

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 822-83	Press Mis.
Dated 17 — 6 — 19 18	

Not to be folded or roughly handled

19/4 (100)

Proceedings of the Madras Government, Judicial Department,
17th June 1865.

No. 60. Read the following letter from Major R. M. MACDONALD, Registrar General of Assurances; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Waltair, 23rd May 1865, No. 181A.

I have the honor, in submitting the accompanying return of registration for the month of March, to state that the delay in the preparation of it is due to the non-receipt of the return of the Vizianagaram District, which did not reach the Presidency until the evening of the 12th instant when the general return was completed and forwarded to me at this station.

2. It will be observed that there has been a great increase in the number of registrations and amount of fees collected in March, as compared with the preceding months. The greatest amount of registration has taken place in the Godavery, Kurnool, Coimbatore, Calicut, Tanjore, and Madras Districts, and the least in those of Krishna, South Arcot,

Months.	Number of Registrations.	Amount of fees.
		Rs. A. P.
January.....	337	398 0 0
February.....		1764 8 0
March.....		3279 6 0
	7657	

Chingleput, Bellary, and Nellore. The difference between the first and last District in this list is very striking, there having been 621 registrations in the Godavery against 31 in Nellore. In none of the Districts, however, are the fees sufficient to admit of the District Registrars receiving a sum at all approaching to the Rupees 100, which was originally to have been the amount of their monthly salary. Omitting the Madras District office which does not pay half its expenses, although more was collected in it than in any other, and omitting also the General Register Office, the total amount to be divided among 21 District Registrars is the fourth part of 2946-6-0 or 735-9-6, which would give each officer on an average about Rupees 35. The average remuneration of the Deputy Registrars is still more insignificant averaging about 4-8-0, out of which a clerk has to be paid and some stationery provided, while the amount remaining to meet the expenses incurred by Government in establishing and maintaining the Department falls far below the actual cost.

3. Under these circumstances some modification of the table of fees provisionally sanctioned for this Presidency seems absolutely necessary. A comparison of the Madras rates with those which prevail in Bengal and the North-West Provinces will show that the latter are much higher than the former, and that provision is made for many charges which are not included in the Madras table. I regret that I am unable to refer to the Bombay table of fees, of which I have as yet received no copy.

4. The Bengal schedule of fees makes a distinction between instruments of which the registration is compulsory under Section 13 and those of which the registration is optional under Section 16. In the latter case, a uniform fee of Rupees 2 is levied, while in the former, the rate ranges from Rupees 2 upwards. The provisions of the North-West table are more complicated, but the fees range between 8 Annas and Rupees 4 for compulsory registration, and 4 Annas and Rupees 2 for optional registration. I see no reason for departing from the princi-

10. The fee for registration in the General Register office is double the ordinary fee in Bengal and Madras, while in the North-West Provinces, the fee is Rupees 10 in addition to the ordinary fee. I see no reason for recommending any alteration.

11. No fee is charged either in Madras or the North-West Provinces for special registration under Sections 51 and 52. In Bengal, the fee is in such cases doubled. I think this provision might, with advantage, be extended to this Presidency. Special registration is already largely resorted to, and there is no reason why the advantages which it confers should not be paid for.

12. No fee is charged either in Madras or the North-West Provinces for attesting powers of attorney. In Bengal, the fee is 1 Rupee for a special power, and 2 Rupees for a general power. I recommend that half these rates be levied in this Presidency.

13. See Bengal Table of fees is to the following effect:—

“Whenever application shall be made, under the provision of Section 28, for a Commission to issue for the purpose of taking the examination of a Native woman of rank, or, under the provisions of Sections 28 and 65, for the attendance of any District Registrar or Deputy Registrar in person at the place of residence of any Native woman of rank or other party intending to execute any Power of Attorney or other Instrument, or desiring to deposit a Will, Codicil, or authority to adopt a son, such Native woman of rank or other applicant shall be required to pay a fee of Rupees 10 in addition to the travelling expenses of such District Registrar, or Deputy Registrar, or other person, to be calculated according to the distance travelled on the usual scale prescribed for travelling allowance on Public service.” Article V. of the North-West Table is to the same effect. There is no corresponding provision in the Madras Table, and great inconvenience has been felt from the absence of some such check on the pretensions of persons who profess to consider themselves exempt from attendance at the Registrar’s office. I recommend, therefore, the adoption of this rule, as above quoted.

14. The last Article in the Bengal and North-West Tables authorizes the same fees for serving summonses as are in force in the principal Court of Civil jurisdiction in the same District or Sub-District. This rule should, I think, be also added to our table.

15. A draft of the table of fees, amended as above proposed, with a slight addition which seems desirable to the present Rule V., is annexed.

Amended Table of Fees.

I. The fees, payable in the office of every District and Deputy Registrar, shall be as follows:—

8 :—

For registering every instrument the value of which does not exceed			
Rupees 100...	...	...	Eight Annas.
Do. do. above Rupees 100 and not exceeding Rupees 500...			One Rupee.
Do. do. above Rupees 500 and not exceeding Rupees 1000.			Two Rupees.
Do. do. above Rupees 1000	exceeding Rupees 5000		Three Rupees.
For each additional thousand Rupees or part			Eight Annas.
For special registration under Section 51. be			usual fee, an
extra fee of the same amount.			
For every search.....	...	...	One Rupee.

No. 62. To the Secretary to the Government of India, Home Department,
dated Fort Saint George, 17th June 1865, No. 823.

Under the provisions of Section 55, Act XVI of 1864, I am directed to submit for the approval of the Governor General in Council the annexed Table of Fees which it is proposed to substitute for the table submitted with my letter of the 18th December last; the fees now charged being found insufficient to defray the cost of the Registration establishments, or to afford any thing like adequate remuneration to the District and Deputy Registrars. A copy of a letter on the subject from the Registrar General of Assurances is enclosed, and I am to request that in the event of the Governor General in Council approving of the table now submitted, His Excellency's approval may be intimated by telegraph.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. J. Wright.

FROM

A. J. ARBUTHNOT, Esq.,
Chief Secretary to the Government of Fort Saint George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA.

SIR,

Under the provisions of the Act of 1864, I am directed to submit for the approval of the Government the fees which it is proposed to substitute for the 18th December last:

As the fees now charged are manifestly insufficient to defray the cost of the Registration establishments, or to afford any thing like adequate remuneration to the District and Deputy Registrars, the Governor in Council proposes to publish the new rates submitted on or about the 1st proximo, in order that the new rates of fees may take effect from the 1st proximo.

I have the honor to be,
Sir,
Your most obedient Servant,

FORT SAINT GEORGE,
8th June 1865.

Chief Secretary.

Amended Table of Fees.

I. The fees, payable in the office of every District and Deputy Registrar, shall be as follows:—

For registering every instrument the value of which does not exceed Rupees 100...	Eight Annas.
Do. do. above Rupees 100 and not exceeding Rupees 500...	One Rupee.
Do. do. above Rupees 500 and not exceeding Rupees 1000.	Two Rupees.
Do. do. above Rupees 1000 and not exceeding Rupees 5000	Three Rupees.
For each additional thousand Rupees or part thereof.....	Eight Annas.
For special registration under Section 51, besides the usual fee, an extra fee of the same amount.	
For every search.....	One Rupee.
For every certified copy or extract or for entering the contents of a sealed cover in the Register of Wills, Codicils, and Instruments giving authority to adopt a son.	Four Annas for every 100 words, or for any fraction of 100 words
For the custody of any sealed envelope purporting to contain or authority to adopt.....	
For attesting a special power of Attorney.....	One Rupee.
Do. general do.	One Rupee.

II. The value in the case of leases for periods less than five years, without fine or premium, shall be the aggregate amount of rent payable for the whole term of lease.

III. The value in the case of other leases for a term of years, without fine or premium, shall be calculated at five years' rental.

IV. When a fine is payable with, or without a rent stipulated, the value shall be the aggregate of the fine, and the value (if any) calculated as in the foregoing rules.

V. The value in the case of leases in which no period is specified, shall be the aggregate amount of rent payable for one year.

RETURN of Registration in the

Madras Presidency in the month of

March.

186

In Book		In Book	In Book	Total.	Specially registered under Section 51 and 52.	Value of stamps on instruments.				Number of instruments registered under Sec. 15.	Number of instruments registered under Sec. 62.	Number of instruments registered under Sec. 13.	Number of sealed covers.			Amount of fees.		Number of appeals preferred under Section 62.	Number of orders revised or altered.	Number of orders revised or altered.	Remarks.
In Book	In Book					In Book A.	In Book B.	In Book D.	Total.				Deposited.	Withdrawn.	Opened.	Collected.	Remitted to the Treasury.				
51	47	1	57	224	17	198	506	108	4	812	4	134	864	864	29/5						
12	10	1	23	621	165	427	185	260	7	872	7	66	2624	1478	73/2						
22	135	1	30	102	13	99	53	10	53	2	2512	48	48	19	17/40						
31	34	1	6	31	57	18	8	23	8	93	18	81	24	20	20						
15	8	1	24	147	6	215	1	62	14	88	9	368	81	60	20						
18	21	1	39	187	187	186	57	8	44	10	678	112	225	12	110	20/16					
47	42	1	89	47	127	2					23	24	8	8	2	57/8					
23	10	1	33	4	116	763	10	170			208	2	284	590	57/8						
10	10	1	21	03	9	123	4 1/2	15	8	18			35	12	31	45/4					
30	10	1	41	198	11	208	8	111	8	199	97	1	108	77	6	17/1					
70	73	5	148	9.5	1	173	41				42		41	31	4	23/4					
50	11	1	61	310	5	602	2	547	10	260	9	1410	268	12	24	23/4					
104		1	105	18	27	464	128	0			107		120	55	4	23/4					
15	15	1	30	32	16	673	428	131	5	1202	6		196	08	12	57/9					
75	115	1	190	165	10	388	1		24	14	909	10	150	8	190	57/9					
65	27	1	92	59	6	218	8	155	10	150	3	524	129	4	57	30/9					
50	33	1	83	281	29	290	2	198	6	186	6	674	127	48	12	170/3					
95	115	1	210	370	1	854	629	10	67	8	1551	3	269	4	269	170/3					
132	173	1	305	114	5	471	9	355	15	167	8	993	194	4	90	100/6					
02	75	1	77	80	4	259	8	524	5	142	8	975	170	4	170	98/3					
55	145	3	203	21	11	650	687	104	2	148	2	1	266	8	266	98/3					
46	101	1	147	527	7952	625822	10	3297	13			2226	2	2	377	62691	7416				

N. B.—Column 2, 3, 4 and 5 will contain the total number of Registrations in each book: but some of those will appear a second time in columns 7, 12, 13, and 14.

R. M. Mason
Resident

R. M. Macdonald
Resident General

29. Hair 4/85

lands, contracts, and deeds of partition, when no
e maximum amount which shall be

pressed, the

registration, search,
y of any entry, abstract, or
instrum shall be double
corres-

miss-
for the
Regis-
nding
ail, or
quired
penses of such District Registrar or
ding to the distance travelled on the

Sections 1, shall be
Court of Original Civil Jurisdiction in

the said

viii

Table of Fees under Act ~~XVI~~ ^{of 1864} of 1864.

Article 1st

The Act divides Instruments into two classes.

Class 1st: Those the registration of which is obligatory under Section XIII.

Class 2^d: Those the registration of which is optional under Section XVI.

The following fees shall be charged on the registration of Instruments of each of these classes:—

1st Class.

1st Deeds of gift of immovable property of whatever value

When the value of the gift is expressed in the Instrument and does not exceed Rs 100, } 0. 8. 0.
Exceeding Rs 100 but not exceeding Rs 500, } 1. 0. 0.
Above Rs 500, } 2. 0. 0.

When the value is not expressed, } 4. 0. 0.

2^d Leases of immovable property for any period exceeding one year.

When the rent per annum entered in the lease does not exceed Rs 100, } 0. 8. 0.
Exceeding Rs 100 but not exceeding Rs 500, } 1. 0. 0.
Above Rs 500, } 2. 0. 0.

3^d Instruments which purport or operate to create, declare, transfer or extinguish any right, title, or interest of the value of Rs 100 or upwards in any immovable property.

When the value of the right, title, or interest as stated in the Instrument is less than Rs 500, } 2. 0. 0.
Above Rs 500, } 4. 0. 0.

4th Instruments which acknowledge the receipt or payment of any consideration on

account
 100 on
 when the one
 2nd
 Instruments
 any
 from
 names
 any
 under
 3rd
 periods not
 all a
 any
 end.

5th Wills, Codicils, or authority to adopt them. 2. 0. 0.
 The uniform fee of
 6th Private awards of arbitrations 2. 0. 0.
 The uniform fee of
 7th Deeds, Bonds, Contracts, or other obligations, } 0. 4. 0.
 if for any sum not exceeding Rs 50.
 Exceeding Rs 50 but not exceeding Rs 100, 1. 0. 0.
 Rs 100 Rs 500 - 2. 0. 0.
 Above Rs 500, 2. 0. 0.
 When the value is not expressed.
 Article II
 On the registration of any instrument, of
 whatever class or kind, by the Registrar
 General under section 17 an additional fee of 10. 0. 0.
 Article III
 Searching of Registers 1. 0. 0.
 Accession
 Article IV
 Instruments with or without registration or care of
 in order 1200 words for
 of English, 750 words for
 Article V
 On the issue of a Commission to examine a
 native woman of rank, or under the provisions
 of section 108 b, when a District Registrar
 attends in person at the place of residence
 of any native woman of rank, or other party
 intending to execute a power of attorney or other
 instrument, or desiring to deposit a will
 Code authority. As per law, a fee of 10. 0. 0.
 In addition to the above fee, travelling expenses
 of District Registrar and Deputy Registrar, on

in person to be...
 instances transacted on the usual
 and provided for travelling allowance
 Public Service.

Article VI

For serving summonses under the provisions
 of Sections 21 to 34, the same
 once in the Principal Civil Court of
 original jurisdiction in the same district or
 other districts.

Signed at...
 Registrar General... 1871

Dec 1871
 No 1191

Value of fees
 1871

Enclosure No. 1
 to the...
 1871

Bengal

Schedule of Fees for the Registration of
 Instruments under Act XVI of 1864.

For ordinary registration of Instruments.

(A) The fees to be paid on the registration of
 any instrument the registration of which is made com-
 pulsory under Section 13 of the Act, shall be regulated
 on an ad valorem scale, and calculated according to
 the value of the right, title, or interest affected, as de-
 fined in Section 14 of the Act in the manner following
 that is to say:—

(i) For any Instrument being a Deed of
 gift of immovable property, or which purports or operates
 to create, declare, transfer, or extinguish any right, title,
 or interest of the value of one hundred Rupees or upwards
 in any immovable property, or which acknowledges the
 receipt or payment of any consideration on account of
 the creation, declaration, transfer, or extinction of any right
 title or interest as above of such value as aforesaid in
 any immovable property—

When such value or consideration shall not exceed Rs 1000 } 2 Rs fee

Exceeding Rs 1000, but not exceeding Rs 5000. } 3 " "

And for every further Rs 500, or part thereof. } 1 Rs "

(ii) For any lease of immovable property

or any period exceeding one year, without any payment of any sum of money by way of fine or premium, the same fee as for other instruments the registration of which is compulsory under Section 13, provided that the value or consideration therein appears to shall be taken to be the rent calculated for the whole year.

(1) The fee to be paid on the registration of any instrument the registration of which is compulsory under Section 16 of the Act shall in every case be the specific sum of 2 Rupees.

II. For special registration of Instruments

(i) Every instrument of the nature specified in Section 21 of the Act shall be presented at the Office of the Registrar-General and under Section 26, the fee to be paid shall be double the usual fee for a similar instrument.

(ii) In the case of registration of any mortgage or other written obligation for the payment of money whenever, under Section 51, an agreement be specially recorded to the effect that the amount so secured shall be recovered as provided by law without a suit besides the usual fee for registration there shall be paid an extra fee of $\frac{1}{2}$ amount.

III For inspection and search of documents - a fee of 1 Rupee shall be paid for each document.

IV For granting certified copies, either on registration or search - a fee shall be paid at the rate of 1 anna for every hundred words of such copy for native documents, and at the rate of 2 annas for every hundred words of such copy in the case of English documents.

V For attesting any Power of Attorney a fee shall be payable as follows, that is to say:-

(i) If the Power of Attorney be special - 1 Rupee

(ii) If the Power of Attorney be general - 2 Rupees

VI For depositing a sealed cover under Section 46 of the Act - 3 Rupees.

VII Whenever application is made under the provisions of Section 49 of the Act, to open a sealed cover which has been deposited in the office of any District Registrar, the applicant shall be required to pay a fee of 2 Rupees, besides the expense of entering a copy of the contents in the prescribed Register, which expense shall be calculated according to the fees laid down in this Schedule for the granting of certified copies.

VIII Whenever application shall be made, under the provisions of Section 28, for a commission to issue for the purpose of taking the examination of a Native woman of rank, or, under the provisions of Section 28 and 65, for the attendance of any District Registrar or Deputy Registrar in person at the place of residence

= Service of any native woman of rank or other party
intending to execute any Power of Attorney or other
Instrument, or desiring to deposit a Will, or to exercise

authority to adopt a son - such native woman
of rank or other applicant shall be required to pay
fee of 10 Rupees in addition to the travelling
expenses of such District Registrar or other person
to be calculated according to the distance travelled on the usual
mode of travelling. Advance

IX. The fees for serving summonses under the
provisions of Sections 31-34 shall be regulated
according to the scale in force in the Principal
Court of Original Civil Jurisdiction in the
same District or Sub-District.

Recd 1853
170-1194

Scale of fees
Legal

1853-1854
in court
1853-1854

Enclosure No III

7-5884
7-41-64
15-5-187
16-12-64
195-197
19-6-65
219-220
29-4-65

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letter from the Registrar General of
Assurances
Here, under 23rd May 1865 N^o 181A.

Order thereon, 8th June 1865 N^o 822.

The Governor in Council
has with the Registrar General
of Assurances as to the necessity of
raising the fee payable under Act
XVI of 1864 and directs that the
Table of Fees submitted with the
foregoing letter be submitted to the
Governor General in Council for
his approval.

For the Registrar General of Assurances. 1853/6

Judicial Department.
No. 823

To

The Secretary to the Government
of India.

Home Department.

Sir,

Under the provisions of
Section 55 Act ~~XVI~~ of 1864, I am
directed to submit for the approval
of the Governor General in Council
the annexed table of fees which
it is proposed to substitute for
the table submitted with my letter
of the 18th December last.

As the fees now charged
are manifestly inefficient to
defray the cost of the Registration
establishments, or to afford anything
like adequate remuneration to the
District and Deputy Registrars,
the Governor in Council proposes
to publish the table now sub-
mitted on or about the 20th instant

Subject

Judicial Department

No. 822

W.H.

J.P.
W.D.

600/602

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дет. Прошло.

Fort Saint George
17th June 1865 }

R. T. Telegraph 18th Aug, '85.

Ludwig & Robt. Schmitt

1823

to the Secretary of the
War Department

1
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 1900
 1065

