M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2118 Press ~~Mis.~~

539. 540

Dated 30 — 9 — 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 30th September 1862.

No. 539. Read the following Proceedings of the Board of Revenue, dated 19th August 1862, No. 5,460.

Read again the following papers:—

Proceedings of the Madras Government, Revenue Department, dated 5th October 1860, No. 1,800.

(In Cons. 6th October 1860, No. 5,057.)

Letter from the Register of the Sudder Court, dated 6th October 1860.

(In Cons. 6th October 1860, No. 5,051.)

1. The Board observe that the revision of the draft Rules generally approved in the foregoing Proceedings of Government, was inadvertently lost sight of, and that the draft itself was mislaid. Having now drawn up fresh Rules, providing for the grant of authenticated copies of revenue and magisterial papers to private parties, based on the Circular Order of the Sudder Adalat of the 21st March 1860, and the suggestions and instructions of Government as conveyed in their Proceedings noted in the margin, including also the further suggestion offered by the Sudder Adalat in the letter recorded above, the Board resolve to forward the revised draft Rules for the approval of Government, prior to issuing them for the guidance of Collectors.

Proceedings of Government 23rd August 1860, No. 1,418.
5th October 1860, No. 1,800.

2. Government will observe, with reference to paragraph 6 of their Proceedings above recorded, that the Board have provided a rule (XXVII) extending the copying of documents to the Offices of the Sub-Collector and Head Assistant, whenever it may appear that to restrict the copying of documents to the Collector's Office, is likely to be productive of inconvenient delay or disadvantage to applicants. It will also be seen, with reference to paragraph 8, that the column referred to in the Statement in question, which will be now found appended to Rule XXII, has been omitted. The Rules provide for the grant of authenticated copies only.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 540. ORDER THEREON, 30th September 1862, No. 2,118.

The draft Rules submitted with these Proceedings are approved with the alterations and amendments made in the Government Office.

REVISED RULES.

1. Persons requiring authenticated copies of public documents on the records of a Collector or Magistrate, must apply for the same to the Collector or Magistrate in writing.

2. On receipt of an application for a copy of any document the Collector or Magistrate shall determine whether the document is of such a nature that a copy of it may be granted without injury to the public interests or breach of confidence.

3. If the Collector or Magistrate is satisfied that no objection exists to the grant of a copy, he shall inform the applicant, by endorsement on the application, that the Deputy Collector in charge of his Treasury will furnish the required copy on the applicant's furnishing the necessary stamped paper.

4. If the Collector or Magistrate considers the grant of a copy objectionable, he shall reject the application by endorsement, stating briefly his reasons for the same. The applicant may, if so disposed, appeal to the Board of Revenue, submitting with his appeal the endorsement of the Collector.

5. The Collector or Magistrate is solely responsible for the grant of copies of documents on his records.

6. The Deputy Collector in charge of the Treasury is responsible for the accuracy and legibility of the copies granted, and for their being speedily furnished; and shall countersign every copy, save those referred to in Rule 21, which shall be countersigned by the Sub, or Head Assistant Collector.

7. All Copies required by private parties will be made by duly qualified and trustworthy registered Copyists, who are to be selected from among passed Candidates, where such may offer themselves.

8. The power to appoint, or remove, Copyists is vested in the Deputy Collector in charge of the Treasury subject to the general control of the Collector.

9. All copies are to be made under the direct superintendence of the Treasury Deputy Collector.

10. The copies will be so written as to contain about two hundred and forty words is a page, and will be charged for according to that average; but care must be taken that the copies are well and legibly written.

11. All applications for copies will be registered by the Treasury Deputy Collector and attended to, strictly according to their order of presentation.

12. No copy is to be delivered to the party applying for it, until the regulated charge shall have been paid.

13. The charge for authenticated copies will be 2½ Annas for every page if in English, and two Annas if in the vernacular, over and above the value of the stamp. Of this charge ½ Anna per page will be the Examiner's fee; the remainder will go to the Copyist.

14. Parties applying for copies of papers will not be allowed to hold any communication with the Copyists, who will be required to do their business in the Office, and be strictly prohibited from removing any record therefrom.

15. All copies, before being attested, will be examined by such Officers as the Collectors may appoint, and if found correct will be signed by the Examiner in one corner in token of having so examined the paper. The Copyist also will sign his name immediately above or below the signature of the Examiner.

16. If it be discovered that any Copyist has been guilty of negligence in making inaccurate copies, he will be liable to be punished by having such copies re-written by another Copyist at his (the first Copyist's) expense, and he must also replace the stamped paper spoilt.

17. Payments are to be received only by the Deputy Collector in charge of the Treasury, and a register will be kept by him in the following form:—

Applicant's name.	Description of the record.	Date of application.	Date of delivery.	Number of pages.	Fee charged: Rs.	A.	P.	Copyist's and Examiner's receipts.

18. No separate account will be kept, but every sum immediately on its receipt is to be then and there paid by the Deputy Collector to the Copyist and Examiner, whose signatures will be taken in the Register as an acknowledgment that they have been paid. The Register will be submitted to the Collector for examination at the close of each week.

19. Each Copyist will provide his own ink and pens, and no deduction will therefore be made from the earnings of the Copyists for that or any other purpose whatsoever.

20. Copies of records applied for by parties are not to be made by the regular establishment, but by the registered Copyists only, except in the case of criminal sentences, where, if the application be made by a prisoner, the copy will be made in the Office free of charge.

21. In special cases the Collector or Magistrate may permit copies of documents to be made in the Office of the Sub or Head Assistant Collector, but such exception shall only be allowed on special grounds, and the order for the grant of copies must in all cases issue from the Collector or Magistrate who alone is responsible for the same.

22. In the event of a Collector or Magistrate being directed by any Court to grant a copy of a document and seeing objections to such grant, he will depute a proper Officer to attend the Court with the document, and state the reasons for objecting to grant an authenticated copy thereof, and it will be for the Judge to determine whether an authenticated copy shall or shall not be furnished.

C. O. of the S. U. dated 17th June 1824, and Sections 21, 23, Act II of 1855.

(Signed) T. PYCROFT,
Chief Secretary.

Sir clerk Pyecroft

I dare give new Articles
Rules & Orders for the Navy.
Regulations given in the enclosed draft
Are of general principle

I. Should make the Order
alone answerable for the order given
a copy - he may employ his Secretary
or Deputy or any body he please to
Execute it over - but he is answerable
for the order.

II. Should make the Secretary
Deputy answerable for the Copy.
which he should authenticate.
but still standing that the Order given

5.

III Should part of the Evidence under the Register Keeper of the Court found Contract

IV In Special cases as where a Record is lodging in the Office Right ab his Direction as to the Copy of the Record in which he is a Party Office — but the order for giving a Copy should come from the Court alone.

The draft Rules seem also to omit unnecessary details in some instances.

I do not know who drew

Sir 4 45

the Rules. — Such Evidence should be given for his trouble — or would for Candida then covered by the Stamp? It is here that delay chiefly occurs. Should not the Court from & any Particulars Examiner — the Record Keeper is often otherwise engaged — & some times a Non-Court Servant who has some spare Service in his days. I should see anything else needing remark

Yours

J. Wilson

1579

Standing Circular.

To The Collector of

Sir,

1. Adverting to the Board's Circular Proceedings dated 4th August 1866, No. 3584, laying down certain rules for expediting the supply of attested copies of public documents to Suitors, I am directed to furnish for your guidance the subjoined revised rules for the better regulation of the same, and for the employment of trustworthy copyists, to be registered as copyists of public papers required by private parties, who are to be remunerated at fixed rates per page payable by the persons receiving the copies.

Rule I. Parties desirous of obtaining authenticated copies of any documents

on

22. In the event of an Appeal being rejected by any Court of Appeal a copy of the decision rejecting such Appeal, be

(See B.C. & C.O. Coll. page 216 and 221)

applying will be at liberty to appeal to Government for an order to grant such copy; or in the case of Law Suits to apply to the Judge in whose Court the Suit may be pending, for a Summons directed to the Collector or Magistrate ~~as the case may be~~ who will depute a proper Officer to attend the Court with the document, and state the reasons for objecting to grant an authenticated copy thereof; and it will be for the Judge to determine whether an authenticated Copy shall or shall not be furnished as will be found fully explained in the Circular Order of the Sudr Adálut dated 17th June 1824, and as further provided for in Sections 21 and 23 of Act II of 1855.

III. Where such refusal may be endorsed by the Sub-Collector, Head Assistant, Assistants, or Deputy Collector an appeal will

Under Rule I the Applications are to be made to the Collector or when a Principal Assistant is absent to the Head Assistant

on the subject of the Collector's refusal to furnish copies of public documents, but he may on such application, refer by endorsement to furnish a copy of any of his records, or those of his subordinates, whenever he may consider it contrary to good policy or to the orders of Government to supply such documents. In such case, the party applying



will be given to the Collector.

IV. Authenticated copies will be furnished on stamped paper, to be supplied by the party applying.

V. Copies of documents will be authenticated only by the Collector and his Assistants, Covenanted and Uncovenanted, i.e. Sub Collector, Head Assistants, Assistants, and Deputy Collector, but whether the copies are made in the Bazar, the duty will more properly devolve on the Deputy Collector in charge of the Treasury, as the Collectors personal assistant.

VI. The Collector will however, as in other cases, exercise a general control, and see that copies are furnished promptly, and that no abuse occurs in the receipt or payment of the remuneration to the copyist.

VII. The originals, when lodged in the Cutcherry, Records, will be called for by

to be made to the Sub Collector who may be

not be written by

v. Rule 3. nor need the paper be the order is dated.

order

Sub. The copies are all authenticated by the Collector and his Assistants, Covenanted and Uncovenanted, i.e. Sub Collector, Head Assistants, Assistants, and Deputy Collector, but whether the copies are made in the Bazar, the duty will more properly devolve on the Deputy Collector in charge of the Treasury, as the Collectors personal assistant.

omit

by orders stating the number of days within which they must reach the Bazar, on penalty of punishment, when unnecessary delay occurs.

VIII. The party applying must first present an application to the Collector on plain paper of foolscap size, particularizing his name, his position and the suit or proceeding and the record of which he desires a copy.

IX. The application must be accompanied by the stamped paper on which the copy is to be made.

X. All applications for copies will be registered and attended to, strictly according to their order of presentation.

VI. The copies will be so written as to contain about two hundred and forty words in a page, and will be charged for according to that average, but care must be taken that the

the copies are neat and legibly written and such that on view the Collector will find the number of pages to be delivered to the same copies are in order, neatness and legibility being essentially necessary conditions to be observed before Courts and Magistrates are finally entitled to expect [illegible] payments be made under orders of Government for the copies.

XII. No charge for any translated copies will be three annas for every page of ten English, and two annas of mixt Vernacular

XIII. No copy is to be delivered to the party applying for it until the regulated charge shall have been paid.

XIV. All copies are to be made under the direct superintendence of the Record Keeper who will however conduct this part of his duties under the control of the Deputy Collector in charge of the Treasury.

XV. All copies required by private parties will be made by duly qualified and sworn writers copyists and are to be selected from among applicants, where such may offer themselves.

XVI. No copyist is to be appointed or removed, otherwise than under the orders of the Collector.

XVII. The remainder of copyists to be employed will depend upon the local demand for copies, but such number will be retained as will admit of prompt attention to applications. The required copies should be delivered within 5 days from the date of application except in cases where the originals have to be sent for from the Taluq Cutcherries of the District.

XVIII. When there are more copyists than one, papers to be copied will be allotted to them in regular turn.

Parkes

XIX. Parties applying for copies of papers will not be allowed to hold any communication with the copyists, as he will be required to do their business in the office, and be strictly prohibited from removing any record thereform.

XX. All copies, before being attested, will be examined by the Record keeper of the Collectors office, and will sign his name in the left hand corner in token of having so examined the same. The copyist also will sign his name immediately above or below the signature of the Record keeper.

XXI. If it be discovered that any copyist has been guilty of negligence in making fraudulent copies he will be punished by having such copies rewritten by another copyist at his (the first copyists) expence.

XXII. Payments are to be received

Examined.

XVI

XVII

Each officers or Tax Collectors may obtain a form if correct will be signed by the Examiner in one corner

The Dep. will be in attendance at the Office for Examin. at the close of each week.

by

received by the Record keeper only, under the supervision of the Deputy Collector in charge of the Treasury, and a Register will be kept by him in the following form.

Name of Applicant	Description of Applicant	Date of Application	Date of delivery	Number of Pages	Fee charged.	Copyists Receipt.
					D. a. C.	

18

19

XXIII. No separate account will be kept, but every sum immediately on its receipt, is to be taken and thereof by the Dep. to the copyist, where will be signature taken in the Register as an acknowledgment that he has been paid.

XXIV. Each copyist will provide his own ink and pens, and no deduction will therefore be made from the earnings of the copyists for

for Trial or another Session.

XXV. Collectors are not to be required to deliver any copies hereafter to be made, but may receive remuneration, not exceeding Ten Pounds per Annum, for Stamps from the Stamp Office, on application to the Commissioners of Stamps.

XXVI. Copies of Records of Deeds, Bonds, &c. are not to be made in the respective Establishments, but by the Collectors only, except in the case of Criminal Sentences, when, if the Collector be not present, they may be made by the Assistant.

XXVII. Whenever a Person shall desire that the Collector should attend at the Office of any Justice of the Peace, or elsewhere, to receive Information touching any Offence committed against the Laws relating to the Revenue, the Collector may, at his discretion, attend accordingly; but he is not to demand or receive any Fee or Reward for such Attendance.

XXVIII. The Collectors shall, in the Absence of the Collectors or Head Assistants, place such Assistants, from Time to Time, as they shall think proper, to attend at the Custom House, and to do the Duty of the Collectors or Head Assistants, who will in such case superintend the Work of carrying by means of the Head Clerks, and the Assistants, into Effect the Rules laid down above for the purpose. The Copies in this case must be examined by the Collector or Head Assistant in whose Office they are employed. Proofs shall be taken by him to check any irregularities which may thus come to his notice.

2. You will cause printed copies of these Rules to be posted in every Court House and Custom House in your District as well as publish them in the District Gazette.

Rev = 23 8 62

No. 5,460.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th August 1862.

Read again the following papers :—

Proceedings of the Madras Government, Revenue Department, dated 5th October 1860, No. 1,800.

(In Cons. 6th October 1860, No. 5,057.)

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1. The Board observe that the revision of the draft Rules generally approved in the foregoing Proceedings of Government, was inadvertently lost sight of, and that the draft itself was mislaid. Having now drawn up fresh Rules, providing for the grant of authenticated copies of Revenue and Magisterial papers to private parties, based on the Circular Order of the Sudder Udalut of the 21st March 1860, and the suggestions and instructions of Government as conveyed in their Proceedings noted in the margin, including also the further suggestion offered by the Sudder Udalut in the letter recorded above, the Board resolve to forward the revised draft Rules for the approval of Government, prior to issuing them for the guidance of Collectors.

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(A true Extract.)

Secretary.

To Honorable T. Pycroft, Chief Secretary to Government, with copy of revised Draft Rules.

J. Wright.

Rev 5th October 62 99 to 100
7th August " 246-271

6-11-71 ✓
26-4-86 ✓
2-10-15 181 ✓
25-1-16 B.I
6-11-26 ✓

Rev=1862 Department.
Proc: for Copies
No. 2386-

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 19th August 1862.
Desp 21-8-62
Rec'd 22-8-62
E.I-

No 3460.
Rev: Mis: Board of Law: 29th October 62
C No 3317.

Forwarding revised draft rules for the approval of Government providing for the grant of authenticated copies of Revenue and Magisterial papers to private parties, and stating that the Board have provided a rule extending the copying of documents to the offices of the Sub Collector and Head Assistant.

No 3539 to 3540-

No Rec: of Mins: 4th October 62
C No 3141 — in Rec:

No 2118-30: 8bre
Withdrawn order —

No 2119
30 2118-

The draft rules submitted
with the Proceedings and approved with
alterations and amendments made in
Govt. Office.

Fort St. Geo:
30th September 1862

Copies
Board of Revenue with set of Revised rules. Copies

the Deputy Collector in charge of the Treasury will furnish the required copy on the applicants furnishing the necessary stamped paper

6. If the Collector or Magistrate considers the grant of a copy objectionable, he should reject the application by indorsement stating briefly his reasons for the same. The applicant may if so disposed appeal to the Board of Revenue submitting with his appeal the endorsement of the Collector

5 The Collector or Magistrate is solely responsible for the genuineness of copies of documents in his records

5. The Deputy Collector in charge of the Treasury is responsible for the accuracy and legibility of the copies granted and for their being

I would leave this to the Deputy who should select & revise & submit to the Collector general control - JD

Letter &c & Others - I have no Stamped paper here -

being speedily furnished and shall countersign every copy. Save those required to in Rule 31 which shall be countersigned by the Sub-Collector or Joint Magistrate

7. All copies required by private parties will be made by duly qualified and trustworthy registered copyists, who are to be selected from among those candidates, whom such may offer themselves

8. The copyists to be appointed or removed by the Collector on a report to be submitted in the Dept of Collection in charge of the Treasury subject to the general control of the Collector

9. All copies are to be made under the direct superintendence of the Treasury Deputy Collector

10. The copies will be so written as to contain about two hundred and forty words in a page, and will be charged for according to that average, but care must be taken that

that the copies are neatly and legibly written

11. All applications for copies will be registered by the Treasury Clerk and attended to, strictly according to their order of presentation.

12. No copy is to be delivered to the party applying for it, until the regulated charge shall have been paid.

13. The charge for an Encumbrated copies will be 2s Each Folio for every page of six folios, and two annas of in the Rupee over and above the value of the Stamp-paper used in writing the same.

14. Parties applying for copies of papers not to be allowed to hold any communication with the Objector, but will be required to go to their home or to the Office, and be strictly prohibited from entering any Room of the Collectorate.

15 All copies before being attested, will be examined by such officers as the Collector may appoint, and if found correct will be signed by the Examiner in one corner in token of having so examined the paper. The copyist also will sign his name immediately above or below the signature of the Examiner.

16. If it be discovered that any Objector has been guilty of negligence in making inaccurate copies, he will be liable to be punished by having such copies rewritten by another Objector at his (the first Objector's) expence and also must replace the stamped paper spoilt.

17. Payments are to be received only by the Deputy Collector in charge of the Treasury

and a Register will be kept by him in the following form.

Application Name	Description of the Animal	Date of application	Date of delivery	Number of Days	Fee charged			Copies & Endorsements Receipts
					£.	s.	d.	

18. A separate account will be kept, and every sum immediately on its receipt is to be thus and there paid by the Deputy Collector to the respective Signatories, whose signatures will be taken in the Register as an acknowledgment that they have been paid. The Register will be submitted to the Collector for examination at the close of each month.

19. Each applicant will furnish his own writing and

15

cards pens, and no deduction will therefore be made from the earnings of the copyists for that or any other purpose whatsoever.

20. Copies of records applied for by parties are not to be made by the regular establishment, but by the copyists on Upstairs except in the case of criminal sentences, where the application be made by a prisoner copy will be made in the Office free of charge.

21. In special cases the Collector or Magistrate may permit copies of documents to be made in the Office of the Sub Collector, or Head Assist. but such exception should only be allowed on special grounds and the order for the grant of copies must in all cases issue from the Collector or Magistrate who alone is responsible for the same. In

22 In the event of a Collector or Magistrate being directed by any Court to grant a copy of a document and seeing objections to such grant, he will depute a proper Officer to attend the Court with the document, and state the reasons for objecting to grant an unstamped copy thereof, and it will be for the Judge to determine whether or not an authenticated copy shall be furnished

V ~~shall be deemed to be a Court of Record~~
~~in the Province of~~ Ceylon
~~Under Ordinance~~ No. 31 of 1916, ~~as amended by Ordinance No. 23 of 1921~~ and Ordinance No. 31 of 1921 and 11 of 1938.

