

(1) Number of pages 10(2) Date of repair 20-4-62

(3) Initials of the Referencer \_\_\_\_\_

# MADRAS RECORD OFFICE.

## Government of Madras.

### REVENUE DEPARTMENT.

G.O. No. 49

Press  
~~Mis.~~

Dated

9-1-1871.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,  
9th January 1871.*

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Read the following papers :—

No. 100. From the Officiating Secretary to the Government of India, Financial Department, to the Chief Secretary to the Government of Madras, dated Fort William, 23rd November 1870, No. 3,332.

With reference to a demi-official, addressed sometime since to the Collector of Customs, Madras, calling for his opinion upon a Bill for the consolidation of the Customs Law about to be introduced into the Legislative Council, I am directed to ask for a further report regarding one point which has been brought under the notice of the Government of India in this department.

2. By an Act of Parliament, 32 Victoria, Chapter 11, "for amending the law, relating to the coasting trade and merchant shipping in British possessions", it is ordained that the legislature in a British possession may regulate the coasting trade of that British possession, subject to three conditions, namely.

1st.—That the operation of the Act, regulating the trade, be suspended till Her Majesty's pleasure has been signified.

2nd.—That all British ships shall be on an equal footing with the ships of the British possession.

3rd.—The preservation of any rights granted by Treaty to foreign powers.

3. These conditions, therefore, bind the Legislative Council in respect of the proposed Customs Consolidated Bill, so far at least as regards the Sections 153 to 164.—And it is somewhat doubtful whether, in view of the consolidation measure likely to be introduced into Parliament at an early date, Her Majesty will, in the words of the Act of Parliament, "signify her pleasure on" any Act passed at present on the subject of Indian Coasting Trade.

4. The Government of India must, therefore, either abandon the whole project of consolidation, or omit those Sections of the Bill which relate to coasting trade; and I am directed to request that the opinion of the Government of Madras and of the Collector of Customs at Madras may be communicated on this point, namely, whether any inconvenience will result from the omission in the proposed Bill of the Sections which refer to coasting trade (153—164).

5. An early reply is requested.

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REFERRED to the Collector of Madras, through the Board of Revenue, for his opinion, which the Board will submit to Government with their own remarks.

(Signed) W. HUDLESTON,  
Secretary to Government.

30th November 1870.

No. 101. Proceedings of the Board of Revenue, dated 21st December 1870.

Read the following letter from the Collector of Sea Customs, to the Acting Secretary to the Board of Revenue, Madras, dated 9th December 1870, No. 1,220.

I HAVE the honour to acknowledge the receipt of a letter\* from the Officiating Secretary to the Government of India, Financial Department, of the 23rd

November 1870, No. 3,332, referred to me by the Secretary to the Madras Govern-

*Proceedings of the Madras Government, Revenue Department,  
9th January 1871.*

ment, Revenue Department, with instructions to forward my opinion on certain points connected with the proposed Consolidated Customs Bill through the Board of Revenue.

2. In paragraph 1 of Mr. Secretary Chapman's letter, I observe that a demi-official is said to have been addressed to me sometime since, calling for my opinion on the proposed new Bill. No such demi-official was received by me; only a copy of the Act; but I was sent for and was present at two meetings of the Board, and stated my opinions on several points.

3. I have, therefore, procured from the Secretary to Government, Revenue Department, a copy of the Board's letter to the Acting Secretary to Government, Revenue Department, of 6th October 1870, No. 6,017, and their memorandum on the Draft Customs Act, in order that I might know exactly what proposals had been made therein before answering the letter now before me.

4. I refer to my presence at, and consultation with the Board at their meetings, in order that the Madras Government and the Government of India may understand why no written opinion was sent in by me on the Draft Act, and because there is nothing in the Board's letter or memorandum to show that I had been consulted.

5. On this point I also beg to state that the alterations in Sections 15, 46, 53, 63, 123, 217, 218, and 223, were proposed by me at the Board's meetings above referred to. With regard to the proposed alterations in Section 220 of omitting the word "such," I would respectfully again suggest that the alteration in the 2nd clause of Section 220 be as follows:—

*Clause 2.*—"And whoever counterfeits, falsifies, or fraudulently alters or destroys any document used in the transaction of any business relating to the Customs.

*Clause 3.*—"And whoever fraudulently alters, counterfeits, or destroys any seal, signature, initials, or other mark, made or impressed by any officer of Customs in the transaction of any business relating to the Customs."

6. The Government Solicitor and Advocate-General, whom I consulted on this subject and Section, were afraid, in the gold thread case lately tried, that possibly the person prosecuted might escape by the loose wording of the Section.

7. I will now proceed to state my opinion regarding the proposed omission of Sections 154 to 163 (regarding coasting trade) of the Bill.

*Section 153.*—Unnecessary.

*Section 154.*—Unnecessary.

*Section 155.*—A dhoney lately cleared from Madras for British Indian Ports and shipped some cases said to contain Brandy and Gin for Tuticorin, which were not examined, being free; on arrival at Tuticorin, it was reported that the dhoney put into Pondicherry and shipped the Brandy and Gin, which had not really been shipped at Madras as supposed, and thereby evaded the duty. The case is now under trial, and the Master, if convicted, is punishable under this Section. If it is repealed, such cases might escape scot free.

*Section 156.*—Unnecessary. Sections 58 and 12 apply.

*Section 157.*—Cargo-book not kept here.

*Proceedings of the Madras Government, Revenue Department,  
9th January 1871.*

The Commissioner of Customs, Bombay, has recently addressed the Government of India proposing to do away with the Cargo-book.

*Section.*—158. Unnecessary. Sections 131 and 132 apply.

*Section.*—159. To Section 132 add the provisions in this Section, that a Bond may be required. This is necessary to prevent frauds in grain exported from British Indian Ports.

*Section.*—160. Add the provisions of this section to Section 4, omitting the word "coasting." Special rules are necessary for such steamers as those of the B.I.S.N. Company.

*Section.*—161. Unnecessary, provided for by Section 36.

*Section.*—162. Not required in Madras.

*Section.*—163. First part unnecessary; second part, goods on board not in clearance provided for by Clause 2, Section 48.

*Section.*—164. Boarding and searching provided for as regards ships entering by Sections 41 to 45. As regards exports the provisions of this Section might be embodied in Section 122, which, with Sections 121, 123, 124, and 125, would, I think, meet the cases of any search required to be made in ships with export cargo.

SUBMITTED to Government, with reference to their endorsement on the letter referred to by the Collector.

2. The Board are of opinion that Sections 154 to 164 may be omitted in the Consolidated Customs Act without inconvenience; the present law on the subject remaining in force for the present.

No. 102.

ORDER THEREON, 9th January 1871, No. 49.

Separate Revenue, No. 7.

Customs.

ORDERED that the following letter be despatched.

To the Officiating Financial Secretary to the Government of India.

(Here enter 9th January 1871, No. 50.)

(True Extract.)

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

Exh. F. R. Bantlemer.

Confidential

10 No 3332

Read the following papers:—

7/12/70

No. 51. Read the following papers:—  
The Chief Secretary to the Government  
of Madras—

Financia Deputi Ler

With reference to a demi-official addressed some time since to the Collector of Customs Madras, calling for his opinion upon a Bill for the Consolidation of the Customs Law about to be introduced into the Legislative Council. I am directed to ask for a further report regarding one point which has been brought under the notice of the Government of India in this Department.

2      By an Act of Parliament 32 Vict Chap  
11 "for amending the Law relating to the Coasting  
trade and Merchant Shipping in British  
possession, it is ordained that the legislature  
in a British possession, may regulate the  
coasting trade of that British possession,  
subject to three conditions, namely -

1<sup>st</sup> - That the operation of the Act regulating the Trade be suspended till Her Majesty's pleasure has been signified

2 That all British Ships shall be on an equal footing with the ships of the British Possessions.

3<sup>d</sup> The preservation of any rights granted by treaty to foreign powers.

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Vol. of 1871, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1

REVENUE.

Dated January 21/1901.

Recd.

**Pinet**

G. O., 31<sup>st</sup> January 1871, No. 49.

**JANUARY.**  
**Nos. 100—102.**

*Consolidated Customs Bill.*—Proceedings of the Board of Revenue forwarding the opinion of the Collector of Sea Customs on certain points connected with it, ordered to be forwarded to Government of India.

3 These Conditions therefore bind the  
Legislative Council in respect of the  
proposed Customs Consolidated Bill so far  
at least as regards the Sections 153 to 164.  
And it is somewhat doubtful whether in  
view of the Consolidation measure likely to  
be introduced into Parliament at an  
early date, Her Majesty will, in the  
words of the Act of Parliament, "signify her  
pleasure on" any Act passed at present on  
the subject of Indian Coasting Trade.

4 The Government of India must  
therefore either abandon the whole project  
of Consolidation or omit those Sections of  
the Bill which relate to Coasting Trade,  
and I am directed to request that the opinion  
of the Government of Madras and of the Commissioner  
of Customs at Madras may be communicated on this  
point. <sup>Next</sup> whether any inconvenience will result  
from the omission in the proposed Bill of the  
Sections which refer to Coasting Trade (153-164).

5 An early reply is requested

I have the honor to be

Sir

Your Most Obedient Servant

Fort William

The 23<sup>rd</sup> November 1870

W. Wilson

Offg. Secy to the Govt of India

23/11

Revenue Department  
H. 49.

Proceedings of the Madras Government  
Under date the 9<sup>th</sup> Jan 1871

Read the following  
Proceedings of the Board of  
Revenue.

Submitting letter from  
Collector, Madras Customs, Madras  
forwarding his opinion on  
certain points connected with  
Consolidated Customs Bill

(H. E. 21<sup>st</sup> December 1870)

Ordered that the  
following letter be  
despatched.

To, The Off<sup>r</sup> Fin<sup>l</sup> Secretary  
Government of India

Here enter.  
[Signature]

1 Copy To Mr. Robinson Esq. Secy to Govt of India

F.H.

Revenue 1870 Report  
No. 3905  
The Off<sup>r</sup> Secy: to Govt of India  
Government of India

Dated 23<sup>rd</sup> }  
Decr. 30 } November 1870  
No. 3332

Looking for further report  
regarding a report from the committee  
with the Bill for consolidation of  
the Customs laws about to be  
introduced into the Legislature  
General.

Decr 19-9 Jan 1/71  
Report to the Secy?  
of Madras, the Secy  
of the Govt. for the  
Finance, the Secy  
for the Customs, & for  
the other members.  
Advocate Genl  
Secy to Govt  
30 Jan 1871

9-6-9 Jan 1/71  
Consolidated Customs Bill