(1) Number of pages 12

(2) Date of repair 6-1-1981

(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. 3427 Press.
B.P. No. Mis.

Dated 18-6-1877 197 .

Not to be folded or roughly handled

Archives I—10,006—19-4-79.

No. 1,238.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th March 1877.

Read again Board's Proceedings, dated 4th December 1876, No. 3,051, and 18th January 1877, No. 198.

Read also the following letters :—

From J. HUNTER-BLAIR, Esq., Collector of Sea Customs, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Madras, 20th February 1877, No. 364.

I HAVE the honor to submit the following report with reference to Board's Proceedings, dated 4th December 1876, No. 3,051, and 18th January 1877, No. —.

2. On receipt of the Board's Proceedings of the 18th January, I wrote to the Master Attendant, fully explaining my views on the several points raised by the Board, and beg to submit copy* of my letter and the Master Attendant's reply.

* To the Master Attendant, dated 7th February 1877, No. 282.
From the Master Attendant, dated 15th February 1877, No. 1,159.

3. The rules† for extra fees originally framed by the Master Attendant referred solely to his department, and were therefore necessarily inapplicable to Custom House Officers whose work is entirely different.

† Paragraph 6, Board's Proceedings, dated 24th August 1876, No. 2,173.

4. I have now revised the rules and beg to submit a copy thereof, approved by the Master Attendant, for the sanction of the Board.

5. The chief alterations are noticed below :—

First, as regards the days which should be considered close holidays. The list has been corrected so as to include the Christmas and Easter vacations which have always been allowed to the Custom House. The Master Attendant desires to add Ash Wednesday and Ascension Thursday also. They have not been given as holidays to Customs Officers, and I leave it to the Board to retain or expunge them.

To avoid confusion, I have, in Rule 3, defined "the emergent business" which has to be done during holidays without extra remuneration. On this subject I beg to refer the Board to my remarks in paragraphs 9 and 10 of my letter to the Master Attendant.

As to the establishment which should ordinarily be charged for, an omission was made in the letter of the Acting Collector of Sea Customs, dated 20th September 1876, No. 1,631, in regard to export work. This I have rectified in Rule 4. Also two duffadars were put down by Mr. Melville. One will be sufficient.

It will also be observed that I have provided for the attendance of a superior officer of the Custom House and the Marine Department, which is necessary.

A foot-note has been added to the Rule 4, leaving it open to Agents, Captains, and Merchants to obtain the aid of any additional officials on payment of fees.

6. With reference to the question of privileges enjoyed by the Peninsular and Oriental and Messageries Steamers referred to in paragraph 3 of Board's Proceedings, dated 4th December 1876, No. 3,051, it is my decided opinion,‡ after many years' experience, that no privileges should be

‡ See paragraphs 11 and 12 of my letter to Master Attendant.

allowed to any particular Company, and that same rules should apply to all steamers. The Board will observe that the Master Attendant is also of the same opinion.

7. The question of permitting coasting steamers to file import manifests after their departure from the roads, referred to in the latter part of paragraph 3 of the Board's Proceedings quoted above, has already been reported upon in my letter of the 14th December 1876, No. 2,267, and does not call for further remarks.

8. With these remarks, I request the early sanction of the Board to the amended rules now submitted.

ENCLOSURE No. 1.

From J. HUNTER-BLAIR, Esq., Collector of Sea Customs, to J. H. TAYLOR, Esq., Lieutenant R.N.R., Master Attendant, Madras, dated Madras, 7th February 1877, No. 282.

In their Proceedings, dated 4th December 1876, No. 3,051, the Board make certain proposals for the revision of the rules regarding the payment of extra fees to Custom House and Marine Department officials, also regarding the propriety or otherwise of the extension of British India Steam Vessels of certain privileges enjoyed by the Peninsular and Oriental and Messageries Maritimes Steamers, and request a report to be submitted after communication with you.

2. In my letter, dated 14th December 1876, No. 2,267, I reported that the consideration of all these questions might be deferred till the introduction of the new Customs Act, when the rules must again be necessarily revised. The Board in their Proceedings, dated 18th January 1877, state that the question of modifying the Coasting Steamer Rules, evidently referring to the latter part of paragraph 3 of their Proceedings, dated 4th December 1876, No. 3,051, may be deferred, but that there is no necessity for postponing the alteration of the rules for the grant of fees and request an early reply on this point.

3. As regards the rules the chief points for consideration are, as observed by the Board in paragraph [illegible] establishment which should be ordinarily charged for and the days which should be considered as close holidays.

4. Particulars as to the subordinate establishment to be charged for at the Custom Houses and Marine Offices in the Mofussil and at the Presidency are given in the Revised Rules appended to your letter, dated 13th June 1876, No. 3,935, and in paragraph 2 of the Proceedings under reference.

5. I observe, however, that no provision was made for the attendance of a superior officer of the Marine Department or of the Customs House, viz., the Deputy Master Attendant and the Deputy Collector of Sea Customs, &c., whose attendance is indispensably necessary for entering and clearing steamers. No provision is made for the export work such as the granting of boat notes, the register of shipping bills, the weighment of indigo, checking manifests, &c. The marginal establishment is indispensably necessary for this work. I think the rules should be explicit on this point and accordingly propose to alter Rule 4 so as to include these officers.

One Export Manager or his Deputy.
One Clerk for registering shipping bills.
One Clerk for granting boat notes.
One Weigher to attend to weighments, &c.
One Peon.

6. As regards the days which should be considered as close holidays, your rules propose to restrict them to the days marginally noted. According to Clause 2, Section 1, page 1 of the Custom House Manual, the close holidays for the Custom House are Christmas and New Year's Days, the Queen's Birthday, and those days on which the Madras Bank and the Merchants close their offices. Ash Wednesday and Ascension Day mentioned in your rules are not among these days and may be struck out as far as the Custom House is concerned. At the same time I protest most strongly against the exclusion of the Christmas and Easter vacations from your list. These have always been granted to the Custom House officials at Madras and other ports, and I believe to the Master Attendant's Department,

Christmas day, New Year's Day, Good Friday, Queen's Birthday, Ash Wednesday, Ascension Day, and all Sundays.

also by all Merchants' Offices and Banks. Compared with other Government Offices the holidays allowed to the Custom House are few, and I think it would be extremely unfair if Custom House officials should be required to work without extra fees during vacations, which are allowed by the mercantile community to themselves and their clerks.

7. You will observe that the Board of Revenue take the view of the case in paragraph 5 of their Proceedings, dated 24th August 1876, No. 2,173, and in paragraph 3 of their Proceedings under reference. I accordingly propose to alter your Rule 2 and to include the Christmas and Easter vacations, leaving Ash Wednesday and Ascension Day to be settled as holidays or not by the Board and Government.

8. With reference to Clause 3 of Rule 1, I beg here to remark that under the general orders of Government no Government officer can be *obliged* to work on Sundays; his time on that day is his own, and he has a right to decline to do any work. Though some officials do not, others may, and have a right to, object to do work on Sundays; entering or clearing a ship certainly cannot be characterised as absolutely necessary work.

9. The Board desire that arrangements should be made for the despatch during Christmas and Easter Holidays of *emergent* business as defined in my letter recorded in Board's Proceedings, dated 27th August 1874, No. 2,410, without the payment of extra fees. The work which has hitherto been performed during these holidays without remuneration is the passing of goods for shipment and into town on application, which has been passed through the office previously and the passing of a few private packages and goods urgently required by tradesman on deposit. The work is of a general kind and two native clerks are told off to do it from day to day.

10. As for entering and clearing steamer, the work is of a special character for which other clerks have to attend specially on requisition made. The practice has always been to charge for their attendance, including that of the Deputy Collector, without whom the work cannot be done. In my letter of 30th July 1874, No. 882, recorded in Board's Proceedings, dated 27th August 1874, No 240, I certainly said that permission was [illegible] during the vacations for entering and clearing steamers, but the statement at the end of the paragraph, that for such work no extra remuneration is paid, *was a mistake*. Extra remuneration has *always* been paid both to Deputy Collector and Clerks, so far as the Custom House is concerned, would be compelled to attend all through the Christmas and Easter Holidays of which they would be deprived and yet not be entitled to any fees for extra work, which would be most unfair.

11. I now proceed to paragraph of the Board's Proceedings. The only privilege which the Peninsular and Oriental and Messageries Maritimes Steamers are allowed, and which is not allowed to the British India and other steamers, is that the former are allowed to leave the roads without taking the clearance with them. I would rather take away this privilege from the Peninsular and Oriental and Messageries Steamers than extend it to the British India and other steamers which it is almost impossible to do (*vide* letter to Board, dated 13th June 1876, No. 1,026).

12. There is no valid reason *now* why the Peninsular and Oriental, Messageries, and British India Steamers should have any extra privileges because they are mail steamers. They certainly do carry some important mails, but they never allow their porterage of mails to interfere with their cargo arrangements. They are now exactly the same as all other steamers, cargo carriers, and treat their mails and passengers with the supremest indifference. The argument that they are mail steamers is one they constantly urge to try and obtain privileges denied to other Companies, which I always refuse to grant. My opinion is, after many years' experience, that all steamers should be put on the same footing, and the same rules should apply to all.

13. As regards permitting coasting steamers to file import manifests after their departure from the roads, the question relates exclusively to the Custom House and is connected with the

coasting steamer rules. I have already reported to the Board that this indulgence has never been allowed even to the Peninsular and Oriental and Messageries, and cannot, in the interests of traders, be granted (*vide* my letter, dated 14th December 1876, No. 2,267).

14. An amended copy of the rules regarding extra fees, embodying the alterations referred to in paragraphs 5 to 7, is herewith forwarded.

15. I request to be favored with your remarks at an early date, so as to enable me to submit my report to the Board.

(True Copy.)

(Signed) J. HUNTER-BLAIR,
Collector of Sea Customs.

ENCLOSURE No. 2.

From J. H. TAYLOR, Esq., Lieutenant R.N.R., Master Attendant, Administrative Department, Madras, to J. HUNTER-BLAIR, Esq., Collector of Sea Customs, dated Madras, 15th February 1877, No. 1,159.

I HAVE the honor to acknowledge receipt of your letter, No. 282, of the 7th instant, furnishing copy of certain revised rules for the levy of fees by Custom and Marine officials for working over-time, and in reply to inform you that, after a careful perusal of the opinions and arguments therein advanced against the exclusion of the Christmas and Easter vacations from the list of close holidays, as submitted to Government by me, I cordially approve of the new rules as framed by you in their application to the Marine Department. I would, however, recommend the addition of Ash Wednesday and Ascension Day to the list of holidays, leaving it to the Board of Revenue to allow or expunge them from the same.

2. I also concur with you in thinking that the time has arrived for placing the Peninsular and Oriental Company's Steamers and Messageries on the same footing as the British India Steam Navigation Company's and other steamers as both as regards restrictions and privileges, and that therefore the revised rules for the levy of fees should be enforced upon all alike, for, as directed by Government in their Order recorded in Proceedings, No. 420, of date 17th October 1876, Marine Department, special exceptions only give rise to dissatisfaction and will inevitably lead to troublesome questions.

3. In conclusion, I would point out that the rules framed and submitted by me to Government had reference solely to the wants and requirements of this department alone, without taking into consideration the circumstances attending the discharge of extraneous work in the Sea Customs Department, and hence I did not enter into any correspondence with you on the subject, as I was under the impression that separate rules would doubtless be framed by the Collector of Sea Customs.

(True Copy.)

(Signed) J. HUNTER-BLAIR,
Collector of Sea Customs.

ENCLOSURE No. 3.—Revised Rules.

From J. HUNTER-BLAIR, Esq., Collector of Sea Customs, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Madras, 5th March 1877, No. 488.

With reference to Board's official memorandum, dated 27th February 1877, No. 361, I have the honor to submit copies of the correspondence marginally noted between the Master Attendant and myself regarding the suggestion of the Collector of Malabar, and to state that it cannot possibly be carried out.

Letter to Master Attendant, dated 28th February 1877, No. 448.
Letter from the Master Attendant, dated 3rd March 1877, No. 1,596.

ENCLOSURE No. 1.

From J. HUNTER-BLAIR, Esq., Collector of Sea Customs, to J. H. TAYLOR, Esq., Lieutenant R.N.R., Master Attendant, Madras, dated Madras, 28th February 1877, No. 488.

I HAVE the honor to forward herewith, for your information, copy of Board's official memorandum, dated 27th instant, No. 361, and request you will be good enough to favor me with an expression of your opinion on the proposal made by the Collector of Malabar that the fee for the remuneration of Custom House and Marine officials working over-time should take the shape of a fixed charge per ship per hour.

2. As regards the Custom House, when Commanders of Vessels or their Agents apply to discharge or ship cargo on holidays or out of office-hours, the extra fees are charged to the ships. But in cases where merchants apply to clear goods from the beach or to work in the Custom House, &c., out of office-hours the charge is made against applicants in such cases. The proposal to charge the ships cannot possibly be carried out.

3. The suggestion that the fee should be a *fixed* one per ship per hour could not possibly be carried out. When a number of ships worked at the same time, a large amount of fees than necessary would be collected. Moreover, as the same establishment is not always employed on the extra work, it would be impossible to divide the fees equally between the men employed according to their respective salaries.

(True Copy.)

(Signed) J. HUNTER-BLAIR,
Collector of Sea Customs.

ENCLOSURE No.

From J. H. TAYLOR, Esq., Lieutenant R.N.R., Master Attendant, Madras, to J. HUNTER-BLAIR, Esq., Collector of Sea Customs, Madras, dated 3rd March 1877, No. 1,596.

I HAVE the honor to acknowledge receipt of your letter, No. 2,404, dated 1st March 1877, and in compliance therewith to record my disapproval of the suggestion made by the Collector of Malabar in regard to remuneration for working extra time, which, if adopted, would, I feel convinced, lead to complications and to complaints from agents and others that duty is unnecessarily prolonged from hour to hour in order to earn extra fees. The present plan has worked well in this respect on the whole; has been in force for some years, and should not be lightly departed from.

(True Copy.)

(Signed) J. HUNTER-BLAIR,
Collector of Sea Customs.

ENCLOSURE No. 3.—Revised Rules.

THE revised rules for regulating the levy of fees payable to Customs House and Marine officials who may be required to transact business on close holidays or out of office-hours for the convenience of ship-owners, merchants, and others have the Board's approval, and, with a few verbal alterations, are submitted for the sanction of Government with reference to G.O., dated 17th October 1876, No. 420.

2. The rules have been amended in accordance with the instructions of the Board and Government and appear to be complete in every respect. They should be held applicable to all without distinction as already ordered by Government.

3. The Board concur in considering Mr. Logan's suggestion impracticable.

(True Copies and Extract.)

(Signed) C. A. GALTON,
Sub-Secretary.

To the Secretary to Government, Revenue Department,
with copy of rules as amended by Board.

Copy to the Collector of Sea Customs.
" to the Master Attendant, with copy of Board's Proceedings,
dated 18th January 1877, No 198.
" to the Collector of Malabar, with copy of Board's Proceedings,
dated 4th December 1876, No. 3,057.

Exd. J. W. Fischer.

Received 1933.
1877.
Board of Revenue,
MADRAS.

PROCEEDINGS, 16TH MARCH 1877, No. 1,238.

Encl.

MARCH.
No. 1,238.

Fees.— payable to Customs House and Marine officials for transacting business on close holidays or out of office-hours for convenience of merchants and others.—Submitting for sanction of Government, with Board's approval and with a few verbal alterations, revised rules for regulating levy of —

Marine Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following ~~letter~~ proceedings of the Board of Revenue, dt 19th March 1877, No 1238-

Order thereon 30 April 1877, No 294-

Before disposing of the amended Rules for regulating the levy of fees payable to Customs and Marine Officials on close holidays, the Government desire to be informed whether it is compulsory on Europeans and Christians to work on Sundays The rules imply that if extra pay is given, they must work

2 Ascension day and Ash Wednesday should be omitted from close holidays

The

3. The word "Sunday" should be inserted between the words "other than" and "Christmas" in para 3.

4 In the second clause of para 4, it should be distinctly shown whether any charge will be made. The clause would probably read better if worded thus. "No extra charge" or "No charge (as the case may be) will be made for Government boats or" &c., and for "payment of their fees" - "payment of additional fees" substituted.

5 The intention of para 5 is obviously that the additional fees paid for Customs and Marine officials should be equally divided between the Agents or Owners of Vessels which may be landing or clearing on the same day.

6. In para 6, the word "first" should be inserted between "is," and "submitted".

7. It is not clear whether it is intended that officers working overtime should receive half a days pay from "6 to 7.30 A.M., or from "5 to 7 P.M." The rate seems excessive. The bases of calculation should in the opinion of Government, proceed at so much per hour, and twice that per hour on close holidays.

8. The Board of Revenue will be requested to re-consider the rules with reference to these remarks and modify them accordingly.

returned in original

(True Extract.)

J Stewart
Under Secretary.

To The Revenue Department.

29/4/1877

Revenue Department

Govt of 1877 Madras.

No. 2901

Rec'd from Govt. Marine Dept.

Dated 30th April 1877, No. 294

Recd. 16th June

Nos.

No. 3427

Recorded

18 June 77.

Declining to be in-
-formed, before disposing of the
amended Rules for regulating the
levy of fees payable to Customs &
Marine officials on close holidays,
whether it is compulsory on
Europeans & Christians to
work on Sundays &c &c &c

W. D. Allen