Proceedings of the Madras Government, Revenue Department, 27th October 1873.

Read the following papers :—

No. 281. From H. S. A. GOODRICH, Esq., Acting Sub-Secretary to the Board of Revenue, to the Hon. R. A. DALYELL, Acting Secretary to Government, Revenue Department, dated 29th September 1873, No. 1,963.

I AM directed to inquire whether it is the wish of the Government that the Board of Revenue in forwarding to Collectors the Proceedings of the Government (Revenue Department, dated 2nd September 1873, No. 9), shall instruct Collectors to apply for the limited remuneration of ministerial officers of Courts who now sell Court Fee Labels to which the letter* from the Under-Secretary to the Government of India, Financial Department, refers.

* In the above quoted Proceedings.

No. 281-A. Proceedings of the Board of Revenue, dated 29th September 1873, No. 1,966 :—

Read the following letter from H. S. THOMAS, Esq., Collector of South Canara, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Charmady, 25th August 1873, No. 1,426-B :—

I HAVE the honour to forward, for the information of the Board of Revenue, a petition presented to me by the Vakeels of the District, Subordinate Judge's, and Munsifs' Courts at Mangalore (together with the District Judge's endorsement and subsequent letter), in which they complain of the inconvenience caused to them by the inability of the Court vendor to sell Court Fee labels in consequence of the operation of the new stamp rule which precludes the supply of such labels to licensed vendors for sale at places within a reasonable distance from the station of an *ex officio* vendor.

* Board's Proceedings, dated 4th April 1873, No. 523.

2. In accordance with the existing Rules Court Fee labels are sold at Mangalore by the Taluq Sheristadar as *ex officio* vendor, and, the taluq cutcherry being less than a mile distant from the District Court, the prohibition contained in the rule above quoted applies to the vendor attached to the Courts above referred to, and consequently he has not hitherto been supplied with Court Fee labels on discount. There is much truth in the complaint that practical inconvenience is caused whenever Court Fee labels, often of trifling value, are required for emergent use, and for which the Vakeels or their clients are obliged to run to and from the taluq cutcherry ; on the other hand, the retailing of these labels at the taluq cutcherry imposes such an amount of trouble, and by the frequent interruptions at all hours absorbs so much of the time of the Taluq Sheristadar, who, of all similar officials, is the heaviest worked in the district (the cusbah of the taluq being at the head-quarters of the district) that some relief is really necessary for this officer.

3. In consideration of these circumstances, therefore, and of the fact of the use of Court Fee labels being now become more general under the new rule relating to the collection of process batta, etc., I have authorized the issue of Court Fee labels to the vendor attached to the Court on the discount system and trust the Board will approve of the measure.

4. Petitioners also request that the Court vendor should be allowed to purchase, on discount, stamps of higher value than 50 Rupees. This is opposed to Clause 6 of the Rules for the sale of stamps framed by Government under Section 48 of the General Stamp Act, and would involve extensive loss on the stamp revenue.

5. I take this opportunity to urge on the consideration of the Board and Government the expediency of modifying the Stamp Rules so as to relieve the Taluq Sheristadars as much as possible of the sale of Court Fee labels.

6. As the Board are aware, the duties of Taluq Sheristadars are by no means light—they are Treasury Officers for their taluqs, and, as such, have to attend to a mass of work connected with the cash transactions and accounts of the taluqs; they have also to superintend the preparation and submission of numerous and voluminous accounts and returns to the Huzur, and are not, besides, unfrequently employed on magisterial work both during the presence and absence of the Tahsildar from the cusbah station. To such officers the further imposition of the work of retailing stamps, which, of course, requires their personal attention, is undesirable as it interferes seriously with their other more important and legitimate duties. There would seem to be no objection to their selling stamps of a higher value than Rupees 50 as such sales do not occur very frequently in the course of a day; but the retailing of Court Fee labels of very trifling values at all hours of the day causes such distraction that the Taluq Sheristadars are justly complaining that the stamp work absorbs most of their time leaving them little leisure to attend to their more proper duties.

7. The object in prohibiting the issue of Court Fee labels on discount to licensed vendors employed near the station of an *ex officio* vendor is to avoid a loss to the stamp revenue. This loss, as I shall show below, is trifling compared with the indirect loss which the Government sustain by the employment of such highly-paid officials as the Taluq Sheristadars for the sale of stamps and their inability to attend better to the general interests of Government.

8. The average receipts from the sale of Court Fee labels of the value of Rupees 50 and under during the last twelve months amounted to Rupees 91,016-13-0. If discount was paid on these sales at the authorized rate of one per cent. we should have had to disburse Rupees 910-2-7 for the twelve months, or Rupees 75-13-6 a-month, to licensed vendors. Now, considering that the Taluq Sheristadars have to spend not less than one-third of their time daily in the sale of Court Fee labels, we may safely assume that Rupees 100 are expended for the same work in a-month, as there are five Taluq Sheristadars in this district drawing Rupees 60 each per mensem. Although the Taluq Sheristadars are not paid any extra remuneration for the sale of stamps I consider that so much of their more important work suffers as their time is to that extent taken up with stamp work, and consequently the remuneration work, paid for that which would otherwise have been better and more diligently performed, is wasted and is a loss to Government.

9. On the other hand, the employment of paid vendors on fixed salaries would not be advantageous to Government, for we should have to entertain some five of these vendors on salaries ranging from Rupees 20 to 30 a-month, according to the importance of each station, and the cost would be far higher than what would go in discount to the vendors at one per cent.

10. Under these circumstances I beg to recommend that, until the scheme proposed* by the Government of India for opening sub-depôts for the sale of Court Fee stamps in every Court or office in which such stamps are required to be used, is carried out, I may be authorized to issue Court Fee labels of the value of Rupees 50 and under to all licensed vendors on the discount system irrespective of their proximity or distance from the stations of *ex officio* vendors.

* G. O., dated 20th March 1872, No. 483.
Board's Miscellaneous Proceedings, dated 3rd April 1872, No. 2,399.

Enclosure No. 1.—Petition.

Enclosure No. 2.

From A. C. BURNELL, Esq., Acting District Judge, to H. S. THOMAS, Esq., Collector of South Canara, dated Mangalore, 15th August 1873, No. 63.

The Pleaders of this Court complain that they are put to great inconvenience on account of Court Fees stamps not being sold within the precincts of the Court-house. Besides, I had to postpone the hearing of a case when it was represented to me that stamps of more than 50 Rupees value could not be procured, except at certain hours, in the taluq cutcherry. I have, therefore, the

Proceedings of the Madras Government, Revenue Department,
27th October 1873.

honour to request you will be pleased to make arrangements so that stamps may be had whenever required without delay.

(True Copy.)

(Signed) B. C. LEGGATT,
Deputy Collector,
for Collector.

The Collector's action, reported in the 3rd paragraph of his letter, cannot be approved. Government have very recently (G. O., dated 22nd August 1873, No. 895) laid down the rule that sub-depôts had better be avoided at stations possessing a Treasury, and in any case, discount could not be allowed.

2. The prayer of the petitioners, reported in paragraph 4, was rightly rejected.

3. The Board resolve to submit this letter and its enclosures to Government in continuation of their Proceedings, dated 29th instant, No. 1,962. The evidence as to the great inconvenience and hindrance to the course of public business by the addition of the sale of stamps to the multifarious duties of Taluq Sheristadars is abundant, and the Board are led to the conclusion that the saving in discount is purchased too dearly.

4. The Collector's request, conveyed in paragraph 10 of his letter, cannot be granted. The Proceedings of the Board of Revenue, dated 4th April 1873, No. 528, conveyed the instructions of the Government of India to Collectors, and those instructions have not as yet been modified or the restrictions they contain relaxed.

No. 282. Order thereon, 27th October 1873, No. 1,191.

Separate Revenue, No. 16.
Stamps.

With reference to the Board's query in the letter recorded above, the Government remark that no general instructions such as those suggested should be issued to Collectors. Special remuneration to official vendors is only to be granted in very exceptional cases.

2. The Board's orders on the reference made by the Collector of Canara are approved, and that officer should be informed that the Government view with much displeasure his deliberate disregard of the orders† of the Government of India. They observe that there was and is nothing to prevent the opening of a sub-depôt in the Court under the Nazir or other officer as has been done elsewhere, and are at a loss to understand why the Collector considers that the establishment of sub-depôts is to be delayed. His attention should be drawn to the orders noted in the margin; the earlier of which appears to have been misunderstood by him.

† G. O., 28th February 1873, No. 232.

G. O., 20th March 1872, No. 483.
,, 22nd August 1873, ,, 895.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.

Exd. W. H. French.

Pub. Regr. Nos. 70 of 1870





To

H. S. Thomas Esquire,
Collector of the District of
South Canara.

Honored Sir,

We, the undersigned Vakils of the Courts of the District Judge, Subordinate Judge and Mangalore Munsif, on behalf of ourselves and our clients, respectfully beg to forward herewith a memorial [redacted] by us to the District Judge, representing the inconvinience we are put to in consequence of the operation of the Rules recently passed by the Government of India prohibiting the supply of Court Fee Stamp Papers above Rs. 50 in value as well as of Court Fee Labels, to the licensed Vendor attached to those Courts.

The District Judge having been kindly pleased to endorse his concurrence in our statement, we confidently trust Your Honor will graciously deign to take the subject into your favorable consideration, and adopt early measures to redress a public grievance; for which act of grace we shall ever remain grateful.

We beg to remain,
Honored Sir,
Your most obedient servants,

Mangalore
17th June 1872

Nithinandam
& 2 Vakils
N. Bangalore

No. 2839-
Eight annas -

Sub to Mangalore Munsiff's -
Mangalore, 21st June 1873 -

Dodd Lewis
Vendor
Reference

Rec'd. I in Petn. No. 170 of 1878

Put by 23 papers











Memorandum

Ps. Ramachandrayya
Pleader -
Venkataramana Pai -
Pleader
Ramakrishna Rao
Pleader

Subbu Bhat
Pleader

S. Ramakrishna
Pleader

M. Govindayya
Pleader

Ramaeshwaraya
Pleader

D. Subbu Bhat
Pleader

The undersigned Vakils of the South Canara District Court and the Mangalore Munsiff's Court most respectfully beg to represent to the District Judge the inconvenience they are put to in consequence of the operation of the Rules lately passed by the Government of India prohibiting the supply of Court Fee Stamp papers above Rupees ~~[illegible]~~ as of course, Fee Labels to the Licensed Vendor attached to the Court.

The Vendor was specially appointed with a view to meet readily the demands of the Vakils and suitors for every description of Stamps; and it is hardly necessary to say how very important it is the timely supply of Stamps, especially when the presentation of Plaints or Petitions is on the point of being "barred."

The Stamp papers and labels above alluded to can only be had now at the Taluk Kacheri, where, as the hard-worked Sheristadar is the Ex Officio Vendor, the parties have much difficulty in being supplied promptly; and that Officer's duty in vending Stamps being prohibitory

he

No. 2776-
Eight annas-

Sub to Ramanlers Kuthoonga
Mangalore 20th June 1873-
B W Rosario
Asst
Revd

STAMP DEPARTMENT
11 JUNE
1873
SOUTH CANARA

Revenue Department

No 1191

Proceedings of the Madras Govt
dt. 27th Oct: 73.
Read the following

From the Ag: Sub: Secy to the Board of Revenue
Enquiring whether the Board
are to instruct Collectors to apply for
limited remuneration of ministerial
officers of Courts who now sell Court
Fee Labels.
} M. P. 29 September 73 No. 1963

Pros: Board of Revenue
Representing the inconvenience
to the public from prohibition against
the sale of Court Fee Stamps at Courts
within a reasonable distance from
Station of an ex officio vendor &c.
} M. P. 29 September 1873 No. 1966

With reference to the
Board's query in the letter re-
corded above, the Govt remark
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such as those suggested should
be issued to Collectors. Special
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exceptional

exceptional cases

2. The Board's orders on the reference made by the Collector of Canara are approved and that officer should be informed that the Govt view with much displeasure his deliberate disregard of the orders of the Govt of India. They observe that there was and is nothing to prevent the opening of a Sub-depot in the Court under the Nazir or other officer as has been done elsewhere and are at a loss to understand why the Collector considers that the establishment of Sub-depots is to be delayed. His attention should be drawn to the orders noted in the margin, the earlier of which appears to have been misunderstood by him

+ G.O. 28th July 7.

G.O. 20th March 72 No. 40
G.O. 22nd Aug 73. No. 89

Board of Revenue Despt 7th Nov

Sale of Court-Ho. Square