M.R.O. 1—N.400—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 509 Press Mis.

54-56

Dated 6—4— 1866.

9/9

Not to be folded or roughly handled

No. 54. Read the following letter from the Registrar General of Assurances, to the Chief Secretary to Government, Fort Saint George ; dated Madras, 16th March 1866, No. 73.

As it is probable that the Indian Registration Act will pass to-day, and that it will not materially differ from the Bill, as amended in Select Committee, of which I have received a copy from the late Mr. Gordon, I have the honor to submit the draft of a new table of fees, under the provisions of Section 86, for the approval of Government.

2. The table, it may be observed, has to be sanctioned by the Governor General of India in Council, and to be published, translated, and forwarded to all the Registration Offices in the Presidency before the 1st May. This interval is so short that I have deemed it advisable to submit the table, at once, in its present form, with the following remarks on the points on which it differs from that forwarded with my letter, No. 331, of the 22nd December.

3. SECTION I, CLAUSE 1, AND SECTION II.—It was proposed, before, that the charge for registering every document not exceeding Rupees 100 in value should be 1 Rupee, which, although double the present fee, is only half that payable in Bengal. It has been represented to me that assignments affecting large estates, and covering many sheets of closely written paper, are sometimes brought for registration, and that the consideration expressed in such instruments is often merely a nominal sum of Rupees 5 and Rupees 10, inserted to give it validity, and in no way representing the real value of the property transferred. In such cases, neither the existing nor the proposed fee is sufficient to pay for the cost of copying. Any ordinary petty sale or mortgage can be comprized in 300 words, the authorized charge of copying which is 12 Annas, to which 4 Annas may be added, on account of the three nominal and three description indexes which the registering Officer has to prepare under the amended Bill. If the document exceeds this amount in length, it seems not unreasonable to charge something extra.

4. SECTION I, CLAUSE 7.—The additions introduced into this Clause are taken from Section 86 of the amended Bill.

5. SECTION I, CLAUSES 8 AND 9.—The attestation of Powers of Attorney has hitherto consisted of little more than affixing the Registering Officer's signature. As a distinct book, entitled "The Record of Powers of Attorney" will now have to be kept up, some expense will be entailed on Government, and some extra labor will be thrown on the Registering Officer. It is proposed, therefore, to raise the fees for the attestation of Powers of Attorney to the same amount as has been all along sanctioned in Bengal.

6. SECTION I, CLAUSE 11.—Sealed covers can, under the Bill, be withdrawn, on application to the Registrar. Every such application will involve an inquiry into the identity of the applicant with the depositor, and it seems proper that there should be a fee for such inquiry.

7. SECTION I, CLAUSE 12.—This addition is required by Section 86 of the amended Bill.

8. SECTION I, CLAUSE 14.—I have already, in paragraph 10 of my letter, No. 331, of the 22nd December, expressed my doubts as to the expediency of this very heavy addition to the existing fee. It may be further remarked that, even if this fee is

sanctioned, half of it will go to the Sub-Registrar, one quarter of it to the Registrar, and one quarter to Government, and that the woman herself will probably get very little of it.

9. SECTION XIII.—It is probable that for some time to come instruments will be presented for registration not containing such a description as a Registering Officer can accept under Section 21 of the Bill. It will be very hard to compel the parties to purchase fresh Stamp paper and prepare the instruments *de novo*. I propose, therefore, directing Registering Officers to recommend the parties in such cases to append a schedule containing the requisite description of parcels. It seems proper both in these, and also in any other cases in which schedules are annexed to instruments, to charge something for registering them. Under the Stamp Act, Schedule A, Article 63, every schedule is charged for separately. The proposed rule is somewhat more favorable, as under it only the aggregate number of words will be paid for.

10. SECTION V.—This Section introduces into the table of fees the proviso recently sanctioned in additional Rule No. 20, with such modifications as are rendered necessary by the Bill.

11. SECTION VI.—The lately sanctioned additional Rule No. 21 will become obsolete as under the Bill, instruments relating to moveable and immoveable property will not be registered in two books. On the other hand, Section 56 of the Bill creates a new class of double registrations, viz., special registrations affecting immoveable property. As a double fee is levied on the first registration, it does not seem necessary that there should be a double fee on the second registration, which is a mere mechanical process. I propose, therefore, that it shall be charged for at the rate prescribed for copies.

12. SECTION VII.—Under the Bill counterparts of leases exceeding one year must be registered as well as leases. As the registration of the counterpart will not involve any additional inquiries if presented at the same time as the lease, I propose that it shall be charged for at the rate prescribed for copies. This rule will also meet the case of deeds of partition, deeds of partnership, indentures, &c., which are often executed in duplicate or triplicate.

13. SECTION IX.—Rules III and V of the table, submitted with my letter of the 22nd December are in this Section thrown into one.

14. SECTION XIII.—The words "remuneration of witnesses" are introduced under Section 40 of the Bill.

15. SECTIONS XIV, XV, and XVI.—These Sections are founded on the Government Order No. 1249, of 5th September.

16. SECTION XVII.—I propose adopting the rule of the North-West Provinces instead of that of Bengal for registration in the General Registry Office. The minimum fee in Bengal being Rupees 2, the lowest fee receivable in the General Registry Office there is Rupees 4, whereas here it was at first 8 Annas and is at present 1 Rupee. On the other hand, in the North-West Provinces, although some of the fees are very low, no instrument can be registered in the General Registry Office for less than Rupees 10-8-0, and it is found that the extra fee of Rupees 10 prevents insignificant instruments being presented for registration. In this office, on the other hand, the instruments brought are often of the most petty description. I may refer for instance to the month of June in which there were 16 registrations,

and the total amount of fees collected was Rupees 16. As it is left to the discretion of the Registrar General to register or not, registration can of course be refused in such cases, but the refusal would seem harsh or capricious to the parties. On the other hand, while the new rule will check petty registrations at the Presidency, it will have the effect of increasing the general receipts, and at the same time of reducing the cost of registering really important transactions, for which the General Registry Office is mainly intended. The fee for registering the conveyance of an estate worth Rupees 10,000 is at present Rupees 20. Under the proposed rule the fee would be Rupees 20. If the estate were worth Rupees 61,000 the fee would be Rupees 31+10=41, instead of Rupees 31×2=62. The Bill requires that extra fees should be prescribed for registration in a Registrar's office. I propose that this extra fee shall be half that prescribed for the General Registry Office, viz., Rupees 5. The fees for searches, extracts, and copies in the General Registry Office are at present double the ordinary rates. This distinction I propose abolishing.

17. SECTIONS XIX and XX.—Under Section 43 of the Bill it seems desirable that the cost of registering Decrees and orders of Court should be determined by Government, and inserted in the table of fees. The fee must of course be fixed at such an amount as will remunerate the Registering Officer and protect the Government from loss. Under Section 75 of the amended Bill a Memorandum forwarded under Section 41 must be copied into the margin of certain books, and one or more copies of it must be prepared for transmission from one office to another. No indexing is required. The proposed rule will ensure such amount of copying as may be necessary in each case being paid for at the rates prescribed for copies. On the other hand, Memoranda forwarded under Section 42 must be filed and indexed in certain offices, and one or more copies must be prepared for transmission from one office to another. Indexing in the case of a Sub-Registrar means the preparation of three nominal and three descriptive indexes. For this filing and indexing, I propose fixing a uniform fee of 1 Rupee. Of this the Sub-Registrar will get 8 Annas, the rest will be divided between the Registrar and Government in varying proportions. Such copying as there may be, will be paid for at the rates prescribed for copies. Under this arrangement, the lowest fee possible on the registration of the copy of a Memorandum under Section 42 will be Rupees 2-4-0, viz., 1 Rupee for filing and indexing in the Registrar's office, 1 Rupee for indexing and filing in the Sub-Registrar's office, and 4 Annas for copying if the Memorandum does not contain more than 100 words.

Table of Fees under the Indian Registration Act.

I. The following table of fees, under the Indian Registration Act, shall take effect from the 1st May 1866:—

	Rs.	A.	P.
(1.) For registering every document not containing more than 300 words and of which the value does not exceed Rupees 100.. ...	1	0	0
(2.) For registering every document of which the value is above Rupees 100 and does not exceed Rupees 1000...	2	0	0
(3.) Do. do. above Rupees 1000 and not exceeding Rupees 5000.	3	0	0
(4.) For each additional Rupees 1000 or part thereof...	0	8	0
(5.) For special registration under Section 53, besides the usual fee, an extra fee of the same amount.			
(6.) For every search	1	0	0

(7.) For making or granting copies of reasons, entries, abstracts, or documents, before, on, or after registration, 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 portion of 100 words.			
(8.) For attesting a special Power of Attorney...	1	0	0
(9.) Do. general do.	2	0	0
(10.) For the registration and safe custody of any sealed envelope, purporting to contain a Will, Codicil, or authority to adopt a son...	5	0	0
(11.) For the withdrawal of a sealed cover...	2	0	0
(12.) For filing a translation...	1	0	0
(13.) For the issue of a Commission, or for attending at a private residence.	Ten Rs. with travelling allowance at the rates hereinafter mentioned.		
(14.) In the event of the services of a female being required on either of the occasions mentioned in the preceding Clause, a further fee of...	Five Rupees.		

II. If a document of which the value does not exceed Rupees 100, contains more than 300 words, the additional words shall be charged for at the rate prescribed for certified copies.

III. If a document tendered for registration has one or more schedules appended to it, such schedule or schedules shall be charged for at the rate prescribed for certified copies according to the aggregate number of words contained in the schedule or schedules.

IV. If a plan, map, or survey is appended to any document tendered for registration, the party applying for registration shall be called on either to produce as many copies of the same as may be necessary for registration purposes, or to defray the *bona fide* cost of their preparation by a draughtsman.

V. All copies of registered documents, endorsements, and certificates, required for transmission from one office to another under the provisions of Sections 72, 76, 74, and 78, shall be prepared at the expense of the parties applying for registration in conformity with the rate prescribed for certified copies.

VI. Whenever a document may be registered in Book No. 1, as well as in Book No. 3, the second registration shall be charged for at the rate prescribed for certified copies.

VII. Whenever a duplicate or counterpart of a document may be registered at the same time as the original document, the registration of such duplicate or counterpart shall be charged for at the rate prescribed for certified copies.

VII. 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.

IX. The value in the case of other leases for a term of years without fine or premium, or in which no period is specified, shall be calculated at five years rental.

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

XI. The value, in the case of documents in which no value is expressed, or in which it is not fully expressed, shall be the maximum amount which the stamp borne by the document shall suffice to cover.

XII. In all cases not provided for by special rule, and in which the value cannot be determined from the stamp, the fee on registration shall be Rupees 5 for each document.

XIII. The fees for serving summonses, and for the remuneration of witnesses, shall be regulated according to the scale in force in the Principal Court of Original Civil Jurisdiction in the same District or Sub-District.

XIV. Registrars shall be allowed travelling allowances at the rate of 4 Annas a mile, and Sub-Registrars at the rate of 2 Annas a mile, for proceeding to, and returning from, any private residence.

XV. In the event, however, of the Registering Officer being a Covenanted or Commissioned Officer, the travelling allowance shall be calculated at the rate of 8 Annas a mile.

XVI. Any person deputed by a Registrar, or Sub Registrar, to take an examination at a private residence, shall be allowed travelling allowance at the rate of 2 Annas a mile.

XVII. There shall be an extra fee of Rupees 10 for every registration by a Registrar General, under Section 31, and of Rupees 5 for every registration by a Registrar, under Section 32.

XVIII. The cost of the registration of every Memorandum forwarded by a Civil Court, under Section 41, shall be calculated at the rate prescribed for certified copies, according to the number of offices in which the Memorandum may have to be entered, and the number of copies which may have to be prepared for transmission from one office to another, under the provisions of Section 75.

XIX. The cost of the registration, of every Memorandum, forwarded by a Civil Court, under Section 42, shall be calculated at the rate of 1 Rupee for every Registry and Sub-Registry Office in which the Memorandum may have to be filed and indexed, with the addition of fees, at the rate prescribed for certified copies, for every Registration office in which a copy of the Memorandum may have to be prepared for transmission to some other office, under the provisions of Section 75.

No. 55. ORDER THEREON, 6th April 1866, No. 509.

The Governor in Council approves of the table of fees submitted with the foregoing letter, and resolves to forward it for the sanction of the Government of India.

(True Extract).

Chief Secretary.

To the Registrar General of Assurances.

Exd. J. H. Burn.

JUDICIAL DEPARTMENT.

No. 510.

FROM

A. J. ARBUTHNOT, ESQ.,

Chief Secretary to the Government of Fort Saint George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT.

SIR,

Referring to my letter of the 10th ultimo, No. 365, I am directed to submit the annexed copy of the Proceedings* of this Government, and to solicit the sanction of His Excellency the Governor General of India in Council for the draft table of fees submitted by the Registrar General of Assurances, should the Registration Bill have been passed as amended in Select Committee. I am to request that the sanction now solicited may be communicated by telegraph.

* 6th April 1866, Nos. 54 and 55.

I have the honor to be,

Sir,

Your most obedient Servant,

FORT SAINT GEORGE,
6th April 1866.

Chief Secretary.

Exd. J. H. Burns.

No 509 of 6 April 1866

The Governor in Council approves of the table of fees submitted with the foregoing letter and resolves to forward it for the sanction of the Government of India—

To the Bd. of Revenue dispd 9/4

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Judicial 1866 Dep.

From Prov. Sec. Appeal Sec.

The Registrar General of Assurances Madras

To

The Chief Secretary to Govt.

Dated 15th March 1866

Rec'd 22

No. 78

Endorsed

Ex. 620 No. 1

Submitting draft of table of fees under the Indian Registration Act

509. 6. 4. 66

Ex. 206.

Prov. Sec. March 66 to p. 622

Prov. Sec. 1364 to 1386

16 Dec. to 1326 1394

5 June 1865 to 60 to 62

7 Oct. to 60 to 62

13 July to 73 74

5 Oct. to 284 to 31.

Fort St. George Supplement 23 February 1866

54-55.

Judicial Department.

No. 510

To

The Secretary to the Government
of India,
Home Department.

Simla

Sir,

Referring to my letter of the 10th Ultimo No. 365, I am directed to submit the annexed copy of the Proceedings of this Government and to solicit the sanction of His Excellency the Governor General of India in Council for the draft table of fees submitted by the Registrar General of Assurances should the Registration Bill as amended in Select Committee become a law. I am at present not in a position to say whether any amendment will be necessary in the draft table of fees.

6th April 866
9th

Fort St. George
6 April 1866

19-4-4

Judicial 1866 Departt.

No. 570.

From

The Secretary to the Govt.
of India

12-8-16

Dated 6th April 1866.

54056.