M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2115 Press / ~~Mis.~~

198-199

Dated 12 - 11 - 1869.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
12th November 1860.

No. 198. Read the following letter from Lord H. ULICK BROWNE, Under Secretary to the Government of India, Home Department (Revenue), to J. D. BOURDILLON, Esq., Secretary to the Government of Fort Saint George, dated Fort William, 13th October 1860, No. 2,362 :—

SIR,

I am directed to transmit for information the accompanying copy of a letter No. 2,126, dated the 28th ultimo, addressed to the Government of Bombay, and an extract (paragraph 2) of a letter this day addressed to the same Authority.

From W. GREY, Esq., Secretary to the Government of India, to H. L. ANDERSON, Esq., Acting Chief Secretary to the Government of Bombay, No. 2,126, dated the 28th September 1860, No. 67.

SIR,

1. With reference to your further Telegram recommending the postponement of the introduction of the new Stamp Act into the Bombay Presidency (with exception of the Town and Island of Bombay), and in continuation of my Telegraph Message of this date replying to the same, I am desired to point out that it is a mistake to suppose that, if the introduction of the new law into Bombay were postponed by an order of the Executive Government under Section 18 of the Act, the present law would continue to be in force. Under the operation of Sections 1 and 42 of the new Act it is plain that the Bombay Stamp Law (Regulation XVIII of 1827 of the Bombay Code) will be repealed from the 1st of October, and it could be kept alive beyond that date only by the enactment of another law specially for the purpose.

2. With regard to the penal provisions for non-observance of the new law, which are adverted to in your message as a reason for the postponement of its introduction, the Governor General in Council thinks that it must have been been overlooked that, under Section 37 of the Act, no person can be proceeded against for any offence affecting the Revenue, except at the prosecution of the Collector of Revenue acting under the orders of the chief authority charged by Government with the duty of carrying out the provisions of the Act. This provision, it will be observed, is calculated to afford effectual protection to the public against any unduly severe measures.

3. Under the above explanation I am to express a hope that His Excellency the Governor in Council will concur with this Government in thinking that the postponement of the introduction of the new law in the Bombay Presidency is not necessary.

Extract of a letter from the Secretary to the Government of India, to the Chief Secretary to the Government of Bombay, dated the 13th October 1860.

Paragraph 2. Having regard however to the considerations which are urged by the Judges, I am desired to state that every facility should be given to persons who may engross writings on a stamp of insufficient value within the first three months from the time of Act XXXVI of 1860 coming into operation, to amend their error without penalty, and no prosecution should be permitted against any person for any breach of the law committed within the same period, if there be any ground for presuming that he acted inadvertently and without knowledge of the Law.

(True Extract.)
(Signed) H. ULICK BROWNE,
Under Secretary to the Government of India.

No. 199. ORDER THEREON, 12th November 1860, No. 2,115.

Ordered to be recorded.

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

No. 2362

FROM

LORD H. ULICK BROWNE,
Under Secy. to the Govt. of India,

To

The Secretary to the Govt: of
Fort St. George

SIR,

Dated Fort William, the 13th October, 1860.

HOME DEPT. REVENUE. I AM directed to transmit for information the accompanying copy of a letter No. 2126, dated the 28th ultimo, addressed to the Government of Bombay, and an extract (paragraph 2) of a letter this day addressed to the same Authority.

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

H Ulick Browne

Under Secy. to the Govt. of India.

11)

Rec.d 1860 Nov.r 12.th

Pro:of Govt for Nov.r

No. 2411.

From the Under Sec.y of State for India

Dated 13th October 1860.

Rec.d 27th

1 Encl.o

Transmits Copy of a letter and Extract from another addressed to the Board of Govt on the subject of the introduction of the new Stamp Act into that Presidency.

No. 2115.

To be recorded

Govt Dft 8th Nov.r

12th Nov.r 1860.

No. 198 & 199

Geo. Dalton, Rd. Mowat