M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1401-1402 Press Mis.

387-389

Dated 25-6-1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 25th June 1862.

No. 387. Read the following Proceedings of the Board of Revenue, dated 7th June 1862, No. 3,015 :—

Read again letter from the Collector of Malabar, dated 3rd May 1862, No. 86.
(In Cons. 10th May 1862, No. 2,819.)

Read also the following letter from the Collector of Sea Customs, dated 16th May 1862, No. 288.

1. I have had the honor of receiving the Board's Proceedings of the 12th instant, No. 3,015, requesting me to report the practice in regard to the levy of duty on goods passing from one French Settlement to another, and whether there is any objection to such goods passing duty free under certificate. In reply I have to state that no cases have occurred here parallel to the one forming the subject of Mr. Ballard's correspondence with the French Chief of Mahé, and that I see no objection to the privilege solicited by Monsieur Du Coing being conceded as the friendly act of one nation to the other.

2. The matter of principle involved in the case is so trifling that it ought not in my opinion to stand for a moment against the concession of the privilege. There is no direct, or next to no direct trade I fancy between Pondicherry and Mahé, and the French authorities are therefore compelled to forward their supplies through the Custom House of Cochin or some other convenient British Port on that coast. If such supplies could be shipped at Pondicherry in a vessel proceeding to Mahé after touching at Cochin or any other British Port they would be exempt from duty under Section 57, Act VI of 1844; and to tax them with duty for unavoidably touching and traversing a small portion of British territory appears to me therefore to be needlessly harsh and oppressive, particularly when the whole duty to the Exchequer after allowing for drawback amounts to no more than one-eight or 10 per cent. *ad valorem*.

3. If the Board consider it necessary or preferable, application could be made to Government to declare all goods passing from Pondicherry to Mahé viâ Cochin, or any British Port on the Malabar coast to be exempt from duty under Section 17, Act VI of 1844; such goods to pass under British seal from Cochin to the French frontier.

Ordered that the above papers be submitted to Government with the Board's recommendation that consignments for the use of the French Government Officers from one French Settlement in India to another be allowed to pass free through the British Customs Houses at the Ports, under Certificate, and Seal.

(A true Copy and Extract.)
(Signed) W. HUDLESTON, *Secretary.*

No. 388. ORDER THEREON, 25th June 1862, No. 1,401.

The course proposed by the Board of Revenue is approved, and will be intimated by Government to the Governor of Pondicherry.

(Signed) P. P. HUTCHINS,
Acting Deputy Secretary to Government.

Ordered that the following letter be despatched.

No. 389. From His Excellency Sir W. T. DENISON, K. C. B., Governor of Madras, to His Excellency M. D'UBRAYE, Governor of the French Establishments in India, Pondicherry, &c., &c., &c., dated 25th June 1862, No. 1,402.

SIR,

I have the honor to forward for your information the accompanying correspondence* regarding the levy of duty at intermediate ports of this Presidency on consignments for the use of your Government Officers, passing from one of your settlements to another, and to state that I have directed the practice of levying duty under such circumstances to be discontinued under the conditions mentioned by the Board of Revenue.

Accept Sir, the assurance of the high consideration with which

* From Collector of Malabar, dated 3rd May 1862, No. 86.
Proes. Board of Rev., dated 12th May 1862, No. 3,015.
Proes. do. do. 7th June 1862, No. 3,645.
letter from Collector of Sea Customs, dated 16th May 1862, No. 288.
Proes. of Govt 25th June 1862, No 1,401.

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25·6·62

No. 3,045.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 12th May 1862.

Read the following letter from G. A. BALLARD, Esq., Collector of Malabar, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Calicut, 3rd May 1862; No. 86 :—

1. The Chief of Mahé, Monsieur Ducoing, wrote to Mr. Grant some time ago, that two packages containing medicines, &c., for the use of his Establishment, had been sent to him from Pondicherry, *via* Cochin, and that the French Consular Agent, Monsieur de Bellemare, at the latter place had written to him that the Manager of Sea Customs there had objected to the landing or transmission of the packages without the payment of customs duty.

2. Mr. Grant answered that the Manager of Sea Customs was authorized to pass the packages on payment of the regulated duty, but as the packages had been imported for the purpose of being re-exported to a Foreign Port, the usual drawback would be allowed on their re-exportation.

NOTE.—The duty* was paid and the packages were subsequently re-exported, but no application for drawback was made.

* Rs. 2-3-3.

3. In reply, Monsieur Ducoing informed Mr. Grant of his having requested Monsieur Bellemare to pay the duty, but, at the same time, remarked that consignments of the nature adverted to "had never been subjected to customs duty up to the present time," and that every year such imports the last of which, he added, occurred in March 1860, are sent to him *via* Cochin.

4. Upon this, the records of the Collector's Office were carefully searched, but they did not show that such imports had actually ever taken place at Cochin. Monsieur Ducoing was informed of this in answer to his letter, and requested to furnish any documents on his records, tending to throw light on the subject.

5. His reply rendered in English, is to the following effect:—

"I have likewise made a fruitless search in my archives (Registers of accounts and cor-
"respondence with you and your predecessors) to aid us both on this question. The evident con-
"clusion to be drawn from this absence of documents on both sides, is, that the exemption
"from duty of this species of consignment from one French Establishment to another, has never
"been before questioned by your Government. To be still more correct on this point, I refer you
"to Monsieur Pagel and Co. of Cochin, to whom these consignments are usually made. They will
"tell you that they have never had to discharge the duty at Cochin, for these consignments, on their
"way. Without going back far, on March 28th, 1860, my predecessor requested the above gen-
"tleman to forward to him two packages from Pondicherry, which contained, the one, medicines,
"the other, office requisites. These were immediately forwarded to him without any duty."

"As you will consider it, Sir, it is only a question of principle in this case. The disputed
"duties (not the eight only) have been always paid in full by Monsieur de Bellemare. But I must
"not conceal from you, that if it had always been so, our income would also have been augmented
"considerably by a transit duty which we could have established. At present carriers who
"traverse our territory, are not in the least degree troubled. Why should not it be the same for
"consignments by sea, as by land, when accompained with a pass."

6. A reference to Messrs. Pagel and Co. as desired by Monsieur Ducoing, must, I conceive, leave the question as unsettled as it is at present, since there is nothing on the *public* records, to enable us to come to a fair and correct conclusion about the matter. But whether or not such consignments as that under reference have ever been imported into Cochin, or elsewhere, and allowed to pass duty free, is a point which has little to do with the really important question involved in the case, and obviously, one of principle.

NOTE.—Even if the consignments have actually, at any time, been allowed to pass free, it forms now no admissible ground for their exemption from duty as a rule; if they are held to be dutiable.

7. The consignments were for the use of the French Government, and were forwarded from one French Establishment to another.

8. Now the question is whether such consignments should be permitted to pass duty free through our ports, and adverting to the latter part of Mr. Ducoing's reply quoted above, I solicit the Board's instructions whether a pass, to show that the consignments are in reality for the use of the French Establishment at Mahé, should be held sufficient for the purpose.

The Collector of Sea Custom at Madras will be requested to report what is the practice at this port in such cases, and whether he sees any objection to such articles when forwarded from one French settlement to another being allowed to pass free of duty under certificate.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To C. J. Shubrick, Esq., Collector of Sea Customs, Madras.
Copy to G. A. Ballard, Esq., Collector of Malabar.

Exd. J. Wright.

Extract from the Proceedings of the Board of Revenue, dated 7th June 1862, No. 3,645.

1862 Department.

No.

Rev 1668/62.

Proceedings of the Board of Revenue.

Dated 12*th May* 1862.
Despatched
Received

No. 3,045.

Forwarding copy of letter from the Collector of Malabar, and requesting to know whether medicines forwarded from one French Settlement to another may be allowed to pass free of duty.

No. 3,645.

Proceedings of the Board of Revenue, dated 7th June 1862.

Read again letter from the Collector of Malabar, dated 3rd May 1862, No. 36.
(In Cons. 10th May 1862, No. 2,819.)

Read also the following letter from the Collector of Sea Customs, dated 16th May 1862, No. 288:—

1. I have had the honor of receiving the Board's Proceedings of the 12th instant, No. 3,045, requesting me to report the practice in regard to the levy of duty on goods passing from one French Settlement to another, and whether there is any objection to such goods passing duty free under certificate. In reply I have to state that no cases have occurred here parallel to the one forming the subject of Mr. Ballard's correspondence with the French Chief of Mahé, and that I see no objection to the privilege solicited by Monsieur Du Coing being conceded as the friendly act of one nation to the other.

2. The matter of principle involved in the case is so trifling that it ought not in my opinion to stand for a moment against the concession of the privilege. There is no direct, or next to no direct trade I fancy between Pondicherry and Mahé, and the French authorities are therefore compelled to forward their supplies through the Custom House of Cochin or some other convenient British Port on that coast. If such supplies could be shipped at Pondicherry in a vessel proceeding to Mahé after touching at Cochin or any other British Port they would be exempt from duty under Section 57, Act VI of 1844; and to tax them with duty for unavoidably touching and traversing a small portion of British Territory appears to me therefore to be needlessly harsh and oppressive, particularly when the whole duty to the Exchequer after allowing for drawback amounts to no more than one-eighth of 10 per cent. *advalorem*.

3. If the Board consider it necessary or preferable, application could be made to Government to declare all goods passing from Pondicherry to Mahé *via* Cochin, or any British Port on the Malabar Coast to be exempt from duty under Section 17, Act VI of 1844; such goods to pass under British seal from Cochin to the French frontier.

Ordered that the above papers be submitted to Government with the Board's recommendation that consignments for the use of the French Government Officers from one French Settlement in India to another be allowed to pass free through the British Customs Houses at the Ports, under Certificate, and Seal.

(A true Copy and Extract.)

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to C. J. Shubrick, Esq., Collector of Sea Customs, Madras.
" G. A. Ballard, Esq., Collector of Malabar.
" C. W. Reade, Esq., Collector of South Arcot.

Exd. J. Wright.

No. 1668.

Rev. Dept.

To

His Excellency M. D'Ulloye
Governor of the French Establishments
in India. Pondicherry.

Sir

I have the honor to forward for your information the accompanying correspondence comprising from the Collector of Sea Customs at Karikal, regarding the levy of duty on goods passing from one French Settlement to another, and to state that I have directed the practice of Levying duty under such circumstances to be discontinued under the conditions mentioned in the Board's Proceedings noted in the margin.

I have the honor to be
Your Excellency's
Most Obedient humble Servant

From Collr of Karikal dd 3 May/62 Rec'd 5/12 May/62 No. 3045
Pro. do " 5 June/62 " 3645
with Letter from Collr of Sea Customs dd 16 May/62 Rec'd 28 May/62
Pro: of Govt. - June 1862 No.

Rev. 1862. Department.
Proc. Govt. for June.

No. 1668.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 7th *June* 1862.
Despatched. 11
Received. 12
E.-I.

No. 3,645.

Submitting letter from the Collector of Sea Customs reporting the practice in regard to the levy of duty on goods passing from one French Settlement to another with the Board's recommendation that consignments for the use of French Government Officers from one French Settlement in India to another be allowed to pass free through the British Customs' Houses under certificate and seal.

No. 1668 - 25 June

Revenue 1862 Deputy.
Pro: of Govt. for June.

No. 1402.

To
His Excellency
M: D'Ubraye.
Govr. of the French
Establishments in India
Pondicherry.

Dy 25th June 1862.

For C. No. 2066-
62-Aug. 264/7

Forwarding for information correspondence and stating that this Govt. have directed the discontinuance of the practice of levying duty at intermediate ports of this Presidency on coss requirements for the use of the officers of this Govt. passing from one French settlement to another.

No. 389-