M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT

G.O. No. 1365 Press Mis.

377-328

Dated 17 th May 1869

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 17th May 1869.

No. 377. Read the following Proceedings of the Board of Revenue, dated 10th March 1869, No. 1,602

Read the following letter from the Collector of Sea Customs, to the Acting Secretary to the Board of Revenue, dated Madras, 12th February 1869, No. 139.

Board's Proceedings, No. 8,902, dated 18th December last.

2. I have the honor to forward copy of my letter* to the Collector of Customs, Calcutta, No. 1,311, of the 19th December last, and that Officer's reply,† No. 112, dated 13th ultimo.

* Enclosure A.

† B., with enclosure.

3. Paragraph 2nd only, of the Calcutta Rules, relates to the landing of combustibles.

4. The fine of 500 Rupees appears to be levied at Calcutta on the person who actually brings combustibles into the Custom House, under Section 58 of Act VI. of 1863.

5. I do not understand why the fine is limited by the Rule to 500 Rupees, when Section 58 authorises one "not exceeding 1,000 Rupees." The fine, moreover, can only be legally inflicted on the Master. Rules made under Section 4 must be in accordance with the law, and cannot go beyond it. It therefore appears to me that fine is illegal, except on the Master.

6. Confiscation of the goods is the penalty inflicted on the owner, if combustibles are landed through any neglect on his part.

7. Adverting to paragraph 6 of the Government Order, 30th November last, No. 2,997, I have the honor to state that Commanders of Ships on entry have always been required to apply for a Special Permit to land combustibles. Subsequently however to the receipt of the Government Order above quoted, I addressed the Chamber of Commerce,‡ and the Trade Association on the subject, and printed an additional Special Notice,§ which is given to Masters as well as the other two‖ previous Notices. These Special Notices are also pasted up in the Custom House, and copies have been sent to the Chamber of Commerce and Trade Association.

See paragraph 5 of my letter to Board, No. 1,224, February 1868, in Board's Proceedings, No. 1,372, 25th February 1868.

‡ *Vide* copy of letter, No. 1,309, 19th December 1868, C.

§ Herewith sent, D.

‖ Herewith sent, E. and F.

8. I do not think any further precautions can be taken by Government to make Masters of Ships, and Traders, acquainted with the Rules regarding the landing of explosive articles.

Enclosure No. 1.—A.

From the Collector of Sea Customs, Madras, to the Collector of Customs, Calcutta, dated Madras, 19th December 1868, No. 1,311.

In forwarding a spare copy of Order of the Madras Government, No. 2,997, of the 30th ultimo, I have the honor to request you will be good enough to furnish me with the further information called for in regard to the landing of combustibles.

2. Your attention is particularly requested to paragraph 5 of the Government Order, and with reference thereto I beg you will inform me under what Section of the Customs Act, and from whom, a fine of 500 Rupees is levied. I beg you will also inform me whether any cases have lately occurred in which fines have been inflicted, also whether the legality of such fines has been disputed, and if so, with what results.

3. You will observe that the Advocate-General here "has grave doubts as to the legality of confiscating goods landed without a Special Permit."

Paragraph 2, Government Order.

ENCLOSURE No. 2.—B.

From the Collector of Customs, Calcutta, to the Collector of Sea Customs, Madras, dated Fort William, 30th January 1869, No. 112.

I HAVE the honor to acknowledge the receipt of your letter of 19th December last, No. 1,311.

2. The rule for regulating the landing of combustibles is contained in the Rules of which a copy is now forwarded, and which are Rules passed with the sanction of Government, under Section 4, Act VI. of 1863.

3. In one case a Firm, whose sircar was landing Acids, was taken as the person bringing the Acids into the Custom House, and was fined; but as it was proved that the Boat Note had the words "Acid" distinctly on it, it was held that the Wharf Officer could have prevented the case coming into the Custom House premises, had he exercised common vigilance, and the fine was remitted.

4. I regret to say that I do not see on what grounds the Advocate-General founds his doubt, for under Section 58, Act VI. of 1863, no goods can be discharged on Sundays without the written permission of the Officer in charge of the Custom House, nor on any day without such written permission, and, further, all goods so unauthorisedly removed, are distinctly made liable to confiscation.

5. It appears to me when the terms of the law are so clear, to throw doubt on one Section is to throw doubt on the whole Act.

NOTICE.

UNDER orders of the Government of Bengal, conveyed through the Chief Customs authority, the following Rules observed on the Custom House Wharf are published for general information :—

1. Importers and others landing goods at the Custom House are to appoint Watchmen to take care of them; such Watchmen are to have in their possession the badge or written authority of the persons who appointed them, and which is to be produced when required by an Officer of Customs.

2. Wharf Assistants are strictly cautioned from receiving packages containing Matches, Acids, Crackers, Gunpowder, Gun Caps, Saltpetre, or other inflammable articles within their sheds, and to bring to the notice of the Controller immediately they find from their Boat Notes, or information otherwise received, that such articles are about to be landed; any person bringing such goods into the sheds and godown of the Customs House will be liable to a fine 500 Rupees, and to make good all damages arising therefrom. No packages are allowed to be opened on the Wharf without the Collector's orders, or if for appraisement, under direction of one of the Appraisers.

3. No full casks or cases of Wine, Beer, or any other liquor is to be passed out until the empty ones covered by the same Perwannah are removed first. This rule is applicable in cases where parties are allowed to fill up Beer, Spirits, Tar, etc., on the Wharf before passing.

4. As the outsheds are only intended for the accommodation of goods landed before the opening and after the closing of the gates, unless under special permission of the Collector, and with certain exception, no goods are allowed to be placed therein between the hours of 10 A. M. and 5 P. M.

Proceedings of the Madras Government, Revenue Department,
17th May 1869.

5. The following goods only are allowed to be landed outside at all hours:—Timber and Planks of all description, heavy Anchors and Chains, Tar, Rosin, Pitch, and all heavy packages which require the use of the Crane.

6. All expenses incurred for advertising and removing packages are to be paid by the owners or Consignees thereof at the time of passing. An extra Officer and a Peon to be appointed to all private Bond Godowns at the expense of the bonders. The former to receive and the latter to accompany the goods passing into private bond.

7. An Officer is also appointed at the expense of the bonders, to pass out goods from private bond, on which duty has been paid.

8. A Peon (if one be available) will be appointed by the Officer at the Bonded Warehouse to accompany goods into public bond, otherwise a fee of four Annas must be paid for an extra Peon.

9. The rate to be charged by the extra Officer has been fixed from 10 A. M. to 1 P. M. at 1 Rupee and 8 Annas, and any further time beyond the above up to 5 P. M., 3 Rupees. From 5 to 6 P. M. an extra charge of 12 Annas will be made, and 1 Rupee from 5 to 6-30 P. M., after which time Officers are not expected to work. Fee for Peons, 4 Annas each per day.

10. A conveyance fee of 1 Rupee to be paid to the extra Officer when required to attend at a godown, the distance of which from the Custom House exceeds half a mile.

11. Instances having occurred in which goods could not be received, and duly secured in the Bonded Warehouse on account of passing out late from the wharf, Assistants will not allow any goods intended for private bond to be carted after 4 P. M., and for public bond after 4-30 P. M.

No work will be allowed on Sundays and Christian holidays.

12. Work before and after hours, and on general holidays, will be allowed only on payment of fees, and under sanction of the Collector.

13. The rate for working on those holidays, and before and after hours, that is, from 7 to 10 A. M., and from 5 P. M. to sunset, is fixed at 5 Rupees for each requisition for the Assistants, and 8 Annas to the Peons; if after sunset, extra fees of 5 Rupees and 8 Annas respectively, will be charged.

14. All applications for working on holidays should be sent in to the Collector the day previous, and in time to allow the necessary arrangements to be made.

15. Goods lying under cover within the Custom House, to be allowed four days rent-free, two days single rent, and for any number of days in excess of that period double rent up to fourteen days (exclusive of the rent-free and single rent terms); after that to treble rent for ten days more, and quadruple rent for any period in excess of that term.

16. These rates to be calculated by the single rates fixed in Government Order, No. 2,796, dated 15th November 1859, published in the *Calcutta Gazette* on the 4th January 1860.

17. All empty cargo boats lying for more than twenty-four hours on the river-bank within the limits of the Custom House, that is, from Coila Ghat to Clive Street Ghat, will be charged a rent of 5 Rupees per day. Country timber landed within the above limits will be charged, from the date of landing, a rent of 1 Rupee per log per day.

Scale of charges for the use of the Custom House Crane.

	RS.	A.	P.
Cases—Carriage	1	0	0
,, Piano	0	8	0
,, Saws	0	4	0
,, Sundries, size not exceeding six dozens	0	4	0
,, Sundries, above six dozens and not exceeding twelve dozens	0	8	0
,, Sundries above twelve dozens	1	0	0
,, Piece Goods	0	2	0

	Rs.	A	P.
Casks—Rice Bowls	0	6	0
,, Sundries, size not exceeding six dozens	0	4	0
,, Sundries above six dozens and not exceeding twelve dozens.	0	8	0
,, Butts, Puncheons, Wines or Spirits, Hhds	1	0	0
,, Hogsheads	0	12	0
,, Barrels, Quarter-casks	0	6	0
Bales—Cow Hides	0	3	0
,, Goat Skins	0	4	0
,, Canvas	0	2	0
,, Paper	0	2	0
,, Piece Goods	0	2	0
Crates, Earthenware, China, etc., large	0	2	0
,, ,, ,, small	0	3	0
Machinery, Metals, and weighable articles packed or unpacked, per Maund	0	2	0
	0	1	0

N. B.—A second charge of half the above rates will be made on all packages not carted when ifted from the boat.

CALCUTTA,
7th December 1863.

(Signed) J. A. CRAUFORD,
Collector of Customs.

ENCLOSURE No. 3.—C

From the Collector of Sea Customs, to the Chairman of the Chamber of Commerce, dated Madras, 19th December 1868, No. 1,309.

I HAVE the honor to request the Chamber will be good enough to adopt every means in their power to make known to Masters of Ships and parties concerned, the Rules regarding the landing of combustibles.

2. On ships entering at the Custom House, a printed Notice is given to the Master requiring him to obtain a Special Permit before he lands any combustibles, and the penalty attached to the contravention of the Rules is the confiscation of the goods.

3. Notwithstanding the simple instructions given, the Rule is not always observed.

ENCLOSURE No. 4, D.—Copy of Notice.

ENCLOSURE No. 5, E.—Copy of Landing Permit.

ENCLOSURE No. 6, F.—Copy of Notification.

THE Board resolve to submit this letter and enclosures for the Orders of Government:

2. The letter of the Collector of Sea Customs at Calcutta shows that a penalty of 500 Rupees is levied on any party bringing dangerous goods into the Custom House, under Section 58, whether he is Master or Commander of a vessel or not.

3. The penal clause of the Section runs as follows:—"Any Master or Commander of a vessel who shall cause or suffer any goods to be removed contrary "to any of the provisions of this Section, shall in every case be liable to a penalty "not exceeding one thousand Rupees."

4. The Board must express their concurrence with the Collector in the poinion that the fines levied under Section 58 of the Act in Calcutta, from parties other than the Master or Commander, are of questionable legality.

5. However this may be, it would be impossible, under the circumstances of Madras, to require the authority of a Customs Officer for the landing of each and every article on board. The present plan of giving a general permission to land all cargo, save the prohibited articles, is the only feasible one.

6. With reference to paragraph 6 of the Government Order, Mr. Blair shows that under the present system, Commanders are warned by notice on arrival, to apply for Special Permit to land all combustibles.

No. 378. ORDER THEREON, 17th May 1869, No. 1,365.

Separate Revenue, No. 13.
Customs.

ORDERED to be recorded.

(True Extract.)
(Signed) H. WELLESLEY,
Acting Under-Secretary to Government.

To the Board of Revenue.

Exd. E. C. Shunker.

Govt. of [illegible] 1869 & Outfits.

REVENUE.

To

THE BOARD OF REVENUE

Dated Hoy, 17th.

Recd.

C. O., 17th May 1869, *No.* 1,83[illegible]

TAY.

Nos. 377-379.

Combustible articles.—Letter from C[illegible] of Sea Customs regarding the system and Gazette in regard to their landing, record[illegible]

D

4 S

NOTICE.

The attention of Masters of Ships, Agents, Consignees, and all other parties concerned is particularly directed to the following Rule:—

Special Permit must be applied for, and obtained before Combustibles of any kind are discharged from a Ship, or landed.

Neglect of the above Rule will entail confiscation of the goods, or fine.

J. HUNTER BLAIR,
Collector, Sea Customs.

NOTIFICATION.

om the REGULATIONS *of the* CUSTOM HOUSE, *to be retained on Board the Vessel, for the information of all concerned.*

E

LANDING PERMIT.

To

THE COMMANDER

SIR,

You are hereby permitted to land the Cargo of the

under your Command.

Ammunition, Chemicals, Earth Oil, or Mineral Naphtha, Fireworks, Fulminating Powder, Gun Cotton, Gun Powder, Kerosine Oil, Lucifer Matches (Congreve), Nitro Glycerine, Phosphorus, Pitch, Sulphuric Acid, Tar, Turpentine, and other dangerous substances, if landed without a *Special permit* granted by the Custom House on your application will be *peremptorily confiscated.*

Collector of Sea Customs.

Sea Custom House,
186 }
Madras,

to the following
he cargo, and to
orance may not

shipped, before
mission, will be

sequently Com-
tores they may

otherwise, will

in landing and
Ship's Boat and

Commanding
and Description
built in a Boat,
to land Ship's
er such Stores

returned to the
Port Clearance.
ks, Fulminating
Nitro Glycerine,
stances, if landed
be PEREMPTORILY

the transaction of business every day
o'clock in the morning till 4 o'clock in the afternoon.
information that may be required respecting the internal regulations of the
l be readily afforded on application at this Office. All persons are required to
respecting them, and will be held responsible for departure from them.

}

Collector of Sea Customs.

Rev. 3/849.

Enclosure E in a letter from the Coll.r of Customs Bearing dated 12 February 49. No 139.

Sup.t Pt St Geo.e

NOTIFICATION.

EXTRACT *from the* REGULATIONS *of the* CUSTOM HOUSE, *to be retained on Board the Vessel, for the information of all concerned.*

MADRAS SEA CUSTOM HOUSE.

THE Commander of the Ship or Vessel just arrived is directed to conform to the following Rules of the Custom House, previous to his being permitted to land any part of the cargo, and to promulgate the same for the information and guidance of all on Board, so that ignorance may not be urged in extenuation of a breach of any of them.

1. Goods shipped or landed, or attempted to be shipped or landed, or transhipped, before the regular forms have been complied with, or on Sunday's without written permission, will be confiscated.

2. Any Goods found in excess of the Manifest are liable to confiscation, consequently Commanders are required to enter in Manifest, or a Supplemental Manifest, any Stores they may intend to land.

3. Goods transhipped without special permission, whether for private use or otherwise, will be confiscated, and the parties offending, liable to a penalty of 100 Rupees.

4. Commanders are specially interdicted from employing their own Boats in landing and shipping, or transhipping any Article, under a penalty of the confiscation of the Ship's Boat and the Goods contained therein, and will be further subject to a penalty of 50 Rupees.

5. (Imports).—After a Permit has been given to land the Goods, the Officer Commanding on Board must sign and send in each Boat, a Boat Note, specifying the Number and Description of the Packages, and the Marks and Numbers, under penalty of a fine. Goods found in a Boat, without a Boat Note will be confiscated. One day previous notice of the intention to land Ship's Stores, Slush, &c. must be given to the Custom House, breach of this Rule will render such Stores &c. liable to confiscation.

6. (Exports)—A Boat Note will accompany Export Goods. This must be returned to the Custom House the following day. Neglect of this order will delay the grant of Port Clearance.

7. Ammunition, Chemicals, Earth Oil, or Mineral Naphtha, Fire works, Fulminating Powder, Gun Cotton, Gun Powder, Kerosine oil, Lucifer Matches, (congreve), Nitro Glycerine, Phosphorus, Pitch, Sulphuric acid, Tar and Turpentine, and other dangerous substances, if landed before a special Order to discharge them has been given by the Collector, will be PEREMPTORILY CONFISCATED.

8. The Forms for Import or Export Boat Notes must be printed.

9. The Madras Sea Custom House is opened for the transaction of business every day (Sunday excepted) from 10 o'clock in the morning till 4 o'clock in the afternoon.

Any further information that may be required respecting the internal regulations of the Custom House will be readily afforded on application at this Office. All persons are required to inform themselves respecting them, and will be held responsible for departure from them.

MADRAS,
SEA CUSTOM HOUSE,

Collector of Sea Customs.

Revd Depositions

Memo: on Lr 849

It seems to the undersigned that the only course open is to record these papers leaving the present practice at the port of Madras in regard to combustible goods to continue. The Board and Collector of Customs are apparently right in their opinion that the law does

I have no objection to this course being adopted - WDK

Jopp

Rec'd 849

Read 1st May 15 & 2nd 31st

Laid before Board 31st

Read 1st May 15 & 2nd 31st

does not authorize the course adopted at Calcutta, but it is not the province of this Government to point this out. The State of the case is detailed in the G. O. under date 30th November 1868 No. 2991

Rect Depart 1849 885

1869.

Board of Revenue.

MADRAS.

PROCEEDINGS, 10TH MARCH 1869, No. 1,602.

Despt 16 March 1869 Encl. 3
Received 17 — 4 — "

MARCH.

No. 1,602.

Landing of combustibles,—Letter from Collector of Sea Customs forwarding correspondence regarding system adopted at Calcutta in regard to, and stating that Commanders of ships on entry, have always been required to apply for a special permit to land such articles, submitted to Government with remarks.

RECORDED.