Proceedings of the Madras Government, Revenue Department,
22nd August 1873.

Read the following :—

No. 189. Proceedings of the Board of Revenue, dated 19th July 1873, No. 1,333.

Read the following letter from J. H. MASTER, Esq., Collector of Bellary, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 20th June 1873, No. 197 :—

ALTHOUGH orders for the establishment of sub-depôts for the sale of Court Fee Stamps were received so long ago as the 3rd April 1872, in the Proceedings of the Board, Miscellaneous No. 2,392, yet until the recent orders of the Government of India, prohibiting the supply of Court Fee Stamps to vendors in places where an ex-officio vendor resided, came to hand, no stamps had been taken for sale by the ex-officio vendors of the different Civil Courts.

2. The supply which, for the future, will have to be kept by them must be very large, inasmuch as all process fees have now to be paid in stamps.

3. The ex-officio vendors are the Nazir in the District Court, and the second Gumastah in each of the Courts of the District Munsifs.

4. The office will be a very responsible one, and the accounts to be rendered are voluminous.

5. I have the honour to bring to the notice of the Board that from none of these Gumastahs, who are very poorly paid servants, has any security been demanded. Opportunities for the commission of fraud are plentiful, and it would be exceedingly difficult to recover Government money from an absconding vendor.

6. I do not ask, however, permission to demand security. I would beg to suggest that sales of Court Fees labels should be made from the different Treasuries for cash payments only, as is the system at present obtaining with regard to Service Postage labels, and that the Courts be left to make their own arrangements for the safe custody and sale of the labels afterwards.

THE Board resolve to submit, for the consideration of Government, the above letter from the Collector of Bellary. He anticipates considerable risk of the ex-officio stamp vendors committing irregularities, and suggests that the vendors should pay into the Treasuries the full value of their indents in cash. Supposing that they have the money at command, there is not, in the Board's opinion, any reason to suppose that they would select this way of employing their capital.

2. Stamps will not be freely available for sale, unless it is made to be the interest of the vendors that they should be so. No security can be taken from the ex-officio vendors who are to receive no remuneration on this account, and the risk which Government will run of defalcations is the direct consequence of the new rule prohibiting the supply of Court Fee Stamps to vendors in places where an ex-officio vendor resides; the Board anticipate much inconvenience from the working of the Rule, which imposes the gratuitous performance of an onerous duty and the keeping of voluminous accounts on a body of public servants already fully employed and not too well paid.

No. 190. Proceedings

he Board of Revenue, dated 4th August 1373,
No. 1,489.

Read the following lett
J. GROSE, Esq.
1873, No. 233 :—

om J. H. MASTER, Esq., Collector of Bellary, to
retary to the Board of Revenue, dated 17th Jul

I HAVE the honour to enclose copy letter, received from the District Judge, on the subject of Gumashtas of the differen unsif's Courts, being ex-officio vendors of Court Fees Stamps.

2. As there are other ex officio vendors at the three places, Bellary, Gooty and Anantapore, I have informed the Judge that I will, as he wishes, receive back the stamps issued to the Gumashtas of the Munsif's Courts at those places.

3. With regard, however, to the Courts at Nararyandevarkerry and Purghi respectively, nine and six miles distant from a Taluq Kutcherry, I am not at liberty under the orders of Government to appoint a licensed vendor, but I would respectfully beg that permission may be granted to me to appoint them.

4. The reasons as set forth by the Judge against the propriety of a low salaried official being forced to undertake, without remuneration, a very serious responsibility, are sound.

5. I represented the matter to the Board, in my letter, No. 197, dated 20th ultimo.

6. I request that Government may be urged to pass early orders on the subject.

ENCLOSURE No. 1.

From L. FORBES, Esq., District Judge, to J. H. MASTER, Esq., Collector of Bellary, dated 15th July 1873, No. 35.

WITH reference to my letter, dated 21st June 1872, No. 40, suggesting that Sub-Depôts should be established in this Court and in the Munsif's Courts for the sale of Court Fees Stamps, and that the Nazir in this Court and the second Gumashta in the lower Courts should be ex-officio in charge of stamps, I have the honour to inform you, that on further consideration, I am satisfied that the carrying out of the suggestion would not only be attended with inconvenience and interruption to the ordinary business of the Courts but would also afford dangerous facilities for fraudulent practices.

2. I now find that the work would require more time and attention than the second or any other Gumashta of a Munsif's Court could afford without seriously interfering with his legitimate duties. The establishments of the Gooty and Bellary Munsif's Courts in particular, where the files are exceedingly heavy, are already found unequal to the work, and I am not disposed, without urgent cause, to impose more upon them. The employment of a Gumashta as vendor of the stamps required for use in the Court in which he, in his capacity of Gumashta, has access to the stamped papers put in by parties, would be objectionable. It would also, I consider, be unsafe to entrust a large quantity of valuable stamps to an under-paid official, as all the Gumashtas of the Judicial establishment admittedly are. Non of these men, except the Head Gumashtas give security, and in view of the smallness of their pay it would be unreasonable to require it of them, especially as it is not proposed to remunerate them for the extra labour and responsibility. Then again the Munsif's Court houses (where the stamps would have to be kept) are most of them insecure, and all of them are unguarded. There are two peons, it is true, attached to each Court, but they are required to be in attendance during the day, and cannot, therefore, be made available for night work.

3. At Bellary, Gooty and Anantapore, Court Fee Stamps are procurable at existing depôts within at most half a mile of the several Courts, and I therefore propose discontinuing the sale of stamps in the Courts themselves. I request you will be so good as to instruct the Officers in charge of the Treasuries at those places to receive back the stamps now in the hands of the Court second Gumashtas.

4. As regards Purghi and Nararyandevarkerry the case is different. These places are respectively six and nine miles distant from the nearest Stamp Depôts, and it would entail hardship on suitors, and cause general delay and inconvenience if the late arrangement is discontinued, and no other is substituted. It seems to me, however, that the Notification, dated 6th May 1873, published at page 939 of the *Fort St. George Gazette*, was intended to meet just such cases, and I would suggest that you should allow me to name two men to be appointed as licensed Vendors at those Courts, and that they should be allowed a discount of 1 per cent. I notice that no less than three Vendors of General Stamps are stationed at Nararyandevarkerry, one of these might be licensed to sell Court Fee Stamps as well, and P. Ramappa (see Circular at page 207 of the *District Gazette* for 5th instant) might do the same for Purghi Court. Should you not consider yourself at liberty to give effect to either of these suggestions, or to any other that would ensure a constant and adequate supply of Court Fee Stamps being available at, or within a reasonable distance of those two Courts, I have to ask that you will refer the matter for orders, sending up a copy of my letter. I beg the favour of your early attention to the question, as I have had several references from the Munsifs on the subject, and it is desirable a settlement should be come to with as little loss of time as possible.

(True Copy)

(Signed) J. H. MASTER,
Collector.

SUBMITTED for the orders of Government with reference to Board's Proceedings, dated 19th July 1873, No. 1,333.

2. The District Judge of Bellary urges strong objections to the appointment of ex-officio vendors of Court Fees Stamps in the Courts of the district; and as at three of the stations* stamps can conveniently be obtained from other ex-officio vendors, the Collector has received back the stock issued to the vendors in the Courts.

* Bellary, Anantapore, and Gooty.

3. The Judge suggests that licensed vendors be appointed at the remaining stations, Purghi and Nararyandevarkerry.

4. The Board recommend that the Collector's action be approved, and the Judge's suggestion carried into effect.

No. 191. ORDER THEREON, 22nd August 1873, No. 895.

Separate Revenue, No. 12.
Stamp.

THE Collector of Bellary does not seem to have intended that the *ex-officio* vendors should themselves purchase the stamps from their private means, but that each Civil Court should purchase Court Fee Stamps out of its permanent advance fund as it now buys its Service Postage Labels. Arrangements of this nature having, however, been already prohibited by the Government of India need not be further considered.

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Proceedings of th *Madras Government, Revenue Department,*
22nd August 1873.

2. Where a District M[unsif]'s Court is at the same place as a Treasury, a sub-depôt at the former ca[n] rarely be a necessity, and had better be avoided as proposed by the District J[udge]; but elsewhere sub-depôts must be opened, as the Government of India a[re] much opposed to the system of paying discount. District officers must make the be[st] arrangements in their power for the safe custody of the stamps and for the preven[tion] of fraud; and the attention of all Collectors is drawn to the extensive powers of [inspection] possessed by them under the 6th of the rules appended to G. O., No. 281, [dated] 13th February 1872.

(True ext[ract].)
(Signed) R. A. DALYELL,
Acting Secretary to Government.

No 2247

Memo for Orders.

Re Sale of Revenue Court Fee Stamps Vendors to pay into Treasuries full value of their indents.

The Collector of Bellary brings to notice that in the District Moonsiffs' Courts the ex officio Stamp Vendors are poorly paid Gumastas and that as there is no security taken from them he fears defalcations will occur.

He would therefore supply Stamps for cash only on the system in force with regard to "Service" Postage-Labels.

2 The Board assume that the cash would have to come out of the Vendor's own pockets & therefore object to the proposal. They further state that as the Vendors will receive no special Remuneration they cannot be called upon to furnish security and that it is anticipated

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accounts at the
close. Such
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Master

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that Mode in which the
will result from the new
rule after Govt: of India
sanctioning the sale of
Court Fee Stamps in
any place where there
is an ex officio Vendor
to him only".

3. It is submitted that
the Board have mis-
understood the Colon:
proposal. What he
really proposes is that
each Civil Court should
purchase out of its
permanent advance
those Court Fee Stamps
likely to be required,
Quarterly if more frequent
the service calls for and
should then "make its
own arrangements for
their safe custody & sale"

4. This seems a most
practicable scheme & it
is suggested that the
High Court should be
requested to arrange
for its introduction if
they see no objection to
it

Memo for Orders

Suggestion of Collector of Bellary that Vendors of Court fee Stamps should pay into Treasuries full value of their indents in cash

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Sec. Board of Revenue

Letter.

Contr. Fee Stamp Vendors to pay into Treasuries full value of their indents

I appears that the system proposed has already been forbidden by the Govt of India.

Please see their letter to the Bombay Govt: No 4,795 dated 31st Oct. 71 incorporated (at page 3) in G.O. 281 dated 13th Feby 72 now put up.

2. It is presumed that the Collr: of Bellary must be told that this disposes of his suggestion.

3. It is submitted that where a District Munsiffs Court is at the same place as a Treasury, a subsidy at the former can

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the Assistt. Commissr being entrusted with stamps because they "have access to the stamped papers put in by parties" and "are underpaid" & because the Court houses are unguarded & insecure.

We suggest, & the Collector proposes to carry out, the arrangement referred to in para 3 of the foregoing note but where there are no other ex officio Vndors he proposes that licensed Vndors be appointed & allowed a discount of 1 p.c.

2. The Govt of India however are much opposed to paying discount by "if E in Council is of opinion" that an officer of the Court or office should be entrusted with the duty of supplying" the labels. It would seem therefore that where there is no other ex off: Vndor some one in the Assistt's

surely be accepted and had better be avoided; but where necessary, the powers granted to Collectors in the 6th of the Rules appended to the G.O. now put up should if properly worked suffice to prevent irregularities

Lac.

Another reference to the Government is accepted by the District Judge of Bellary having now written through the Collector of the Board to object to

court must be
entrusted with the
duty and that the
Judges & Collectors
must make the
best arrangements
they can

Revenue Department.

No. 895

X
7

PROCEEDINGS of the MADRAS GOVERNMENT.

dated 22 Aug. 73.

Read the following Proceedings of the Board of Revenue.

Submitting letters from the Collector of Bellary suggesting that vendors of Court Fee Stamps should pay into treasuries the full value of their indents in cash and objecting to the rule prohibiting supply of Court Fee Stamps to vendors in places where an ex-officio vendor resides

R. P. 19th July 1873 No. 1333
4th August 1873 No. 1489

The Collector of Bellary does not seem to have intended that the ex-officio vendors should purchase the stamps ~~out of their private means~~ ~~out of their own pockets~~, but that each Civil Court should purchase Court Fee Stamps out of its permanent advance fund as it now buys its Service postage labels. Arrangements of this nature leaving however

however been already prohibited by the Government of India need not be further considered.

2. Where a District Municipal Court is at the same place as a Treasury, a sub-depot at the former can rarely be a necessity, and had better be avoided as proposed by the District Judge; but elsewhere ~~each~~ sub-depots must be opened as the Government of India are much shocked to the system of paying discount. District Officers must make the best arrangements in their power for the safe custody of the stamps and for the prevention of fraud, and the attention of all Collectors is drawn to the extensive powers of supervision possessed by them under the 6th of the rules appended to G.O. No 281 dated 13th February 1872

To Bo of Rev
Dep 30/8

&

Suggesting that Collectors of Districts in which Court Fee Stamps are issued should be required to submit Returns of the Stamps received by them and of the Sales effected by them.

Nos. 189-191

2/12/Vol

V Cr 3132/73

Govt. of {1873} Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated August 22nd.

Read. *Encl.*

G. O., 22nd August 1873, No. 893.

AUGUST.

Nos. 189—191.

Court Fee Stamps.—Informing the Board of Revenue that sub-depôts must be opened where necessary for the sale of —, as the Government of India are opposed to the system of paying discount, and intimating that the district officers must make the best arrangements in their power for the custody of the stamps and for the prevention of fraud under the extensive powers of supervision possessed by them.