

MADRAS RECORD OFFICE.

Government of Madras.

Agency will observe
by me in my coming
Engineer upon Mr
declares that
been admitted

DEPARTMENT.

G.O. No. 572

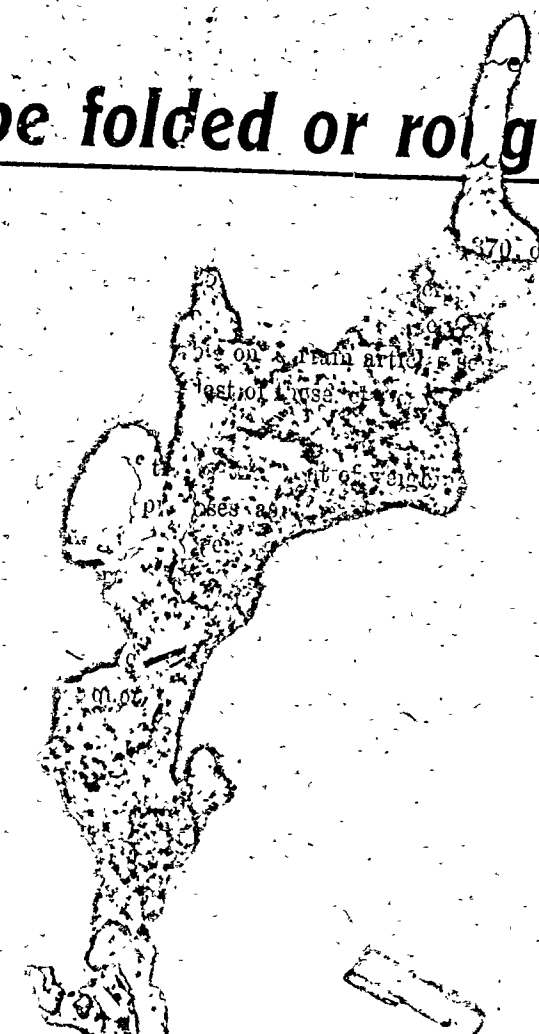
Press
~~Mis.~~

86-87

Dated

6 - 3 - 1866.

Not to be folded or roughly handled



*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 duty payable 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.

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

Paragraph 13. Your letters, 625, 631, 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 these letters you have requested the views of the Board on the questions at issue.

14. With respect to the duty payable on 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 the 19th of May last, that the objection of the Collector to so admitting them is considered as withdrawn, and they can only express their inability to understand on what ground 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 of the 10th of May last, to the Government Consulting Engineer of the 3rd

*Letter of the Supreme Govt
dated*

*Proceedings of the Madras Government, Revenue Department,
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 construction of the order they would be. With these observations the Board desire that the matter 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.

(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 decided.
2. As regards the admission of weighing machines of duty, the Consulting Engineer will be furnished with a copy of the Order of the Supreme Government, dated 31st March 1865, No. 1,843, deciding which machines should in all cases be charged with duty on Import. The Railway Board, the Agent, and the Consulting Engineer are apparently unaware that a part of Act XI. of 1862, to

*Proceedings of the Madras Government, Revenue Department,
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.)

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

To the Public Works Department.
„ the Board of Revenue.

Exd. S. T. Augustin.

*letter of the Supreme Govt
dated*

(3)
Revenue Department
N^o. 572.

Proceedings of the Madras Government
Under date the 6th February 1866.

Read the following
letter from the Asst. Consulting
Engineer for Railways.

Submitting for the review
of Government, a letter from the
Agent and manager of the M. R.
Company, No. 72 of 2nd instant, re-
lative to Customs duties leviable
on Railway materials.

(Here enter 15th Feb^y/66 No. 71)

The Governor in
Council observes that both
the questions raised in these
letters have been duly considered
and settled.

As regards the ad-
mission of weighing ma-
chines free of duty, the Con-
sulting Engineer will be
furnished with a copy of the
letter of the Supreme Gov^t
dated

dated 31st March 1865 ~~no~~ 1843
deciding that such machines
should in all cases be
charged with duty on im-
port. The Railway Board,
the Agent and the Consulting
Engineer are apparently
unaware that the part of
Act XI of 1862 ^{to which} ~~which relates~~
~~they refer~~
~~to machinery~~ was repealed by
Act XXIII of 1862, and that
Act XXX of 1865 which is the
law now in force follows Act
XXIII of 1862 ^{with} ~~in this respect~~
~~to machinery~~
As regards the ad-
mission of all Railway
materials at one per cent,
the Government adhere to
the decision conveyed in their
order dated the 19th May
last no. 1057.

Act XXX of 1865
Lives

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 ad-
mitted all railway materials
at the same rate.

J. G.

[Signature]

21 File Public Works Dept. with a copy of the letter of 31st March
1865 to the Board of Officers
1865 to 1870 Dec 7th March

Per 344-349-19-5: 1873
13-12-64.

Revenue 1888 & 1891
and of 1905 for all other

1892.

No. of the Atlantic Coast
of 1891 & 1892.

Shipping orders on the
Shipping of 1891
and of 1892
Materials and Shipping
Machinery.

1891 & 1892.

1892.