

*Proceedings of the Madras Government, Revenue Department,
13th May 1871.*

Act, it is a question how far all these contingencies can be provided for in the rules which the local Government are empowered* to make for regulating the sale of stamps.

* Section 48 of Act XVIII. of 1869.
Do. 34 of Act VII. of 1870.

2. Even if there was no legal difficulty on this head, I would beg to suggest whether it would not be a simpler plan to require the vendor to get his supply of stamps from which to make refunds in the same manner as his other stock; namely, on payment on the usual discount system, a slightly higher rate of discount being allowed to him in return on this supply to cover the interest on the money laid out in the purchase thereof, and the salary of a Clerk to keep the accounts of refunds. Under this arrangement there would be no necessity for taking any security from the vendor, or for requiring him to furnish accounts and providing for their examination in the Collector's Office; and the risk which after all must attend the system of supplying stamps without payment, on however small a scale, would be avoided.

SUBMITTED to Government, with reference to Government Order, 13th January 1871, No. 92.

2. The present system of refunds in the Small Cause Court works extremely well, but as it has been determined to abolish it, the Board think it will be best to have a salaried vendor, one of whose duties shall be to make refunds. It will be inconvenient to combine the discount and commission systems, and the Board fail to see the advantage of supplying the vendor with stamps instead of a permanent advance fund in ready-money.

3. Before the system is changed, it is very desirable that some rules should be adopted for regulating the sale of Court Fee Stamps.

No. 172. Proceedings of the Board of Revenue, dated 28th March 1871, No. 1,367.

Read the following letter from the Officiating Collector of Madras, to the Acting Secretary to the Board of Revenue, dated 8th March 1871, No. 38.

IN reply to the Board's Proceedings of the 24th January 1871, communicating Government Order of the 13th January, No. 92, I have the honour to state that I have ascertained from the Small Cause Court Stamp Vendor that he is quite willing to retain his post under any system for making refunds which may be ordered. I send a copy of his letter which is a little obscure, but the above expresses shortly his feelings on the subject as expressed orally to my Sheristadar.

2. I consider the plan proposed by Government, in paragraph 7 of the Government Order above referred to, to be a practical and good one, provided that instead of the advance being made in stamps it is made in cash. The monthly refunds at the Court average about 2,000 Rs., so that 500 Rs. would have to be the permanent advance. Additional security to this amount might be taken from the vendor, and he should be directed to adjust his accounts with the Deputy-Collector once a week.

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3. By virtue of the terms on which the present Court Vendor holds his post, a discount of two per cent. only is allowed him on all his sales of stamps, which sales are restricted to Small Cause Court Stamps; but if his agreement is annulled, he would be at liberty to sell stamps of all denominations and values, and as he would, by reason of being on the High Court premises, probably get the majority of the sales of stamps to High Court suitors, as well as getting the usual three per cent. commission on all sales of stamps of individual values up to Rs. 50, his profits would be very considerable.

ENCLOSURE No. 1.

From V. VARADARAGIAH, Stamp Vendor, Small Cause Court, to the Deputy-Collector of Madras, dated 11th February 1871.

I BEG to acknowledge the receipt of your memorandum, No. 88, of the 7th instant, and to state in reply that I am willing to retain the post of Stamp Vendor in the Small Cause Court under the new arrangement; but, at the same time, I beg respectfully to urge on the indulgent consideration of the higher authorities of my claims for some better treatment than that of the other stamp vendors (whose responsibility is far less than mine) on account of making refunds of half costs, the performance of which I am still required to continue—a work entailing on me no small amount of labour.

2. As the Government are perhaps already aware the number of these refunds is very large, and involves much trouble and responsibility in their payment. The proposition to provide me with an advance upon security can be of little use to me in the way of meeting the cost of establishment and labour, moreover the stamps until sold cannot help me for the purpose of refunds; and as I have the opportunity of replacing the stock of my stamps oftener than once a week when I have to go for the cashing of the refund certificates, the advance of the week's supply of stamps will not be of so much advantage to me as may be supposed. In fact, now and then, and by no means unfrequently, the demands for refunds may all on a sudden be very great—greater than the previous day's sales can meet—when I shall have to be ready with my own money if the suitors are not to be inconvenienced; I would under these circumstances be quite prepared with any advance of stamps as well as of money on the part of Government, transacting the work of refunds as well as the sales with my own funds.

3. With these humble representations, I respectfully beg to state that I will submit to any order that the Government may choose to pass.

SUBMITTED to Government in continuation of Board's Proceedings, 28th February 1871, No. 882.

No. 173. ORDER THEREON, 13th May 1871, No. 844.

Separate Revenue, No. 14.

Stamps.

THE Government do not see that their suggestion in any way introduces the commission system for the sale of stamps. They contemplate that all the

stamps supplied to the Small Cause Stamp Vendor shall be issued on discount.

2. Up to the value of Rs. 500 (which the Acting Collector states should be the permanent advance allowed for the purpose of refunds in compromised suits) the vendor would be supplied with Court Fee Stamps at discount rates without

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13th May 1871.

payment, and this stock he could replenish from time to time in adjustment of discharged refund certificates.

3. This advance stock would *pro tanto* save him from paying in cash for the stamps required by him, and therefore would be precisely equivalent to an advance in cash, as there seems no reason whatever to doubt that his average sales of Court Fee Stamps must compel him to have a larger capital than Rs. 500 constantly invested in stamps.

4. So far as regards *security* for the advance, it appears to Government that precisely the same precautions will be necessary whether the advance be made in stamps or in cash, and that in either case all that is necessary would be the deposit of Government paper blank endorsed to cover the amount. If it should be required of the vendor that he should at no time allow discharged refund certificates to accumulate in his hands beyond the amount of Rs. 500 (which it is extremely unlikely that he ever would do), there does not appear any reason whatever why the Deputy-Collector's accounts should be complicated by the adoption of the Government suggestion; and even without this proviso, it does not appear how any complication could arise from it, while it would obviate the anomaly of receiving cash from the vendor with one hand for stamps supplied to him, and paying cash to the vendor with the other hand to replenish his "Refund Advance Account."

5. There would be no necessity whatever for sale accounts or examinations of stock as supposed by the Superintendent of Stamps; but if, after this explanation, the Board of Revenue and the Collector remain of opinion that a permanent advance in cash would be the simpler arrangement, the Government are prepared to sanction it.

6. The Collector will take care that no second licensed vendor is allowed to establish himself so near as to interfere with the Court Vendor's sales.

(True Extract.)

(Signed)

D. F. CARMICHAEL,

Acting Secretary to Government.

To the Board of Revenue.
,, the Judicial Department.

Exd. F. R. Bantleman.

MADRAS COURT OF SMALL CAUSES,

26th January 1871.

FROM

THE JUDGES OF THE

MADRAS COURT OF SMALL CAUSES.

TO

The Honorable R. S. Ellis Esq.

Chief Secretary to Government,
Fort Saint George.

SIR,

We have the honor to reply to the question submitted to us in the Order of Government No. 72, dated 13th January 1871, to state, that the plan proposed seems to us generally unobjectionable. It occurs to us, however, to suggest, that it may be desirable to provide against the too close proximity to the Court of any other Stamp Vendor. The refund of half costs is troublesome and expensive, and the advantages which the Stamp Vendor in the Court will have will be the fact of his being on the spot and his premises being rent free. If however another Vendor should be allowed to sell stamps in the

81-844

Proceedings of the Madras Government
Under date the 13th ^{of} April 1871

Read the following.

Papers.

From the Judges of the Madras
Court of Small Causes.

Expressing their opinion on the question referred to them regarding the proposed system of refunds & pointing out the inconvenience likely to arise if other Vendors, are allowed to sell stamps in the vicinity of the Court.

(H. E. 26: January 1871 No. 6)

Pro: of the Board of Rev:

Subj. with remarks opinion
of Supd^{ts} of Stamps on plan proposed
by Gov^t for securing payment of refunds
of Stamp duty in compromised suits
in Madras Court of Small Causes.

(— " — 28th Feby: 1871 No 882)

Pro: of the Board of Rev:

Subj: letter from Coll^y of Madras
Expressing his opinion on plan proposed
by Gov^t for payment of refunds of
Stamp duty in compromised suits in
Madras Court of Small Causes & stating
that Stamp Vendor attached to that Court
is willing to retain his post under any
system that may be ordered.

(— a — 28th March 1871 No. 1367)

J. W. P. B. A.

The Gov^{ts} do not see that

Forwarded to the Revenue Department with reference to G. O. 9
13 January 1871. G. 52. in that department.

Fort Saint George. West.
24 February 191

To the Revenue Department. Chief Secretary

L. Brewster
and Chief Secretary

Recd -
~~March~~ 1871 Sept
 MARRIAGE COURT (1871) OF SMALL CAUSES
 From
 77-347

The Judges of the
Madras Court of Small Causes.

To

J. B. J. P. S. D. C.

Chief Secretary to Govt.,

Fort Saint George.

Dated 26th }
 Despatched " } January 1871.
 Received - 17th }
 - 18th }

No. 62187

1871
 Dear Mr. May -
 In regard to the opinion on

regarding the proposed sale
of bonds, and printing and
the convenience of
issue if other vendors are
allowed to sell stamps in the
vicinity of the post
office.

that their suggestion in any way
introduces the Commission system for
the sale of stamps. They contemplate
that all the stamps supplied to
the Small Cause Stamp Vendor ^{shall}
will be issued on discount.

Up to the value of Rs. 500
(which the Ag. Collr. states should be
the permanent advance allowed for the
purpose of refunds in compromised
suits) the Vendor would be supplied
with Court fee stamps at discount
rates without payment and this
stock he could replenish from time to
time in adjustment of discharged
Refund Certificates.

This advance stock would
protect save him from paying in
Cash for the stamps required by him
and therefore would be precisely equivalent
to an advance in Cash,
as there seems no reason whatever
to doubt that his average sales
of Court Fee stamps must compel
him to have a larger capital

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than Rs. 500 constantly invested
in stamps.

So far as regards security
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that precisely the same precautions
will be required whether the advance
be ^{made} in stamps or in cash and
that in either case all that is necessary
would be the deposit of Good paper
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opinion that a permanent in-
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simpler arrangement the Govt
is prepared to sanction it.

The Coll^r will take
care that no second licensed
Vendor is allowed to establish
himself so near as to interfere
with the Court Vendor's sales.

W. B. Keane
Comptroller

As we cannot prevent
any one from selling
stamps I would not
think:

I would keep it for
practically I suppose a
licensed vendor could
be prevented
14, Board of Revenue des^t 15
5 Judicial Department

170-173

Handwritten notes at the top of the page, including "170-173" and "Refund of Stamp-duty in compromised Suits in Madras Court of Small Causes."

Gobt. of {1871} Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated 13th May.

Recd.

Encl.

G. O., 13th May 1871, No. 814.

MAY.

Nos. 170-173.

Refund of Stamp-duty in compromised Suits in Madras Court of Small Causes.—Proceedings Board of Revenue and letter from the Judges of the Small Cause Court relating to the proposed system of refunds, with order thereon.