

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1748	Press
		~~Mis.~~
Dated	5-11-	1866

42-48

8/9

Not to be folded or roughly handled

To

THE HONORABLE SIR ADAM BITTLESTON, Kt.,
*Acting Chief Justice of Her Majesty's High Court of Judicature,
 Madras.*

HONORABLE SIR,

With reference to the letter from the Registrar of the High Court, dated the 30th May last, No. 32, I am directed to forward the annexed copy of a letter from the Secretary to the Government of India, forwarding a report, explanatory of the system in operation in the Punjab, for collecting process fees by means of distinctive Stamps.

2. The Punjab system differs from that of Madras in two material respects: first, in lieu of fees at fixed rates being levied for each process before it is issued, as is the case in Madras, a consolidated *ad valorem* charge is levied once for all at the commencement of the suit, irrespective of the number, &c., of the processes which may be issued in its course; second, from the proceeds of these payments, a fixed establishment is maintained by the Government, which appropriates any surplus of receipts over charges, whereas in Madras the entire receipts are divided among the Establishment.

3. The plan of a consolidated charge certainly has the advantage of simplicity, and the Government would be glad to receive the opinion of the High Court, as to whether, in other respects, it is desirable to adopt it at Madras.

4. But, even if this plan be adopted, the Government fail to see the advantage of requiring payment to be made by means only of Stamps. If this system were adopted, it would be necessary for the Judge of every Court to inform the Collector periodically of the number of Stamps likely to be required in his Court; the Collector would have to indent for the Stamps required, as well as a sufficient reserve, on the Superintendent of Stamps at Madras, and to distribute them to the vendors, in respect to whose accounts and stock he would have to adopt the same precautions as in the case of Government Stamps; the Judges would, also, have to furnish the Collector with monthly Statements of the Stamps filed with suits in their Courts; and the whole transactions would eventually pass through the books of the Accountant General and Board of Revenue.

5. All this might be saved by the simple process of requiring the suitor to pay his money into the nearest Revenue Treasury, and attach the receipt of the Treasury Officer, which should be in duplicate, to his plaint, and the Judge to forward one of the receipts direct to the Collector. The Treasury Officer would enter the payment, like any other payment, in his accounts, and the duplicate received from the Judge would enable the Collector to see that no receipts were withheld. This plan, while affording equal security, would simplify the transaction greatly, and obviate all risk of suitors being put to inconvenience by any accidental want of Stamps.

6. At the same time, the Government must remark that the rules regarding process fees, now current in Madras, are sufficient, if duly observed, to prevent malpractices, and that if the Nazirs of the Court cannot be trusted in this respect, the sooner a more reliable class of Officers is secured by higher pay, the better for the sake of the private interests with which they also have to deal.

7. Under the present Madras system, payment by means of Stamp paper is out of the question, on account of the inconvenience, both public and private, which it would obviously entail.

FORT SAINT GEORGE,
5th November 1866,

I have the honor to be,
Honorable Sir,
Your most obedient Servant,

Secretary to Government.

From the Secretary to the Government of India, to the Chief Secretary to Government, Fort Saint George; dated Simla, 13th August 1866, No. 1896.

Financial Department.

In reply to your letter, No. 1065, dated the 10th ultimo, I am desired to forward the accompanying copy of a letter from the Government of the Punjab, dated the 16th July 1866, explaining the details of the plan in operation in that Province for collecting process fees by means of Stamps.

From the Secretary to the Government of the Punjab, to the Secretary to the Government of India, Financial Department; dated Murree, 6th July 1866, No. 894.

In reply to your letter, No. 1397, dated 9th instant, calling for a report explanatory of the system in operation in this Province for collecting process fees by means of Stamps, I am desired to state as follows.

2. A sufficient number of the ordinary Law Stamps are set aside by the Superintendent of Stamps, Calcutta, and marked with the words "Panjab Sheriff's Fees."
3. These are supplied to the different Districts of the Province, on Indents countersigned by the Financial Commissioner, precisely as ordinary Law Stamps are supplied.
4. Parties requiring the issue of a process, instead of paying the prescribed cost to the Nazir in cash, purchase a Tutubana Stamp of the requisite value, and file it with the case.
5. The amount realized by the sale of Tutubana Stamps is paid into a fund which is debited with the cost of the fixed Process Serving Establishment, and with the cost incurred by the Superintendent of Stamps for paper, stamping, and carriage; and the balance, at the close of the year, is credited to Government.
6. Two practical benefits are found to result from this system of realizing process fees; first, the keeping of the Tutubana accounts is facilitated; secondly, extortion and embezzlement on the part of the Ministerial Officers are prevented.
7. It may be mentioned that, in this Province, matters are still further simplified, because process fees are not charged according to distance, but are, in the District Courts, a consolidated *ad valorem* charge, paid once for all at the commencement of the suit, and no further charge is made, whatever may be the number of processes issued.

Ed. J. H. Burns.

No 1896.

To,

The Chief Secretary to the
Government of Madras.

Finl Departt. Sir,

In reply to your letter No. 1065, dated the 10th ultimo, I am desired to forward the accompanying copy of a letter from the Government of the Punjab dated the 16th July 1866, explaining the details of the plan in operation in that Province for collecting Process fees by means of Stamps.

I have the honor to be,

Sir,

Your most obedient Servant

Ed. W. Henderson
Secretary to the Government of India

Simla
The 13th August
1866

11/8

Encl

Dec 10/11

No 1748 Judicial Department

To The Honble Sir A Pitt Rivers Kt
At Chief Justice of the High Court.
Madras.

Honble Sir,

With reference to the
letter from the Registrar
of the High Court dated
the 30th May last No 32
I am directed to forward
the annexed copy of a
letter from the Secretary
to the Government of
India, forwarding a
report explanatory of the
system in operation in
the Punjab for collecting
proceeds fees by means of
distinctive stamps.

2. The Punjab system
differs from that of Madras
in two material respects.
First

GO

WON

Dec 10/11

Dec 10/11

From
Messrs J. & F. G. & Co.
of Madras
No 1876.

2/13/11

No 2597

No 1882

Price

Forwarded to
Messrs J. & F. G. & Co.
for collecting proceeds
fees by means of
distinctive stamps.

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First in lieu of fees at
fixed rates being levied
for each process before
it is issued, as in the
case in Madras, a
consolidated ad valorem
charge is levied once
for all at the commence-
ment of the suit irrespective
of the number &c. of the
processes which may be
issued in its course. Second
from the proceeds of these
payments a fixed
establishment is maintained
by the Government which
appropriates any surplus
of receipts over charges
whereas in Madras the
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among the establishments.

3 The plan of a
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of the High Court as
to whether, in other
respects, it is desira-
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Madras.

4. But even if this
plan be adopted, the
Government fail to
see the advantage
of requiring payment
to be made by means
only of stamps.

If this system were
adopted it would
be necessary for the
Judge of every Court
to inform the Collector
periodically

periodically of the
number of stamps
likely to be required
in his Court - the Col-
lector would have
to indent for the
stamps required as
well as a sufficient
reserve, on the Super-
intendent of Stamps
at Madras - to dis-
tribute them to the
vendors - in respect
to whose accounts and
stock, he would have
to adopt the same
precautions as in
the case of Government
stamps - The Judges
would also have to
furnish the Collector
with monthly statements

of

35
of the stamps filed
with suits in their
Courts, and the whole
transaction, would
eventually pass through
the books of the Ac-
countant General
and Board of Revenue.
5. All this might be
saved by the simple
process of requiring
the Suits to pay his
money into the nearest
Revenue Treasury and
attach the receipt
of the Treasury Officer,
which should be in
duplicate to his
plaint - and the
Judge to forward
one of the receipts

direct

direct to the Collector.
The Treasury Officer
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4
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7 Under the
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system. Payment
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would obviously en-
tail.

Fort St. George
5th Nov^r 1866

Sept 10/11

1748

[Faint handwritten text, possibly a title or address]

47-68

Richard Webb Esq

Accepted

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The Honble

The Atty Genl
Secretary of the
Treasury

Dated 5th November 1866

[Signature]

[Signature]

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