

MADRAS RECORD OFFICE.

Government of Madras.

Legal DEPARTMENT.

G.O. No.	286	Press
		~~Mis.~~
Dated	27-2-19	8.66

224-226

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Not to be folded or roughly handled

File 179/20

*Proceedings of the Madras Government, Judicial Department,
27th February 1866.*

Read the following papers :—

No. 224. From the Reverend R. CALDWELL, L. L. D., to the Chief Secretary to Government, Fort Saint George; dated Palamcottah, 17th November 1865.

As I understand that you are the Officer appointed by the Local Government to receive Declarations of a desire to acquire a Domicile in British India, I have the honor to request that you will be so kind as to send me a copy of a Form of Declaration to be filled up by me.

No. 225. From the Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 22nd February 1866, No. 99.

In compliance with the request contained in the Official Memorandum from the Judicial Department, under date the 27th November 1865, No. 456, I have the honor to forward, herewith, a Form of the Declaration to be made, under the provisions of Section 11 of "The Indian Succession Act 1865," with a view to acquiring a Domicile in British India.

Form of Declaration to be made under the provisions of Section 11 of "The Indian Succession Act 1865,"

I

residing at

acting under the provisions of Section Eleven of "The Indian Succession Act 1865," do hereby declare that I am desirous of acquiring a Domicile in British India : and that I have been resident in British India for one year immediately preceding the time of my making this Declaration. Dated this _____ day of _____ 186 .

Witness to the signature of the said

No. 226. ORDER THEREON, 27th February 1866, No. 286.

Ordered that a copy of the Form of Declaration furnished by the Government Solicitor be sent to the Reverend R. Caldwell, with reference to his letter of the 17th November last.

(True Extract).

Chief Secretary.

To the Reverend R. Caldwell, L. L. D., Palamcottah.

Exd. J. H. Burns.

Memorandum

Under Section 11
of the Indian Succession
Act No. X of 1865.

"Any person may
acquire a domicile
in British India by
making and deposit-
ing in some office in
British India (to be
fixed by the Local
Government) a declara-
tion in writing under
his hand & his de-
claration to acquire such
domicile, provided
that he shall have been
resident in British
India for one year
immediately preceding
the time of his making
such

such declaration.

In accordance
therewith declara-
tions have been
sent in on "un-
stamped" paper,
and have been
kept in the Court
Office. Recently
however a declara-
tion has been received
from the Court written
upon "stamped"
paper of the value
of one Rupee.

The Indian
Succession Act makes
no provision for
this - but in the
Stamp Act of
1862 - Schedule B.
the proper stamp

The Declaration
made in order to obtain
domicile in India is
not of the class of
"affidavit or solemn
declarations (in form of
affidavit)" & L. Act. 8. Sec. 1.
Act 10. of 1862. 2. 1. 1. 1.

There is no provision
form of declaration
prescribed by the 11. Act.
2. of 1862. The 12. Act. 1. 1. 1.
Act. 12. has supplied for
domicile & W. Caldwell
is doubtless for the purpose.
But the form might be
verbal so as to make it
less like a "solemn declara-
tion" in form & might be
answerable to the requirements
of the Succession Act.

It therefore does the declaration
require to be stamped
under Act. 26. of 1862.

Stamp paper is not
required. L. B. 3. July 1862.

an "Affidavit or
Solemn declara-
tion" not made for
the immediate pur-
pose of being filed,
read, or used in
any Court of Justice.
7. 1. 1. - 1 Rupee.

When one
requested as to the
precise course which
should be observed
in respect of declara-
tions - being written
on "unstamped"
or "stamped" paper.

Refer to
Memo. 1. 1. 1.
1. 1. 1.

Whitfield
Declaration made
under the act
Successor to
of 1865. Should
be in "Shepherd"
papers.

Send the form
of publication
and Mrs. Jones
to the Rev. Secy

PM

Secy in LA

Ind. Pro = 27 February 1866
No 286

18.19
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Read the following
papers.

From Rev. R. B. Caldwell / Dated 17 Nov 1865 /
Lyons, Miss. / — 22 Feb 1866 No 286

Order 27 February 1866 No 286

Ordered that a
copy of the form of declara-
tion furnished by the Lyons
petition be sent to the Rev.
R. B. Caldwell with reference
to his letter of the 17 Nov last

Rev. R. B. Caldwell S.S.S.
Caldwell, Miss.

22 Feb 1866
No 286

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