

No. 13.

Department of Trade and Customs, Wellington, 7th July, 1908.

The Auditor-General.

YOUR statement that the " skips were liable to duty, and were deemed by the Department to be so does not seem to be supported by the evidence as set forth in the record, and therefore the deductions made upon this premise are in my judgment invalid.

If you will be so good as to again refer to the recommendation to the Minister, you will see that it was considered very questionable whether these skips were liable to duty: " The question arises whether the wording of the resolution of the 23rd August (which is identical with tariff item 401) is sufficiently explicit, without the application of section 23, to exclude hoisting-skips. This is sufficiently doubtful to suggest the expediency of giving way as to this particular importation."

This is the opinion of the departmental officers, for private information of Ministers only, based upon a perusal of the various cases relating to mining which have previously been adjudicated upon, and it is still my opinion that the Minister is not bound to risk heavy legal expenses in contesting a point that is beset with doubt, and upon which in his judgment he is likely to be defeated.

The case seems to lack explicit authority for charging duty, and there does not therefore appear to be any necessity for a vote.

W. T. GLASGOW,
Secretary and Inspector.

The Secretary and Inspector of Customs.—The Collector will be surcharged. Be good enough to note and to return me these papers, in order that the surcharge may be made.—J. K. WARBURTON, C. & A.-General. 8th July, '08.

The Controller and Auditor-General.—Noted, and papers returned accordingly.—W. T. GLASGOW. 9th July, 1908.

No. 14.

The Collector of Customs, Auckland.

Audit Office, 18th August, 1908.

UNDER the provisions of " The Public Revenues Act, 1891," you are hereby surcharged in the sum of seventy-one pounds four shillings (£71 4s.) on the account mentioned below, and are directed to pay the same into the Public Account forthwith, forwarding the bank receipt for the same to this office.

J. K. WARBURTON,
C. & A.-General.

Account referred to.—Amount of Customs duty payable on Auckland Prime Entry 7606, of 30th March, 1908, being perfecting of Sight Entry 1474, of 23rd September, 1907, in respect of the entry of ten packages of skips for hoisting mining-ore, liable to duty at 20 per centum *ad valorem* as Manufactured articles of metal n.o.e., but entered free of duty on the above prime entry as mining machinery.

	£	s.	d.
Invoice value	323	18	0
Value for duty, 10 per cent added	356	0	0
Duty payable thereon at 20 per cent.	71	4	0

J. K. W.

No. 15.

Department of Trade and Customs, Wellington, 17th September, 1908.

The Controller and Auditor-General, Wellington.

REFERRING to your memorandum of the 18th ultimo surcharging the Collector of Customs with an amount of £71 4s., being duty on skips for hoisting mining-ore, I am directed by the Minister of Customs to inform you that, acting under section 32 of " The Public Revenues Act, 1891," he has disallowed this surcharge on the ground that the Collector has not wilfully or negligently failed to collect the said duty.

The grounds for such disallowance are that the importation in question was dealt with under the resolution of Parliament passed on the 23rd August, 1907, which is not considered to have been sufficiently explicit to warrant charging duty on the hoisting-skips, especially seeing that section 23 of " The Tariff Act, 1907," which gives the final power of interpretation of words printed in italics in the tariff lists to the Minister, had not then become law. The Waihi Gold-mining Company claimed that the skips were free as mining machinery, and, in view of previous experience of the elastic nature of this item without the interpreting-power of section 23, this claim could not at the time be safely contested.

W. T. GLASGOW,
Secretary and Inspector.

The Secretary.—Please submit the papers, including the disallowance signed by the Minister.—J. K. WARBURTON, C. & A.-General. 18/9/08.