

Judicial (1895). Department.

ORDINARY MS.

G.O., No. 1387

Dated 2^d July 1895

INDEXED.

[Despatch Abstract.]

^R
MORTGAGE DEED.

Recording Proceedings of the Board of Revenue (Separate Revenue) informing the Collector of South Canara that the ruling of the Allahabad High Court that a document evidencing a lease of lands and containing a stipulation by which property belonging to the lessor is held as security for payment of rent is a-----, should be followed.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

CURRENT NO. 2

BOARD OF REVENUE (SEPARATE REVENUE), 7TH JUNE 1895, No. 243.

PROCEEDINGS OF THE BOARD OF REVENUE (SEPARATE REVENUE).

READ—the following letter from W. H. WELSH, Esq., Collector of South Canara, to the Secretary to the Commissioner of Salt, Abkari and Separate Revenue, dated Mangalore, 13th May 1895, Ref. on C. No. 1484-Ver.:—

In Board's Proceedings, dated 19th August 1885, No. 2389, the Board had ruled that a lease containing a stipulation by which landed property belonging to the lessee was held as security for the payment of the rent was not a mortgage but only an agreement to lease; but as reported in I.L.R., 17 All., 55, the Allahabad High Court has lately held that such a document should be treated as a mortgage-deed for purposes of the stamp duty. As the two rulings appeared to conflict with each other, the Head Assistant Collector, to whom a document containing a similar stipulation had been submitted by a Sub-Registrar under section 35 of the Indian Stamp Act, 1879, requests instructions.

2. I have therefore the honour to request that you will be so good as to obtain the orders of the Board as to whether the Allahabad ruling should be followed.

RESOLUTION—dated 7th June 1895, No. 243.

The ruling of the Allahabad High Court should be followed.

(True Copy and Extract.)

(Signed) N. S. BRODIE,
Acting Secretary.

(True Copy.)

Cambridge
Assistant Secretary.

To the Collector of South Canara.

Copy to other Collectors.

- " the Superintendent of Stamps.
- " the Chief Secretary to Government, Judicial Department.
- " the Inspector-General of Registration.
- " the Registrar, High Court, Appellate Side.
- " all District Judges.

2 CURRENT NO. 2996

JUDICIAL DEPARTMENT.

1895.

Board of Revenue

(Separate Revenue),

MADRAS.

*Chief Secy to Govt
Judicial Dept*

*Order
Min d/2nd July 1895 No 1389*

Recorded.

*D
1-11-95*

Printed June th.

*Recd 22-6-95
Genl. "*

Proceedings, 7th June 1895, No. 243.

*MR
28-6-95*

CHIEF SECRETARY
22 JUN. 1895
GOVERNMENT OF MADRAS

Informing the Collector of South Canara that the ruling of the Allahabad High Court—that a document evidencing a lease of lands and containing a stipulation by which property belonging to the lessees is held as security for payment of rent is a mortgage-deed—should be followed.

When given for copying
When copied
When examined
When signed

189.

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. O. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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