

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 2112	Press ~~Mis~~
<i>279-280</i> Dated 21-12-1987	8/9

Not to be folded or roughly handled

No. 2112.

FROM

R. S. ELLIS, Esq., C. B.,

Chief Secretary to the Government of Fort Saint George,

TO

THE SECRETARY, TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

SIR,

I am directed to acknowledge the receipt of your letter, dated 30th September 1867, No. 2833, giving cover to a communication from the Punjaub Government, explanatory of the Punjaub system of collecting Process fees by means of stamps.

2. With the further information now before them, the Madras Government consider that the collection of Process fees by means of distinctive stamps may, with advantage, be introduced into this Presidency. I am at the same time directed to observe that the Judges of the High Court, as will be seen by the copy of a letter enclosed, are still opposed to the introduction of this system in supersession of the mode in which these fees are now levied.

3. It will probably be necessary to provide for this change in the levy of fees by legislation, and the opportunity for making this provision will be afforded when the Stamp laws are being revised.

FORT SAINT GEORGE,
21st December 1867.

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

Chief Secretary.

From the Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, Fort Saint George; dated Madras, 29th November 1867, No. 58.

I am directed to acknowledge the receipt of your letter, No. 1765, dated 5th instant, forwarding a copy of the observations of the Financial Commissioner, Punjaub, on the objections raised by the Madras Government to the introduction of the Punjaub system of collecting Process fees by means of stamps; and requesting to be furnished with any remarks the High Court may have to offer on the subject.

2. In reply, I am directed to state that the High Court have never heard of any abuse of the existing practice in this Presidency, nor of any complaint regarding its inconvenience; and as the proposed system seems likely to cause unnecessary trouble to suitors, whilst, as far as the Judges can see, no practical advantage would be gained by its adoption, the Judges are not prepared to recommend its introduction into this Presidency.

19th Dec.

My dear Ellis

I think the change requires the intervention of the Legislature. Provision is made for the Legislature in the Civil Procedure Code Sec. 23 repealed by act 23 of 81 and reenacted

I think the Legislature only can alter the law. Money would be a good legal tender. When a similar change took place in England and the Act

part of the influence
has been directed by
system of stamps &
was done by Act of Parli-
ament

It should form part
of Schedule B when the
Camp Laws come up
again

You don't ask me
anything about the
expediency of the
change: so there is

Encl.

Yours sincerely

J. W. Norton

Wm. H. Miller

Judicial DEPARTMENT.

No. 2639.

From

The Acting Registrar of the High Court
of Judicature at Madras.

Dated 29th November, 1867.

FOR ORDERS.

On a former paper I expressed the opinion
that Mr. Roberts, Financial Comm^r plan of
prepayment by stamps, effectually removed
the objections which the Gov^t had raised to it.
When those objections were first raised, the Gov^t,
in common with the Judges of the High Court,
had not quite comprehended its bearings; I think
in fact; the Judges said that is an *ad m.* that
they did not understand it.

I have again carefully considered Mr. Roberts'
Comm^r (6 Sept 67), particularly paras 7, 8 & 9. -
and with all respect for the views of our High
Court even now taken, I am under the belief
that the stamp system will be a convenience
to the public and save them from the

pinching demands of Razeri and Mary
Ballu people - our Vth of the Revenue
appears to Roberts' plan.

W. H. H.

I am disappointed to hear that some
more will before you get a fair
idea of what I would wish
to do. (I wish to ascertain the
views of a few of the officers
and what officers in the provinces
in the working of the present
system of making payments & on
the proposed system of payment
by means of stamps.

W. H. H.

5
I am inclined to adopt the plan of
stamps which appear to me to be
simple, compendious, convenient
and which might possibly protect
the more ignorant sort of factors from
imposition or extortion. - I think,
however, that in the face of the opinion
of the High Court it would scarcely be
decent to authorize the introduction
of the system without further
enquiry. I therefore adhere to
the suggestions of Mr. Acton
N.

depts 2/12

6

Judicial Department.
No. 20112 -

To

The Secretary to the Government
of India,
Financial Department.

49-50
5-11-67

Sir,

I am directed to acknowledge the receipt of your letter dated 30 Sept. 1907 L.S. 20113, giving cover to a communication from the Punjab Government explanatory of the Punjab system of collecting process fees by means of stamps.

2. With further information you desire them, the Madras Government consider that the collection of process fees by means of distinctive stamps, may, with advantage, be introduced into this Presidency. I am at the same time directed to observe that the Judges of the High Court, as will be seen by the copy of a letter enclosed, are still opposed

approved

W.D.V.

There is a proposal to introduce an entire change which in the Punjab covers the act of institutions & process in a suit. P.H.

If we once set on motion the Punjab system it will be very difficult to get the ad hoc system brought about without delay.

opposed to the introduction
of this system in supersession
of the mode in which these
fees are now levied.

It will probably be necessary
to provide for this change
in the levy of fees by legislation
and the opportunity for
making this provision
will be afforded when
the Stamp Laws are
being revised.

ML

WON

According to the present
view of the matter, the transfer
of the plan, is under consideration
and it is anticipated that
some decision will be reached
in the near future. It is
understood that the plan
will be submitted to the
proper authorities for their
consideration. The
stamp department is
also engaged in the
revision of the stamp
laws.

WON

For L. S. Searge
21st Dec. 1867

279.280

Robert M. Williams 1847
J.H. 210 of 185

Industrial Society, Newark:
to
the Rev. A. W. H. H. H.
of London

Council

In Motion of
any alteration in
the Law is hereby