M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 626 — Press Mis.

317. 318

Dated 18. 3 — 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 18th March 1861.

No. 317. Read the following letter from W. GREY, Esq., Secretary to the Government of India, (Home Department), to J. D. BOURDILLON, Esq., Secretary to the Government of Fort Saint George, dated Fort William, 28th February 1861, No. 417 :—

SIR,

1. In reply to your letter No. 159, dated 23rd ultimo, I am directed to forward the accompanying copy of a letter addressed to the Advocate General in Calcutta, with an extract of the reply received from him.

2. It will be seen from Mr. Ritchie's opinion that in the case of Inland Bills drawn in duplicate or triplicate, each part must be stamped with the full value of the stamp to which the Bill is liable, in order to make each part a legal document. It should however be intimated to the public that if the first or original of the Bill is fully stamped, the Government will not require either of the other parts to be stamped. By this means one part of the Bill will be legally valid, while the other parts will be available as evidence in case of the loss of the first.

3. This appears to be the best arrangement which can be made under the law as it stands, but I am desired to state that the Governor General in Council hopes that an amendment of the law upon this and other points will be effected without any great delay.

From W. GREY, Esq., Secretary to the Government of India, to W. RITCHIE, Esq., Advocate General, dated 8th February, 1861, No. 270.

SIR,

1. I am directed to transmit the accompanying copy of a communication, dated 23rd ultimo, from the Government of Fort Saint George, and of its enclosure from the Board of Revenue at that Presidency, inquiring what value of Stamps ought to be affixed to "Inland Bills" drawn in sets of three.

2. As the Act (XXXVI of 1860) does not appear to provide for *Inland* Bills being drawn in sets of three, the Government of Fort Saint George has directed that pending the decision of the Government of India on the question put by the Board of Revenue, each of the three parts of Inland Bills shall be stamped with one-third of the value which would be necessary if the Bill were single.

3. It would no doubt be unreasonable, as observed by the Board of Revenue, to require a Merchant at Madras drawing a Bill on Calcutta, in triplicate, to pay three times the amount of Stamp duty which he would pay if he drew a single Bill, but although the Government has a discretionary power of relaxing the Stamp law as far as the Revenue is concerned, it is doubtful whether its ruling would be accepted by a Court of Law, so as to enable the holder to recover on a Bill stamped with only one-third of the value prescribed by the Act.

4. The President in Council will be glad to have your opinion on this point, for if at all legally possible, it is very desirable to maintain the rule passed by the Madras Government till the Act can be amended.

5. If this be impracticable, the President in Council would wish to know whether the full stamp might not be allowed to be affixed on the *first* Bill of the set, and none on the others. Under this arrangement the holder would at all events have one Bill legally valid.

Extract from the reply of the Advocate General, dated 23rd February 1861.

1. I do not think the course directed by the Madras Government can properly be adopted. There is nothing in the Act to sanction such duties in the case of Inland Bills: and although Government might forego the penalty, of course a Court of Law would not be bound by this in an action in which the Bills were offered in evidence. Possibly if the three parts of such a Bill were tendered, and the aggregate of the stamp thereon amounted to the full stamp imposed on a single Bill of that amount, the Court might hold that the three parts constituted

but one Bill, and consequently that the whole instrument was sufficiently stamped. But it could not I think hold on the production of one of such parts alone, that the stamp borne by such separate part was sufficient to entitle the holder to recover on such instrument, standing alone, as one complete Bill of Exchange.

2. With respect to Inland Bills drawn in sets, therefore, I think that the only safe practicable course where each part is not stamped with a full Bill stamp, is that suggested in the last paragraph of your letter, *viz.*, to affix the full stamp on the first Bill of the set, and none on the others. The others may then be treated by the holder as copies of the original, and as available in evidence in case of the loss of the first, on proof of such loss and of the original having borne the full stamp, but not as original Bills of Exchange if the objection to the admissibility as such be objected to:—And as stated by you; the holder will, under such arrangement, have one part legally valid as a Bill.

(True Copies.)

(Signed) W. GREY,
Secretary to the Govt. of India.

No. 318. ORDER THEREON, 18th March 1861, No. 626.

This letter, together with the enclosure, will be communicated to the Board of Revenue, with reference to the Order of 23rd January 1861, No. 158, and also to the Chamber of Commerce. The papers will also be laid on the Editor's table.

(Signed) J. D. BOURDILLON,
Secretary to Government.

No. 417

FROM

W. GREY, ESQUIRE,
Secy. to the Govt. of India,

TO

J. D. BOURDILLON, ESQUIRE,
Secy. to the Govt. of Fort St. George.

SIR,

Dated Fort William, the 28th February, 1861.

HOME DEPT. IN reply to your letter No. 159, dated the 23rd ultimo, I am directed to forward the accompanying copy of a letter addressed to the Advocate General in Calcutta, with an extract of the reply received from him.

2. It will be seen from Mr. Ritchie's opinion that in the case of inland bills drawn in duplicate or triplicate, each part must be stamped with the full value of the stamp to which the bill is liable, in order to make each part a legal document. It should however be intimated to the public that if the first or original of the Bill is fully stamped, the Government will not require either of the other parts to be stamped. By this means one part of the Bill will be legally valid, while the other parts will be available as evidence in case of the loss of the first.

3. This appears to be the best arrangement which can be made under the law as it stands, but I am desired to state that the Governor General in Council hopes that an amendment of the law upon this and other points will be effected without any great delay.

I have the honor to be,
SIR,
Your most obedient servant,

Secy. to the Govt. of India.

Revenue 1861 Septr
Pros. of Govt For March
No 653.

From
The Secy to the Govt
of India,

Dated 28th Febry

Recd 12th March 1861.

1 Enclosure

No 417

Forward Copy of a
letter to the Advocate Genl
in Calcutta with an Ex-
tract of his reply with
reference to the ques-
tion regarding the
value of Stamps to be
fixed to "Inland Bills"
drawn in Sets of three.

No 626

Two letters together with the
enclosure, will be communicated
to the Board of Revenue, with refer-
ence to the order of 23d Jany 1861 No 314/315
Board also to the Chamber of Commerce
the Calcutta Trade
Assn
Bengal Chamber of Commerce
Calcutta Trade Assn

No 626. 18th March
With an Order

No 317+318.