, they ought to be upheld in dignity and honor, and with all the proper attributes of Government. If, on the other hand, they are not to be maintained, they ought to be abolished by the proper authority, after full consideration, and by a deliberate act, and not by a succession of indirect attacks.

9. I am to add, lastly, that the arrangement advocated by this Government does not at all imply an absence of control on the part of the Government of India, or variety of practice at the Ports of the several Presidencies. This Government has always felt that the Customs Duties are matter for general regulation; and on every doubtful point has always sought instructions from Calcutta, and has regarded the order received as a precedent in future similar cases; and this course it would still be careful to pursue.

10. The amended Bill containing the clause remarked on in this letter, reached Madras on the 30th March; and this remonstrance was under preparation when the Passed Act arrived, in the Calcutta Gazette of the 28th idem. Thus no time was given to the Presidency Governments to state their opinions on the Bill. It was passed through its several stages in a form applicable to Calcutta only; in ignorance or forgetfulness of the fact that Bombay, and still more, Madras, contain Ports to which for the reason given above in paragraph 2, its provisions are quite unsuited.

Copy of
14th

Revenue Dept
No 559.

The Secretary to the Government of India

Sir,

of Act X of 1860, being the Act
of the Bill to amend the
existing Customs Act, and
sent to this Government.

As this letter relates to a
question of general public
policy much debated at
home at present, a copy
should be sent to the
Secretary of State by
next Mail.

is in the following terms
" If in a matter
concerning the Revenue
any dispute shall arise
in respect to the construction
of this Act, or of any Act
relating to Customs duties
or in respect to any other
matter whatever relating
to the importation or exportation
of goods or merchandise
or relating to the levy or
Collection

Collection of the duties -
thereon, the Collector or
other Chief Revenue Au-
thority of the Port -
at which the same
may take place,
shall settle the same,
subject, however, to an
appeal to the Govern-
ment of India in the
Revenue Department.

2 I am directed to re-
present for the consideration
of the Government of India
that the terms of this clause
are objectionable, and ought to
be altered.

In the first place,
its provisions are unsuited
to the state of things under
this Presidency. There are,

3 on the Coast of the Madras
Presidency, many Ports
shipping goods for foreign
countries, where the "chief
revenue authority" is the
Superintendent of Sea Cas-
toms, a native official
of a very low grade and
on very small salary; and
others where the chief re-
venue authority is only an
assistant or Deputy Collec-
tor. In the opinion of
this Government it would
be very objectionable to leave
the decision of questions
arising under the Act
to Officers such as those
above described, and
subject to appeal.

3 Secondly, it appears
to this Government extremely
objectionable to make the
appeal on such questions
lie to the Government of
India.

India, passing over the Port
of Madras. This Presidency
possesses a sea board of
about 1500 miles in extent,
stretching from the borders
of Cuttack to Cape Comorin,
and thence, omitting the
small States of Travancore
and Cochin, to the fron-
tier of Goa. This
extensive coast, contains
^{very} numerous ports, the out-
lets for the produce of
a country, including
Mysore and the Southern
Mahratta Country, of
fully 150,000 Square miles
in area. The Ports
are eighteen in number,
and the subordinate
ports one hundred & fifty three,
and they
are distributed along
both coasts of the Penin-
sula.

To compel persons

cannot

wronged, as they believe
by the acts of the local
Officers, and they of
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above described, to appeal
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The very dis-
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And even supposing
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it cannot be supposed

that it would receive much
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the products of all
the wealthy provinces
watered by the Ganges
and its affluents. He
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of other duties, vastly
more engrossing and
important still.

Which ^{propositions} ~~propositions~~
in the view
of such

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known places; often
mistakenly stated, &
difficult even to com-
prehend? It is easy to
perceive that, in addition
to the delay inseparable
from the distance, there
would be added much
longer delay, resulting
from the matters being
referred to others, more
pressing; and, further, that
the decision, if obtained
at all, could not be re-
lied on as the result of
a patient and careful
consideration of the case.

The local peculiarities
of which were fully appreciated
by the responsible authorities

In the interest of
the private persons con-
cerned, therefore, this Gov-
t feels bound to raise its
voice strongly against
the

The ~~first~~ enactment
and it is, further, impelled
to the same course by
another consideration of
a different kind.

7. The control of the
public debts is one of the
essential functions of
Government; and so far
as it is deprived of that, the
governing authority of a
Territory is superseded
and degraded.

~~Recent~~ Arrangements made within the last few years
have already withdrawn
more than one impor-
tant part of the local
administration from the
control of the Presidency
authorities; and the
last, now referred to,
is another step in the
same direction. It would
create a class of servants,
nominally under this Govt,
but whose acts would be
to a great extent out-

of its cognizance; and the
Govt, would be without
the power either to judge
of the conduct of those
servants, or to protect the
public against their wrong
doing.

8. This Govt therefore
protest against the ~~present~~
Law; both as injurious to
the public, and also de-
gatory to this Govt, and
tending to degrade it to a
position inconsistent with
the intentions of the
Imperial Legislature.
If separate Govts are to be
maintained at all in
India, they ought to be
upheld in dignity & honor,
and with all the ^{proper} attributes
of Govt. If, on the other
hand, they are not to be main-
tained, they ought to be
abolished by the proper
authority, after full
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by a succession of in-
direct attacks.

9. I am to add, lastly,
that the arrangement
advocated by this Govt.
does not at all imply
an absence of control
on the part of the Govt.
~~of the Govt.~~ of India, or
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garded the order re-
ceived as a precedent
in future similar
cases; and this course it
would still be careful

To pursue

10 The amended Bill
containing the clause
referred to in this letter
reached Madras on the
30th March; & this com-
mission was under con-
sideration when Mr. P. J. P.
did not arrive, on the
Calcutta Gazette of the
28th idem. The com-
mission was given to the
Presidency Govt. to state
their opinions on the
Bill. It was passed
through its several stages
in a form applicable
to Calcutta only, in
ignorance or forgetfulness
of the fact that Bombay
& other ports, Madras,
Coastal Ports to which
the reason given
above in Para 2 its pro-
visions are not applicable.

R. G. Georgey
21st Dec.

[Signature]

Copy made after the original
13 April 1860 No. 559.

Revenue 1860 Department
Pro. of Govt. 20th April

No. 559.

To the Secretary to the
Government of India.
D^d 13th April 1860.

From Govt. of India d^d 23rd June 1860
C. 1382.

Representing that the
provisions of the 3rd Clause of Act
X of 1860 to amend the existing
Customs Act are objectionable
and ought to be altered.

Copy to Mr. Secy. of Revenue
D^d 13th April 1860 No. 559.

No. 11