

Marine (1898) Department.

G.O., No. 706 Marine

DATED 22 August 1898.

P. M. Joseph, ^[Despatch Abstract.] ~~West~~ Conservator at the Port
of Breyne. Observing that no action
can be taken on the Affidavits Submitted
by ——— for altering his age in the Service
Register, as they have not been stamped in
accordance with the provisions of the Stamp Act.

26/8/98

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
80	916	mar.	2-11-98				

G.O.	No.	Department.	Date.

G.O.	No.	Department.	Date.

The Government
is not prepared to take
any action on the app^{ts}.
debits submitted, which
are not stamped, as they
should have been, under
the provisions of the
Stamp Act.

R.S.

ASK
18.8.98.

The P.S.O. with 4 ends.

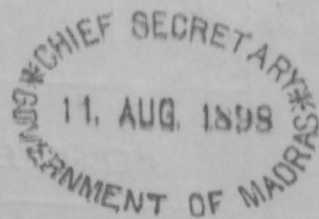
98.
Khal
20. 1. 81

SW/W/ 8259

arise
icial (1898)

Department.

CURRENT No. 3344
1035



From

The Ag. Chief Pres. Magistrate,
Madras.

Order Endorsement. No. 1730 of 16.8.98.

Transferred to the
Marine Department.

No. 276

Admn. No.

Dated 9th August 1898

Received

Registered

Enclosures (3 Affidavits)

Spare copies

Ag. Under Secretary

ATK.
12/8/98

The Hon. Sir Henry Bliss R.C.J.

SUBJECT.

Submitted with explanation relative to
reference to the Hon. Member's affidavits forwarded under cover
letter below, dated 2/7/98.

of Govt. Memo. No. 1605 J.S. dated
29th ulto.

Decision of the same person D.W.
as before (in which the R.D. concurs)
that the affidavits should have been
stamped. As they are not, no action
can be taken of them.
Marine Dept. 17/8/98

Over

Marine (1898) Department.

CURRENT No. 822

The Hon. Sir Henry Bliss R.C.J.

Order

The entry in the
Service Register of P.M. Joseph,
Ass^t Conservator of the Port of
Beyport, regarding his age,
may be altered from 17 December
1843 to 17 March 1847.

From

The Presy Port Officer
Madras.

No. 183
214

Dated 21st June 1898

Received 24 698

Enclosures 4

Original and these affidavits & Spare copies
have been stamped? Please mark R.D.

27/58

SUBJECT.

For favour of reply

To The Presy. Dept. u.o.

Requesting sanction
to alter the age of
Joseph the Ass^t
Conservator of the Port
of Beyport in his
service book.

H.M. 1.7.98 20.4.7.98 R.26.7.98 J.26.7.98

Presidency Port Office,
Madras, *21st June* 1898

From

Commander J. A. Street, R.N.,
Presidency Port Officer,
Madras.

To

THE SECRETARY TO GOVERNMENT,
MARINE DEPARTMENT,
CHERAK.

Sir,

Sir, I have the honor to acquaint you, for the information of Government, that P. M. Joseph, assistant Conservator at the Fort of Beyshore, has addressed to me a petition praying that the date of his birth which has been entered in his Service Register as 17th December 1843 may be altered into 17th March 1847 and explaining how the incorrect entry came to be made therein. He was asked to produce his baptismal certificate or his horoscope and he is unable to produce either, but he submits

a declaration made by his mother before the Presidency Magistrate, Madras, supported by two of her contemporaries to the effect that he, Joseph, was born on the 17th March 1847.

2. As under instructions received from the Accountant General supplementary to those contained in the Civil Service Regulations, that the age given in the service book can be subsequently amended only by an order of Government approving the alteration, I beg that sanction of Government may be accorded to the alteration being made in the Service Register of the individual in question.

3. The petition of Joseph and the sworn affidavits are herewith forwarded for perusal and return.

I have the honor to be,
Sir,
Your obedt. servant,
A. A. Theobald
Commander, R. I. M.,
Presy. Port Officer.

part 4, Part II,
page 4 of the pamphlet
with 667 Marine
26 July 1892.

From the Marine Dept dated 4-7-98 (no
Marine Current no 822).

To Secy

The Presy Port Officer ~~propo~~ requested permission to alter the date of birth entered in the Service Register of an Ams Conservator from 17 December 1843 to 17 March 1847 and submitted three affidavits in support of the alteration. When the Marine Current went in circulation, the H. M. enquired whether the affidavits should not have been stamped and suggested a reference to the Dept, which has been made in the note of the Marine Dept dated 4-7-98.

2. The affidavits in question are "declarations in writing"; two of them are "on oath" and the third on "affirmation"; and all of them have been made before a Presy Magistrate, who is "a person authorised by law to administer an oath". They should therefore have been stamped with an one rupee stamp under article 3 of the First Schedule to the Indian Stamp Act (I of 1879), ~~which~~ which runs as follows:—

Description of instrument.	Proper Stamp-duty
3. Affidavit or declaration in writing "on oath or affirmation made before a "person authorised by law to administer "an oath	one rupee
3. Article ^{second} 1 of the Schedule exempts the following affidavits from stamp duty.	

marked with
white tape

red tape

19.7.98
21.7.98.

"Affidavit or declaration in writing was made"
"as a condition of enlistment under the Indian
Articles of war;
"for the immediate purpose of being filed or
used in any court or before the Officers of any
court; or
"for the sole purpose of enabling any person to
receive any pension or charitable allowance".

No question for consideration is whether the
Affidavits fall under class (C). The purpose
of the alteration ~~which~~ of the date of birth from 17-12-1843 to 17-3-1847
appears to be to enable the Asst. Conservator to
remain in service for a longer time, and the
Affidavits cannot, it is thought, be regarded as made
for the sole purpose of enabling the Conservator to
receive any pension.
In its notification no 5799 S.R. dated 1-11-
95, the Govt. of India remitted the duties chargeable
on certain instruments; but Affidavits are not
among them, and no subsequent remission appears
to have been made.

KD
16/7/98

H.M.
The object of the affidavit,
altho' it ~~seems~~ indirectly
affected ~~the~~ the pensionary
question, was really that
the person who made it might
not receive a pension. I think
it is not exempt. Exemptions are construed strictly.
Limit 20. Since the papers back to
Marine shot the Res. of May to be asked
in Jud. why he allowed these affidavits
to be made without the stamp -
BS
20/7/98

To Secy

M

Please see H.M.'s remarks on
the preceding page. May the file be returned
to the Marine Dept? It is presumed that that
Dept will obtain the explanation from the
Presy Magistrate thro' the Judicial Dept.

KD
23/7/98

17
27/7/98

Mar. Dept

Referred to the
Judicial Dept.

L.S.

26.7.98
St. M.

To the Judicial Dept. with
C.No. 822 Notes. u. o.

[G]
98-A
200-24-11-97

C.S.



Memorandum No. 1605

29-7-98

Read the following paper:—

The affidavits forming enclosures to the Presidency Post Office Letter No. 1837/2144 d 21.6.98, are forwarded to the Chief Presidency Magistrate with the request that he will report to Govt. at an early date why they were ^{not stamped} admitted without the necessary stamps.

(from orders)

Mr
29/7/98

1.47/8.

A.R.
28/7/98

Note Please see H's remarks at M below.

Copied
29/7/98

The Chief Presidency Magistrate, Madras with the 3 affidavits

Des/28
29/7/98

No. 2/0
Presidency Magistrates' Court,

Egmore, Madras, 9th August 1898.

FROM

The Ag. Chief Presidency Magistrate,
Madras,

TO

The Chief Secretary to Government
"With the Governor Stone house Hill"

Sir,

In obedience to Memo no: 1605,
Judicial Department, dated 29th ultimo,
I have the honour to report that the
affidavits in question (herewith returned)
were attested by Mr. Sultan Mohidin,
Junior Presidency Magistrate of the
Black Town Court, who explains that
the declarants stated that the affidavits
were

were made for the purpose of supporting
a claim of one P. Mathew Joseph for
pensionary allowance and therefore the
affidavits required no stamp under Clause C.

P.I of Schedule II of the Stamp Act I of 1879."

X
Page 61 of the
act-

I have the honour to be

Sir,

Your most Obedt. Servant

L. S. Under
Mg. Chief Presidency Magistrate