

1. Ministry of Revenue
2. Director of Revenue
3. District Officer
M.R.O. 1-50,000-10-10-20

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	Pres Mis.
Dated	10/1/21

Not to be folded or roughly handled

No. 24. Read the following letter from the Acting Civil Judge of Cuddalore, to the Chief Secretary to Government, Fort Saint George, dated Cuddalore, 14th May 1870, No. 13 :—

I have the honour to forward, for the favourable consideration of Government, the accompanying letter from the District Moonsiff of Virdachellum, suggesting the desirability, and making out a very good case, I conceive, as to the necessity of District Moonsiffs being, equally with Registrars of Assurances, supplied with a copy of the *Fort St. George Gazette*. Unless ordered by the Government to circulate the copy received by this Court, I could not think of doing so, as, after transit through the post and free manipulation in the Courts of the four District Moonsiffs, it could scarcely be hoped that it would not be considerably damaged in appearance, if not rendered unfit for filing and binding; and, even were this done, the District Moonsiffs would be no better off than before, if, at any subsequent period, a reference to the same, or any previous Gazette, should become necessary.

From the District Moonsiff of Virdachellum, to the Acting Civil Judge of Cuddalore, dated Virdachellum, 25th April 1870.

I beg to be excused for availing myself of this opportunity to bring to the notice of the Court the difficulty and inconvenience to which District Moonsiffs, as a class of Judicial Officers, are frequently subjected from their not being supplied with weekly issues of the *Fort St. George Gazette*, or the supplements thereto, which consist chiefly of copies of Acts passed by the local Legislative Council and the Council of the Government of India, and of various proceedings held before them in connexion therewith.

2. District Moonsiffs, as other Judicial Officers, have to refer to Stamp Acts and other Acts daily, or, at all events, more frequently than Deputy Collectors on general duties and in charge of Treasuries, Sub and Assistant Collectors, and Registrars of Assurances, whose duties are, in a great measure, akin to those of a Head Ministerial Officer of a Civil Court. The Government have allowed gratis to these Officers the Gazette and the supplement, which, as a periodical, brings them all draft Bills and Reports, if any, of Select Committees thereon, and various other proceedings held before the Council, and ultimately copies of Acts also in time. These Officers, having less occasion to use the Acts, are afforded more facility in making themselves acquainted with the provisions thereof than District Moonsiffs. A perusal of the discussions of the Council on a Bill and Statements of Objects and Reasons thereof is, in my opinion, absolutely necessary to enable a Judicial Officer to have a correct idea of its provisions when it becomes law, and this advantage cannot be derived except from the supplements to the *Fort St. George Gazette*. I need not, at greater length, impress the Court with the necessity and usefulness of supplying District Moonsiffs with the weekly issues of the Government Gazette.

3. Within the last ten years stamp laws have been six times repealed and re-enacted, and various petty amendment Acts have been passed. Acts XXXVI. of 1869 and X. of 1862 came into operation some months after they were passed, and thus the officers concerned in the enforcement thereof had ample time to master them; but the case with the Acts since passed is quite different, hardly three weeks being allowed to elapse between the dates of their being passed and the dates on which they were declared to take effect. In such cases, the invaluable advantage of the *Fort St. George Gazette* can at once be estimated, inasmuch as draft Bills, &c., accompanying it, in the shape of supplement, would have given to the officers receiving the same some idea of the Acts to be passed.

11th January 1871.

4. Act XXVI. of 1867 repealing Schedule B. of Act X. of 1862, though declared by Government to take effect from 1st May 1867, copies of the Act* had never been furnished to District Moonsiffs until six weeks after the said date, nor did the District Court circulate to them one of two or three copies which it should have received with the *Fort St. George Gazette*. The Moonsiffs, having thus been ignorant of the existence of an important Act affecting and enhancing the judicial taxation, continued to receive plaints and petitions on stamped papers of less value, as allowed by Act X. of 1862, Schedule B. Before the receipt of copies of the new Act above referred to, several suits should have been amicably adjusted or withdrawn, thus rendering a loss of revenue to the State, the Courts having had no power, in such cases, to realize the difference of stamp duties between the new and the old Act. Some suits should have been rejected owing to the inability of parties to deposit such difference, which, in many cases, was paid with great reluctance. From these facts, the Court may estimate the amount of hardship which the people were put to on one side, and the loss of revenue which the Government suffered on the other. All these have originated from the officers entrusted with the administration of justice not having been timely supplied with copies of Acts which they should have been supposed to enforce.

5. The Court Fees' Act VII. of 1870, which received the assent of His Excellency the Governor-General on the 11th March 1870, is declared by Section 1 to come into force from the 1st instant, and I am sorry to submit that District Moonsiffs, the performance of whose daily work requires a thorough mastery of its provisions, have not as yet, though this is the 25th day of the month, been furnished with copies of the Act, while Sub-Collectors and Deputy Collectors on general duties and in charge of Treasuries, and Registrars of Assurances, have received them in time with the Government Gazette. A District Moonsiff has to refer daily to every section of the Act, as some suits of different descriptions have to be brought to the register every day. He is not only to acquaint himself with the provisions of the Act, but also, at the sacrifice of his valuable time (which could be more usefully employed), to take the trouble of explaining them to his Head Goomastah, who does not understand English, and put him in the way just like a schoolmaster, vernacular translations of Acts being ordinarily sent some months after they take effect.

6. Clause 5, Section 7, paragraphs a, b, c, and d, and several other subordinate clauses, prescribe various modes of valuing suits for maintenance, for land paying revenue to Government and inam lands, suits by a mortgagee to foreclose a mortgage, and suits to set aside an attachment, &c., different from those adopted under the old law. The Schedule II. provides for payment of fixed fees on certain suits irrespective of the value of the subject-matter thereof, and Schedule I., Articles 2 and 3, repeal the old mode of calculating institution fees on possessory actions and suits on specially registered instruments, and, above all, the Act does not allow to parties refund certificates in cases amicably adjusted, so much of Section 98 of Act VIII. of 1859 as relates to the same, and Section 26 of Act X. of 1862 being repealed. It would be unfair to expect a District Moonsiff to master the various provisions above stated and be ready to give full effect to them all from the date that it was allowed to be in force, while he is not in possession of at least a copy of the Act until twenty-five days after that date, although he may not have, as the other officers above named, the invaluable advantage to be derived from learning the objects and reasons of the Act, and also the various improvements which the Council might have sought to introduce upon the old law. Some District Moonsiffs located at stations far away from the head-quarters, such as the District Moonsiff of Collegal, in the Coimbatore District, which is about 120 miles and more from the head-quarters, may be in utter ignorance of Act XXVI. of 1867 being repealed. Now, the Court cannot believe, and it cannot have any proper ground upon which to base its supposition, that all the Moonsiffs in the district are aware of the existence of the Court Fees' Act, and act up to its provisions from the 1st instant. Copies of draft rules issued by the High Court under Section 20, and circulated by the District Court to the District Moonsiffs for their observations and suggestions, have, perhaps, I believe, given them some idea of an Act of that name being passed; but I doubt whether the Moonsiffs, who have not seen the *Fort St. George Gazette*, know of its provisions, and the fact of its having come into force.

11th January 1871.

7. As I am a subscriber to the *Fort St. George Gazette*, I am glad to state that I received copies of the Acts in time, and also of the Reports of the Select Committee and the discussions in the Council thereon from the time that it was a Bill before them; but I regret I myself have to bear a charge of 18 Rupees per annum in the shape of subscription to it, while its usefulness is confined only to the performance of my office duties, and for which the Government, I consider, are bound to supply the same gratis.

8. It may be remarked that to supply this with its supplement to about 115 Moonsiffs in this Presidency would add to the expense of the State, while it already labours under financial difficulties. I beg to submit to the Court that the transmission of copies of Acts when too late may be discontinued, and that the cost of such copies would more or less cover the cost of the Gazette and the supplement, or be less than the cost of forwarding supplements alone.

9. Under these circumstances, I request that the Court may be pleased to suggest to Government the necessity and expediency of supplying District Moonsiffs with the weekly issues of the Government Gazette gratis, or allowing the cost of getting them being charged for in their monthly contingent bills.

10. Should the Court be unwilling to make any such recommendation to Government, in consideration of the present financial crisis, I respectfully suggest that the issue of the Gazette it receives weekly be circulated to the District Moonsiffs for their information.

No. 25. ORDER THEREON, 11th January 1871, No. 34.

The Government are of opinion that it is unnecessary to supply the *Fort St. George Gazette* to District Moonsiffs.

2. At the same time they admit that the Acts of the Government of India and the Local Government should be placed in the hands of Judicial Officers more speedily than, apparently, is the case under the arrangements now in force.

3. At present, Acts published in the *Gazette of India* are immediately re-printed and circulated as supplements to the *Fort St. George Gazette*; but the copies struck off are only sufficient for that purpose, and for supplying Executive Officers. The Acts are not furnished to Judicial Officers until the receipt of a supply of copies from the Legislative Department of the Government of India.

4. The additional cost of striking off, at once, at the Government Press, copies sufficient for all officers in the Presidency, would be trifling in the extreme, probably less than the expense now incurred in forwarding the supply from Calcutta.

5. The Government, therefore, direct that, from 1st January 1871, at least 1800 copies of every Act, instead of 1420, be struck off at the Government Press; and, further, that the 239 copies intended for Judicial Officers, and hitherto sent to the High Court for distribution, be despatched direct from the Government Press. The Acting Registrar of the High Court will be good enough to furnish to the Superintendent of the Press a distribution list.

6. The Government of India will be requested to discontinue the supply of copies of Acts to this Presidency.

(True Extract.)

Chief Secretary.

To the Supervisor, Government Press.

„ Registrar, High Court.

„ Legislative Department.

Exd. J. Wright.

PUBLIC DEPARTMENT.

No. 35.

FROM

THE HON. R. S. ELLIS, C.B.,
Chief Secretary to the Government of Fort Saint George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
LEGISLATIVE DEPARTMENT.

SIR,

I am directed to request that from January 1st, 1871, the supply to the Government of Madras of 250 copies of Acts of the Council of the Governor-General for making Laws and Regulations may be stopped.

2. At present, as soon as an Act appears in the *Gazette of India*, 1400 copies are printed in the Government Press here for distribution, as a Supplement to the *Fort Saint George Gazette*, and to Executive Officers. No copies are available for Judicial Officers (the Gazette is sent to Civil Judges only) until the 250 copies are received from the Government of India, and this arrangement is productive of much delay and inconvenience.

3. The additional cost of striking extra copies at the Government Press will be very trifling, probably less than the expense of sending the copies from Calcutta; and it has, therefore, been resolved to print here the full number of copies required for distribution in this Presidency. The supply from the Government of India is, therefore, no longer necessary.

I have the honour to be,

Sir,

Your most obedient servant,

FORT SAINT GEORGE,
11th January 1871.

Chief Secretary.

Exd. J. Wright,

5th of 1871 30th

PUBLIC.

THE SUPERVISOR GOVERNMENT PRESS,

11th

11th

G. O. 11th January 1871 No. 35

JANUARY.
Nos. 24-26.

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1871.

LEGISLATIVE DEPARTMENT.

From

The Chief Secretary to Government,
Port Saint George.

To

The Secretary to the Govt. of India,
Legislative Department.

Dated 11th January 1871.

Recd.

No. 35.

Enclosure.

Requesting to discontinue the supply of copies
of Acts to this Presidency.

Memorandum.

The actual additional cost of the
Gazette if supplied to the District
Mونسiffs will be Rs. 6 per year
for each - or total Rs 600. Twenty-
two District Mونسiffs subscribe
for the Gazette.

H. Morrice

Superintendent Govt. Press.

Govt. Press
21 May 70

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the

Acting Civil Judge Cuddalore
dated 14th May 1870 No. 13
Order thereon 11 Jan'y/71 No. 34

The Govt are not
of opinion that it is ^{un}necessary
to supply the Fort St. George
to District Munsifs.

2 At the same time they
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J. O. S.

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The Superior Govt Press
Registrar High Court } as per
Legislative Dept. }

Public Department.

No. 35

To

The Secretary to the Government
of India.

Legislative Department.

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L. D. S.

Govt. of Madras.

Public

To the Secretary Govt. Press.

Dated 1871.

1871, No. 35

Nos. 24, 35

27-28

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MS

ML

18 . Department.

No.

To

The Secretary to the
Government of
Department

Dated

187 .

187 . Public Affairs
Jan 1/71