

235-38
4

Archives 1-10,000-6-10-76.

(1) Number of pages 8
(2) Date of repair 9.7.86
(3) Initials of the Referencer lcw

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No.	295	Press.
B.P. No.		Mis.
Dated	21.2.1868	197 .

Not to be folded or roughly handled

SP

Proceedings of the Madras Government, Judicial Department,
21st February 1868.

Read the following:—

No. 255. Proceedings of Government, Revenue Department.

Proceedings of the Board of Revenue, dated 2nd October 1867, No. 6280.

Read the following letter from the Acting Collector of Madras, to the Secretary to the Board of Revenue, dated Sydapet, 21st August 1867, No. 266.

Act VI. of 1867, amending the Land Revenue Act of Madras Town No. XII. of 1851, having been put into force, I have the honor to request the Board will kindly instruct the Government Solicitor to furnish me with forms of demand, inventory of property distrained, notice of attachment, and sale of moveable and immoveable property, as required in Sections 6, 14, 16, and 18, as well as the form for certificate of sale, and the tender of security required in Sections 20 and 27 of the Act.

2. Most of the forms here referred to are given in Board's Standing Order, No. 275, in connection with Act No. II. of 1864, and with a slight modification will suffice for the purposes of the new Act. But to avoid any future legal difficulties, I think it desirable that these forms should be revised by the Government Law Officer, in order that any alterations rendered necessary by the local nature of the Act may be made.

3. I herein enclose copies of the forms hitherto in force under Act No. XII. of 1851.

4. The only other point upon which the orders of the Board are requested is the rate of batta for demands and distrains under Section 28. At present there is a Distraining Officer attached to the Madras Deputy Collector's office on a consolidated pay of Rupees 85 per mensem, with three Peons on 7 Rupees each. This establishment is found sufficient for the work entrusted to it. It is maintained by Government at an yearly cost of Rupees 1272, the fees collected on warrants executed by them being carried to the credit of Government.

5. The Distraining Officer in Madras has to deal with many Europeans and East Indians; I am, therefore, of opinion with the Deputy Collector of Madras that the Distraining Officer, under the new Act, should be an East Indian paid servant of Government as at present. If this be sanctioned, it would be necessary to fix the rate of batta to be levied under Section 28, so as to meet the expenditure on account of the Distraining establishment, leaving a sufficient margin to meet short-comings in any particular year, or unforeseen expenses.

6. Under Act, No. XII. of 1851 no fees are collected on demands; but on warrant fees, as shown in Enclosure A., have been collected.

7. The annexed statement shows the number of demands and warrants issued during the last five years in Madras. The average number of demands amount to 11,250, and that of warrants 1143; on every demand I propose to collect a fee of one Anna, as the houses in Madras are very near each other. This would give on an average Rupees 700 per year.

*Proceedings of the Madras Government, Judicial Department,
21st February 1868.*

Statement showing the Demand Notices and Warrants issued on account of quit-rent from
Fuslies 1272 to 1276.

Fuslies.	Notices.	Warrants.	Amount of War- rant fees levied.			Remarks.
1272	11,465	890	Rs.	A.	P.	
1273	10,479	1,214	730	1	6	
1274	10,569	1,589	916	4	4	
1275	12,380	1,036	1,111	9	6	
1276	11,369	188	819	1	2	
			761	12	0	
Total...	59,253	5,717	4,358	12	6	
Average ..	11,250	1,143	867	12	1	

8. On every warrant I propose to levy a uniform fee of one Rupee. This would produce about Rupees 1110, which, with the probable collections on demands, would amount to about Rupees 1850. If the Board approve of these rates, I request their obtaining the early sanction of Government for introducing them.

ENCLOSURES Nos. 1 to 6. — Forms.

The above letter will be forwarded to the Government Solicitor, who will be requested to favor the Board with his opinion on the Collector's proposed forms. In the provinces, under Madras Act No. II. of 1861, will be found attached to the Board's Standing Order, No. 275.

2. The Board will pass orders on the subject of the process fees hereafter.

Proceedings of the Board of Revenue, dated 24th October 1867, No. 6961.

Read the following letter from the Acting Collector of Madras, to the Secretary to the Board of Revenue, dated Sydapet, 18th October 1867, No. 310.

In continuation of my letter of the 21st August last, No. 266, which formed the subject of Board's Proceedings of the 2nd instant, No. 6280, I have the honor to state that much inconvenience is felt in the collection of the Land Revenue of Madras, owing to the want of forms of demand, &c.

2. I therefore request the Board will be pleased to call on the Government Solicitor to expedite the transmission of these forms as soon as they are prepared by him.

Forwarded to the Government Solicitor, in continuation of Board's Proceedings, dated 2nd October 1867, No. 6280, and with the request that he will expedite the preparation of the required forms.

Proceedings of the Board of Revenue, dated 8th November 1867, No. 7337.

Read the following letter from the Government Solicitor, to the Secretary to the Board of Revenue, dated Madras, 31st October 1867, No. 699.

Dated 2nd October 1867, No. 6280.
Do. 24th do do.

I have the honor to acknowledge the receipt of the two several Proceedings of the Board noted in the margin.

2. In pursuance of the request contained in those Proceedings, I have prepared the seven several forms of demand, inventory, and certificate, herewith

*Proceedings of the Madras Government, Judicial Department,
21st February 1868.*

forwarded, which appeared to me to be the only forms necessary for working under the Madras Act No. VI. of 1867. Each of the forms is numbered, and bears upon it a reference to the particular Section of the Act under which it will require to be used. I would suggest that, in printing the forms for use, the reference to the Sections of the Act should also be printed upon them.

3. The seven forms, herewith forwarded, have been laid before the Acting Advocate General, who has settled and approved of them.

4. The six several enclosures which accompanied the Proceedings of the Board first above noted are herewith returned.

ENCLOSURES Nos. 1 to 7. — Forms.

Communicated to the Collector, who may at once adopt the forms proposed.

2. Mr. Thornhill should report what amount is now charged on each warrant of distress. The proposed uniform charge of one Rupee appears to be unnecessarily high.

Proceedings of the Board of Revenue, dated 3rd February 1868.

Read again the following papers:—

Board's Proceedings, dated 2nd and 24th October 1867, and 8th November 1867, Nos. 6280, 6961, and 7337.

Read also the following letter from the Acting Collector of Madras, to the Secretary to the Board of Revenue, dated Sydapet, 23rd November 1867

With reference to paragraph 2 of the Proceedings of the Board, dated 8th instant, No. 7337, calling upon me to report what amount is now charged on each warrant of distress, I have the honor to request their attention to paragraph 6 of my letter, printed with the Board's Proceedings of the 2nd October last, No. 6280, from which they will observe that a graduated scale of fees and not any fixed amount is charged upon warrants of distress. This scale of fees is laid down in Schedule C. annexed to Act IX. of 1850, and referred to in Section 7 of Act XII. of 1851, and is exclusive of the sum charged on affidavits.

2. The Board will observe that under the existing practice one Rupee is the lowest fee charged for a warrant of distress, and that as the sums distrained for increase, the fees also increase and range as high as 10 Rupees.

Resolved that the foregoing papers be submitted to Government, with the Board's request that the Collector of Madras may be authorized to levy batta on demand notices and on distraint warrants under Act VI. of 1867 (Madras), at the rate of one Anna and one Rupee respectively.

2. It will be observed from the Collector's letter, recorded in the Board's Proceedings, dated 2nd October 1867, No. 6280, that it is estimated that these rates will provide sufficient funds for the payment of the Distraint establishment.

Order, 14th February 1868, No. 420.

Under Section 23, Act VI. of 1867 (Madras), the Government sanction the proposed rates of process service fees or batta.

(True Extract).

(Signed) W. HUDLESTON,

Secretary to Government, R. D.

*Proceedings of the Madras Government, Judicial Department,
21st February 1868.*

No. 256. ORDER THEREON, 21st February 1868, No. 295.
Communicated to the several Civil Judges for information.
(True Extract).

Chief Secretary.

To the Civil Judge of
„ Honorable the Judges of the High Court.

*No 255. Proceedings of the Madras Government, Revenue Department,
14th February 1868.*

Read the following:—

No. 236. Proceedings of the Board of Revenue, dated 2nd October 1867,
No. 6,280.

Read the following letter from the Acting Collector of Madras, to the Secretary to
the Board of Revenue, dated Sydapet, 21st August 1867, No. 296.

1. Act VI. of 1867, amending the Land Revenue Act of Madras Town
No. XII. of 1851, having been put into force, I have the honor to request the Board
will kindly instruct the Government Solicitor to furnish me with forms of demand,
inventory of property distrained, notice of attachment, and sale of moveable and
immoveable property as required in Sections 6, 14, 16, and 18, as well as the form
for certificate of sale and the tender of security required in Sections 20 and 27 of
the Act.

2. Most of the forms here referred to are given in Board's Standing Order,
No. 275, in connection with Act No. II. of 1864, and with a slight modification
will suffice for the purposes of the new Act. But to avoid any future legal diffi-
culties, I think it desirable that these forms should be revised by the Government
Law Officer, in order that any alterations rendered necessary by the local nature
of the Act may be made.

3. I herein enclose copies of the forms hitherto in force under Act No. XII.
of 1851.

4. The only other point upon which the orders of the Board are requested is
the rate of batta for demands and distrainments under Section 23. At present there
is a Distraining Officer attached to the Madras Deputy Collector's Office on a consoli-
dated pay of Rupees 85 per mensem, with three Peons on 7 Rupees each. This
establishment is found sufficient for the work intrusted to it. It is maintained by
Government at an yearly cost of Rupees 1,272, the fees collected on warrants
executed by them being carried to the credit of Government.

5. The Distraining Officer in Madras has to deal with many Europeans and
East Indians; I am, therefore, of opinion with the Deputy Collector of Madras
that the Distraining Officer, under the new Act, should be an East Indian paid
servant of Government as at present. If this be sanctioned, it would be necessary
to fix the rate of batta to be levied under Section 23, so as to meet the expenditure
on account of the Distraining Establishment, leaving a sufficient margin to meet
shortcomings in any particular year, or unforeseen expenses.

6. Under Act No. XII. of 1851 no fees are collected on demands; but on
warrant fees, as shewn in Enclosure A., have been collected.

7. The annexed statement shows the number of demands and warrants issued
during the last five years in Madras. The average number of demands amount to
11,250, and that of warrants 1,113; on every demand I propose to collect a fee of
one Anna, as the houses in Madras are very near each other. This would give on
an average Rupees 700 per year.

*Proceedings of the Madras Government, Revenue Department,
14th February 1863.*

Statement shewing the Demand Notices and Warrants issued on account of quit-rent from
Fuslies 1272 to 1276.

Fuslies.	Notices.	Warrants.	Amount of War- rant fees levied.			Remarks.
			Rs.	A.	P.	
1272	11,465	890	730	1	6	
1273	10,479	1,214	916	4	4	
1274	10,569	1,589	1,111	9	6	
1275	12,380	1,036	819	1	2	
1276	11,360	988	761	12	0	
Total...	56,253	5,717	4,338	12	6	
Average..	11,250	1,143	867	12	1	

8. On every warrant I propose to levy a uniform fee of one rupee. This would produce about Rupees 1,140, which, with the probable collections on demands, would amount to about Rupees 1,850. If the Board approve of these rates, I request their obtaining the early sanction of Government for introducing them.

ENCLOSURES Nos. 1 to 6.—Forms.

1. The above letter will be forwarded to the Government Solicitor who will be requested to favor the Board with his opinion on the Collector's proposed forms. The forms in use in the Provinces under Madras Act No. 11. of 1864, will be found attached to the Board's Standing Order, No. 275.

2. The Board will pass orders on the subject of the process fees hereafter.

No. 287. Proceedings of the Board of Revenue, dated 24th October 1867,
No. 6,961.

Read the following letter from the Acting Collector of Madras, to the Secretary to the Board of Revenue, dated Sydapet, 18th October 1867, No. 310.

1. In continuation of my letter of the 21st August last, No. 266, which formed the subject of Board's Proceedings of the 2nd instant, No. 6,280, I have the honor to state that much inconvenience is felt in the collection of the Land Revenue of Madras, owing to the want of forms of demand, &c.

2. I therefore request the Board will be pleased to call on the Government Solicitor to expedite the transmission of these forms, as soon as they are prepared by him.

Forwarded to the Government Solicitor, in continuation of Board's Proceedings, dated 2nd October 1867, No. 6,280, and with the request that he will expedite the preparation of the required forms.

*Proceedings of the Madras Government, Revenue Department,
14th February 1863.*

No. 283. Proceedings of the Board of Revenue, dated 8th November 1867,
No. 7,337.

Read the following letter from the Government Solicitor, to the Secretary to the Board of Revenue, dated High Court House, Madras, 31st October 1867,
No. 659.

Dated 2nd October 1867, No. 6,280.
Do. 24th do. do.

1. I have the honor to acknowledge the receipt of the two several Proceedings of the Board noted in the margin.

2. In pursuance of the request contained in those Proceedings, I have prepared the seven several Forms of Demand, Inventory, and Certificate, herewith forwarded, which appeared to me to be the only forms necessary for working under the Madras Act No. VI. of 1867. Each of the forms is numbered, and bears upon it a reference to the particular Section of the Act under which it will require to be used. I would suggest that, in printing the forms for use, the reference to the Sections of the Act should also be printed upon them.

3. The seven forms, herewith forwarded, have been laid before the Acting Advocate General, who has settled and approved of them.

4. The six several enclosures, which accompanied the Proceedings of the Board first above noted, are herewith returned.

ENCLOSURES Nos. 1 to 7.—Forms.

1. Communicated to the Collector, who may at once adopt the forms proposed.

2. Mr. Thornhill should report what amount is now charged on each warrant of distress. The proposed uniform charge of one rupee appears to be unnecessarily high.

No. 289. Proceedings of the Board of Revenue, dated 3rd February 1868.

Read again the following papers:—
Board's Proceedings, dated 2nd and 21th October 1867 and 8th November 1867,
Nos. 6,280, 6,961, and 7,337.

Read also the following letter from the Acting Collector of Madras, to the Secretary to the Board of Revenue, dated Sydapet, 23rd November 1867, No. 390.

1. With reference to paragraph 2 of the Proceedings of the Board of Revenue, dated 8th instant, No. 7,337, calling upon me to report what amount is now charged on each warrant of distress, I have the honor to request their attention to paragraph 6 of my letter, printed with the Board's Proceedings of the 2nd October last, No. 6,280, from which they will observe that a graduated scale of fees and not any fixed amount is charged upon warrants of distress. This scale of fees is laid down in Schedule C. annexed to Act IX. of 1850, and referred to in Section 7 of Act XII. of 1851, and is exclusive of the sum charged on affidavits.

2. The Board will observe that under the existing practice one rupee is the lowest fee charged for a warrant of distress, and that as the sums distrained for increase, the fees also increase and range as high as 10. Rupees.

Proceedings of the Madras Government, Revenue Department.
14th February 1868.

1. Resolved that the foregoing papers be submitted to Government, with the Board's request that the Collector of Madras may be authorized to levy batta on demand notices and on distraint warrants under Act VI. of 1867 (Madras), at the rate of one Anna and one Rupee respectively.

2. It will be observed from the Collector's letter, recorded in the Board's Proceedings, dated 2nd October 1867, No. 6,280, that it is estimated that these rates will provide sufficient funds for the payment of the Distraint Establishment.

No. 290.

ORDER THEREON, 14th February 1868, No. 420.

Land Revenue.

Under Section 28, Act VI of 1867 (Madras), the Government sanction the proposed rates of process service fees or batta.

(True Extract.)

[Signature]

Secretary to Government.

*25 Feb 1868 No 295 -
Communicated to the
several Civil Judges for in-
formation -*

To the Board of Revenue.
.. the Accountant General.
.. the Judicial Department.

*By the Civil Judges of all Districts 25/2/68
- 4 - At the the Judges of the
High Court 3/2/68*

Exd. S. T. Augustin.

*Applying for
batta of process service
fees under Act VI of 1867*

25 Feb 1868

*Pro Civil Judge
Madras*

*Pro Civil Judge
Madras*