M.R.O. 14—18,000—27-9-34

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1936 Press ~~Mis.~~

327.328

Dated 21—8—1865.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 21st August 1865.

No. 327. Read the following Proceedings of the Board of Revenue, dated 7th August 1865, No. 4,700 :—

1. In their Order, dated 22nd February 1865, No. 383, the Government, while sanctioning the rates of batta or fees proposed by the Board for the service of Distraint notices, &c., under Madras Act II. of 1864, desired the Board to consult the Collectors generally as to the fees proper for each District. A Circular was accordingly issued to the Collectors, and their replies have been received.

2. The following Statement shews the rate of fees which each Collector considers proper for his District :—

Collector of	Fee for serving Process.				Fee for distress or sale per day.	Remarks.
	Within miles.	Annas.	Additional for every mile.	Annas.		
	M.	A.	M.	A.	A.	
Ganjam	15*	4	0	0	8*	* In addition to halting for one day.
Vizagapatam ...	15	4	0	0	6	
Godavery ...	8	4	1†	¼	6	† Provided each day's fee does not exceed eight Annas.
Kistna	10	3	10	3	8	
Nellore	10	8	10	8	8	
Cuddapah ...	5	2	5	2	8	
Bellary	5	4	5	2	8	
Kurnool	5	2	5	2	8	
Madras	5	4 / 3	5	4 / 3	8	
North Arcot ...	5	4	5	2	8	A moiety if village officers are employed.
South Arcot ...	5	2	5	2	8	
Tanjore	5	4	5	2	16	
Trichinopoly ...	5	2	5	2	8	
Madura	5	4	5	¼	8	
Tinnevelly ...	5	4	5	2	8	
Coimbatore ...	5	2	5	2	8	
Salem	5	4	1	¼	8‡	‡ Besides travelling fee, and for *each case*.
South Canara ...	15§	4	0	0	6§	§ Per day, Court allowance.
Malabar	5	4	5	4	8	
Board's rates ...	5	2	5	2	8	

It will be seen that five* Collectors are satisfied with the rates sanctioned ; ten† Collectors consider that a higher rate for *serving process* should be allowed in consideration of the high rates of wages now generally procurable. Four‡ Collectors propose rates which generally would be lower than the Board's rates. For any distance beyond five miles Collectors generally approve of the additional rate of 2 Annas, for every additional five miles or fraction thereof, as proposed by the Board.

* 1 Cuddapah.
1 Kurnool.
1 South Arcot.
1 Trichinopoly.
1 Coimbatore.
— 5

† 1 Godavery.
1 Nellore.
1 Bellary.
1 Madras.
1 North Arcot.
1 Tanjore.
1 Madura.
1 Tinnevelly.
1 Salem.
1 Malabar.
— 10

‡ 1 Ganjam.
1 Vizagapatam.
1 Kistna.
1 South Canara.
— 4

3. The Collector of Nellore (Mr. Dykes) is of opinion that the fee for issuing a process should never be less than 8 Annas, because the man who serves the notice

is the man who would have to make the distress, if the arrear demanded was not at once paid, and, therefore, that it would be necessary to select a person for serving the notice with reference to his fitness for the more important duty, and that such a person must be paid accordingly. But there are many cases contemplated in which the fee will be simply for serving a notice, and nothing more, and to charge a high rate in every such case is unnecessary; further, whenever it is probable that an attachment will have to be made, Collectors will generally issue the order to the village or other Government servants.

4. On the whole the Board consider that in lieu of their former proposition, the *maximum* rate for serving processes in any District may be limited to 4 Annas if the distance is within five miles, and 2 Annas for every extra five miles, or a fraction of five miles; and that whenever the process is served by a village servant, not more than one-half the established rate shall be allowed.

5. In respect to fees for making distress, or for selling property, the Board do not see any sufficient reason for making a change in the sanctioned rates. All the Collectors agreed to them, except Mr. Morris, Collector of Tanjore, who proposes one Rupee. Three Collectors are satisfied with 6 Annas, which is authorized by the Civil Courts. The Board, think, therefore, that 8 Annas, as a maximum rate per day, as long as it is necessary to employ a salesman or distrainer, should be the standard.

6. The Collector of Salem would make the fee 8 Annas per each *case;* but the Board cannot support the proposal, for while some cases would be disposed of in a day, others would require attention for several days.

7. Mr. Morris and Mr. Arbuthnott raise the question whether if public servants are employed in making distraints, or conducting sales of property, they should be specially remunerated for doing so. The Board are of opinion that such a course is not desirable, as it might lead to the time of the lower grades of Revenue officials being taken up in making distraints, and effecting petty sales for arrears. Such duties should, the Board think, be left to the village authorities, or given to persons specially deputed for the work. A commission at a fixed per-centage cannot now be allowed under the law. Only the actual charges of distraint or sale can be debited to the defaulter.

8. The Collector of South Arcot speaks of the sums realized forming a separate fund from which the employés under the Act would be paid monthly at a fixed rate; and some of the Collectors ask if advances may be made to pay fees to persons employed. It will occasionally, if not frequently, be necessary to make advances for this purpose, and they can be made from the Permanent Advance Fund, and when the fees are realized, the fund can be replenished. But there seems no necessity that employés should be maintained at a monthly fixed salary, as seems to be contemplated by Mr. Reade. Persons employed in serving Processes, &c., under the Act should be paid the sums to which they are properly entitled for the work performed by them, and no more. All sums collected from the defaulter as fees, costs, &c., should be credited to "Process Service Fund, Revenue Department," under Local Funds, and all charges debited to the same head, as already directed in the Board's Miscellaneous Circular, dated 3rd August 1865, No. 4,590.

Proceedings of the Madras Government, Revenue Department,
21st August 1865.

9. The Board request the sanction of Government for the maximum rates of fees proposed by them in paragraph 4 of these Proceedings.

No. 328. ORDER THEREON, 21st August 1865, No. 1,936.

Land Revenue.

The maximum rates of batta proposed by the Board in paragraph 4 of the above Proceedings are sanctioned.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Revenue Board.
,, the Inspector General of Madras Police.

Exd. S. T. Augustin.

W 1936.

An maximum
rate of Bottle processing
by the W. in para 6. of the
above Engt. are sanctioned

21st. Augt. /65.

14 Sets Boards Chemical Dept
14 " Inspectors General Madras Colleges

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Pro 25 February Orders copied

Rev: 1865. Department.
Pro-ffyost for August

No. 2218.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 7th August 1865.
Despatched 11 8
Received 12 [illegible]

No. 4,700.

Submitting opinion of Collectors as to the rates of fees to be given forthe service of distraint notices, &c.; and requesting sanction for limiting the maxmum rate for serving processes to four Annas per mile if the distance is within five miles, and two Annas for every extra five miles.

N°327 & 328

With Order
Pg 36-11 Augt

c 15 Augt 65: Rlt