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M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 872 Press Mis.

117-118

Dated 28—5— 1869.

Not to be folded or roughly handled

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

No. 117. Read the following letter from B. H. ELLIS, Esq., Secretary to the Government of Bombay, to J. D. BOURDILLON, Esq., Secretary to the Government of Madras, dated Bombay Castle, 14th May 1860, No. 1,773 :—

No. 583, dated the 17th April 1860. *Forwarding copy of a letter addressed to the Government of India regarding Clause 3 of Act X. of* 1860 *(the new Customs Act), which abolishes the jurisdiction of the local Governments in all questions arising out of the levy and collection of Customs duties.*

I am directed to acknowledge the receipt of your communication marginally quoted, and to transmit, for the information of the Government of Madras, copy of a letter, No. 1,772, this day addressed to the Government of India.

From B. H. ELLIS, Esq., Secretary to the Government of Bombay, to W. GREY, Esq., Secretary to the Government of India, dated 14th May 1860, No. 1,772 :—

The Government of Madras having favored this Government with a copy of a letter addressed to you under date the 13th ultimo, No. 559 I am directed to submit the following observations regarding the Clause in the new Customs Act, which abolishes the jurisdiction of the local Governments in all the questions arising out of the levy and collection of Customs duties.

Clause 3, Act 10 of 1860.

2. His Excellency in Council does not interpret the words " Chief Revenue Authority of " the port" to mean, as supposed by the Government of Madras, the Subordinate Officers stationed at the minor Ports of this Presidency. He does not deem it possible that it could have been intended to vest such Subordinates with the power of decision, and he presumes that by the words " Chief Revenue Authority" is intended the Commissioner of Customs who has authority over all the Ports of this Presidency with the exception of Sind, where the Commissioner in Sind has similar authority in regard to the Custom duties of that Province.

3. On the first, therefore, of the two points raised by the Government of Madras, His Excellency in Council does not consider that difficulty is likely to arise. On the second point, however, the withdrawal of the jurisdiction hitherto exercised by the local Governments, I am directed to state that the opinion of the Government of Madras, and the arguments by which its protest is supported, have the full concurrence of this Government. Although the Act has now been passed into Law, and protest may be unavailing, yet His Excellency in Council considers it his duty to express this opinion, lest it be supposed that he dissents from the conclusions at which the Government of Madras has arrived.

4. The Government of India has always had the power of reviewing decisions supposed to be at variance with principles of general application, and this power has occasionally been exercised, without objection having ever been raised. But, under the new Law, the local Governments will have no power to pass a decision, while the Supreme Government, which ought to confine itself to general principles, will interfere in every individual case that may arise.

5. Sir Bartle Frere, when Commissioner of Sind, objected to this Government consulting the Commissioner of Customs, on questions relating to the Port of Kurrachee, on the ground of his want of acquaintance with local circumstances. If such objections could be taken in respect to an Officer whose range of duties extends to Ports in close proximity to those of Sind, it must be obvious that the difficulty will be greatly increased when a Government at Calcutta attempts to decide matters of detail in the Western Presidency.

6. On the ground of the very serious inconvenience to the mercantile community, not less than the derogatory position in which the local Government will be placed, I am directed respectfully to urge a reconsideration of the Clause to which the Government of Madras has objected.

No. 118. ORDER THEREON, 28th May 1860, No. 872.

Ordered to be recorded.

(Signed) J. D. BOURDILLON,
Secretary to Government.

λ 20th April to No 55

Revenue 1860 Dept.
Pro: of Govt 31st May.

No 1049

From the Secretary to
the Govt of Bombay -

Dated 11th
Recd 21st } May 1860.

Transmitting copy
of a letter addressed
to the Govt of India
on the subject of Clause
3 of Act X of 1860, the
New Customs Act -

No 872.

Recorded -

28th May 1860.

No 117 & 118.