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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 275 Press/Mis.

34-35

Dated 16 4 1862.

34-35 4/5

Not to be folded or roughly handled

3/7/39

Proceedings of the Madras Government, Financial Department,
10th April 1862.

No. 34. Read the following Proceedings of Government in the Military Department, dated 4th April 1862, No. 1,236.

Communicating the request contained in the concluding clause of Brigadier Browne's letter (relative to Stamp Act No. 36 *of* 1860, *being made applicable to Courts of Requests held at Secunderabad and Jaulnah), in view to the Stamped papers required being supplied.* (Vide Proceedings Military Department, dated 4th Aprl 1862, Nos. 63 and 64.)

No. 35. ORDER THEREON, 10th April 1862, No. 275.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Proceedings of Government, Revenue Department, dated 18th December 1861, No. 2325. } *Recorded in Proceedings of Government, dated 23rd December 1861, No. 4754.* } Read again the paper noted in the margin.

Read the following papers :—

Memorandum from the Adjutant General of the Army, Fort Saint George, 24th March 1862, No. 221.

The Commander-in-Chief has the honor to submit the within letter* from the Officer Commanding Hyderabad Subsidiary Force, and to recommend that Brigadier Browne's suggestion, that the Stamp Act No. 36 of 1860, be made applicable to Courts of Requests held at Secunderabad and Jaulnah, be complied with.

* *No. 36, dated 13th March 1862.*

2. It is observed that the Government of India considers that this Government is quite competent to direct that, in Suits brought before Military Courts of Requests at the above Stations, the Proceedings shall be liable to Stamp Duty.

Proceedings of Government, Military Department, No. 4754, dated 23rd December 1861.

From the Officer Commanding Hyderabad Subsidiary Force, Secunderabad, 13th March 1862, No. 36; to the Adjutant General of the Army, Fort Saint George.

Owing to the endless trouble entailed on Officers who have to entertain cases registered for trial by Courts of Requests and that there may be some check on Claimants who are now free to register their claims as often and to any amount they may see fit, I have deemed it advisable to bring the subject to notice, and request you will submit to His Excellency the Commander-in-Chief, in order that the sanction of Government may be obtained, my strong recommendation that the Stamp Act No. 36 of 1860, may be made specially applicable to Courts of Requests at the Stations of Secunderabad and Jaulnah.

2. The Under Secretary to the Government of India in his letter to the address of the Resident, No. 1115, under date the 13th March 1861, writes that "in the opinion, &c.,*" but as His Highness the Nizam has authorised the Brigadier Commanding the Force to adopt such measures as may be necessary for the proper Regulation of the Courts within the Cantonment limits and as the Resident fully concurs in my views, I trust there may be now no objection to the Act being introduced, it being more required here than at any other Station of the Army.

* *" In the opinion of the Governor General in Council, Stamps cannot be required on Petitions and other documents filed in the Courts of Cantonment Joint Magistrates, and in Military Courts of Requests in the Territories under the Government of the Nizam, without the consent of His Highness, and it would be inexpedient to ask for such consent."*

3. Upwards of one hundred cases are monthly sent for trial for sums varying from thirty to thousands, and in some instances lacs of Rupees, many of which when called on are reported to have been settled out of Court or by mutual consent, are non suited; these would be greatly diminished if the parties had to prefer their claims on Stamped paper, and it would at the same time put a stop to the numerous petitions now forwarded.

4. In the Cantonments where the Hyderabad Contingent are located, two per cent. is levied on all sums registered for decision above 50 Rupees, either from the Plaintiff or Defendant, or both, at the discretion of the Superintendent of Police or Punchayet, and if there is still an impediment to the Stamp Act being made applicable here, I would urge that authority be obtained for the same arrangement being introduced at the Stations under my Command, the proceeds being expended in such manner as Government may direct. Should however my request be complied with, I would beg to suggest that the Superintendent of Police be furnished with the necessary supply of Stamped paper for issue, as required.

ORDER, No. 1236, *4th April* 1862.

Resolved, with reference to the Proceedings of Government marginally noted, that in Suits brought before Military Courts constituted under Act XI of 1841, Section 17, in the Cantonments of Secunderabad and Jaulnah, the Proceedings shall be liable to Duty by Stamps at the same rates to which they would be liable, if held in British Territory.

Revenue Department, dated 18th December 1861, *No.* 2325.

2. The request contained in the concluding clause of Brigadier Browne's letter, will be communicated to the Financial Department, in view to the Stamped papers required being supplied.

(True Extract.)

A Macmillan

Deputy Secretary to Government.

To the Adjutant General.
,, Financial Department. Wrote to Stamp Office
,, Revenue Department.
,, Judicial Department.
,, Controller of Military Finance.

Exd. A. A. DeMonte.

Seid Sp 17 April

Finl 1862 Deptt

Pros: of Govt in the Milty: Dt 1236.

Df 4th }
Rp 5th } April 1862.
6 spare copies

No 281

Comg the request contained in the Concluding clause of Brigadier Browne's letter (relative to Stamp Act No 36 of 1860 being made applicable to Courts of Requests held at Secunderabad & Jaulnah) in view to the Stamped papers required being supplied—

Lrs No 275 – 10 Apl 1862

Recorded.

34 & 35.