

# MADRAS RECORD OFFICE.

Government of Madras.

*Indicail* DEPARTMENT.

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| G.O. No. | 1765   | Press           |
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| Dated    | S. 11. | 19/8/7          |

Not to be folded or roughly handled

JUDICIAL DEPARTMENT.

No. 1765.

To

THE HONORABLE SIR C. H. SCOTLAND, Kt.,

Chief Justice of Her Majesty's High Court of Judicature,  
Madras.

HONORABLE SIR,

I am directed by His Excellency the Governor in Council to transmit the

Dated 30th September 1867, No. 2833.

enclosed copy of a letter from the Secretary to the Government of India, for-

warding a copy of the Observations of the Financial Commissioner, Punjab, on the objections raised by this Government, in paragraphs 4 and 5 of the letter from this office to the address of Sir Adam Bittleston, dated the 5th November 1866, No. 1748, regarding the introduction of the Punjab system of collecting process fees by means of stamps, and to request that the Honorable the Judges of the High Court will be good enough to favor His Excellency in Council with any remarks they may have to offer on the subject.

FORT SAINT GEORGE,  
5th November 1867.

I have the honor to be,

Honorable Sir,

Your most obedient Servant,

Chief Secretary.

From the Secretary to the Government of India, to the Chief Secretary to Government, Fort Saint George; dated Simla, 30th September 1867, No. 2833.

Financial Department.

Adverting to your letter, No. 12, dated the 3rd January 1867, and more especially to paragraphs 4 and 5 of the letter from the Government of Madras, No. 1748, dated the 5th November 1866, to the Acting Chief Justice, Madras, in which objections are made to the introduction of the Punjab system of collecting process fees by means of stamps, I am desired to request a reconsideration of the decision of the local Government with reference to the observations contained in the accompanying copy of a letter from the Punjab Government, dated 10th September 1867, and its enclosure.

From the Secretary to Government, Punjab, to the Secretary to the Government of India, Financial Department; dated Murree, 10th September 1867, No. 1323.

Judicial Department.

In reply to your letter, No. 1331, dated 12th March 1867, regarding levy of Talubana by stamps, I am directed to forward copy of a letter from the Financial Commissioner, No. 466, dated 6th instant, and to state that the Lieutenant Governor concurs in the observations made by Mr. Roberts.

From A. A. ROBERTS, Esq., c. n., c. s. i., Financial Commissioner, Punjab, to the Secretary to Government, Punjab; dated 6th September 1867, No. 466.

I regret that your letter, No. 552, dated 8th April last, with its enclosures, regarding the levy of Tulubana by stamps, should have remained unanswered so long.

2. I am invited to offer observations on the statement contained in paragraphs 4 and 5 of the letter from the Madras Government to the Acting Chief Justice at Madras, dated 5th November 1866.

3. The Madras Government say that they fail to see the advantage of requiring payment to be made by means only of stamps, and they consider all the supposed inconvenience of the stamp system might be saved by the simple procedure 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.

4. I scarcely think that the Madras Government can have considered the nature of the litigation in this country, and the very minute sums which constitute process fees, when they proposed that suitors should be required to pay these fees in cash into the Revenue Treasury.

5. I believe that I am right in saying that one-half of the litigation in the Madras Presidency, and indeed throughout India, consists of suits in which the value or amount at stake does not exceed 16 Rupees. The Tulubana in these cases does not in the Punjab exceed 4 Annas, and, under the system prevailing elsewhere, of charging a fee for each process according to time or distance, may vary from 2 Annas to 1 Rupee or more. Indeed, under the latter system, the charge for each process can never exceed 1 or 2 Rupees, and may be much less, irrespective of the value of the suit.

6. I scarcely think that it would be expedient to require many thousands of such payments to be made into the Revenue Treasuries; still less could it be expected that the Treasury officials should give duplicate receipts for such sums.

7. The plan of Tulubana stamps is far more simple, and much less troublesome. It is true that a stock of Tulubana stamps has to be kept up and to be distributed to the vendors, but there is no difficulty or trouble in this—certainly not so much as in entering in the Treasury accounts, or even in the Nazir's accounts, every item of these almost innumerable petty payments.

8. The only difficulty that we have had has been in arranging for a supply of stamp-paper. For the last three or four years the paper has been stamped in the Financial Commissioner's Office, but the Superintendent of Stamps at Calcutta has now undertaken to supply Tulubana stamps, as he does all other stamps.

9. As regards the public, there can be no doubt that it is easier for a suitor to ascertain from a stamp vendor, when he is purchasing stamp-paper for his petition of plaint, what Tulubana stamp he will also require, than it will be for him either to ascertain from the Nazir and his myrmidons what he has to pay for Tulubana, or to get his process issued after he has paid in the prescribed Tulubana. On the other hand, when a Tulubana stamp is attached to the petition of plaint, process issues, as a matter of course, as soon as the plaint has been verified and registered.

10. I have no practical acquaintance with the Mofussil Courts in the Madras Presidency, or with the character of their Nazirs, but it was avowedly to check the extortion and embezzlement of the Ministerial Officers and Nazirs and Chuprassees of the Courts that Tulubana stamps were introduced into the Punjab.

11. Having carefully watched the operation of the system for several years, I have no hesitation in saying that it has facilitated the keeping of the Tulubana accounts, and has prevented extortion and embezzlements on the part of the Officers of the Court.

12. I am glad to say that the Government of the North-Western Provinces has determined to introduce the system into those Provinces (vide letter, No. 130a, dated 4th October 1866, to the Secretary to the Board of Revenue), and I have no doubt that the same beneficial result would follow from their adoption by the Madras Government.

Ed. J. H. Burns.

Judicial Department

No. 1745-3-33

To the Honble Sir & Collyer Barrister Scotland, &c.  
Chief Justice of the High Court  
of the Judicature of the State

Honble Sir,

I am directed by His Ex.  
cellency the Governor in  
Council to transmit the  
enclosed copy of a letter  
from the Secretary to the  
Government of India, for-  
warding a copy of the  
Observations of the Fi-  
nancial Commissioner,

Benjool, on the objection  
raised by this Govt. in  
para 4 & 5 of the letter  
from this Office to the  
address of Sir Adam  
Pitt-Rivers, dated the 30  
Nov 1866 No. 1748, regard-  
ing the introduction of

the reply by Mr. Roberti, Finance  
Commr Punjab, seems to me effectually  
to remove the objection raised by  
this Govt. to payment of Process  
fees by Stamp. With  
a matter of

the Sanyale system of  
 collecting money, paid by  
 means of stamps, and to  
 request that the Honble  
 the Judges of the High  
 Courts will be good enough  
 to favor the Excellency  
 in Council with their  
 remarks thereon. They  
 may have seen  
 in the papers

*[Signature]*

Special etiquette  
 should be observed  
 must refer to the High  
 Court? I find I was not  
 at once.  
 I would ask the Stamp  
 Superintendent, V. Ramay  
 for an opinion for his office  
 will have to bear the  
 brunt of any additional  
 work caused by the present  
 change of system.  
 W.D.

For Mr. George  
 5 Nov. 1867

James B. Depaul  
 1867  
 To  
 Mr. J. B. Depaul  
 High Court  
 1867  
 2639