M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1155	Press Mis.
57-58	
Dated 6-6-1861.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 6th June 1861.

No. 57. Read the following Proceedings of the Madras Government in the Financial Railway Department, dated 30th May 1861, No. 415:—

Referring a letter from the Consulting Engineer for Railways, enclosing one from H. A. Fletcher, Esq., stating that Act XXXVI of 1850, is oppressive in certain matters connected with the Company, and requesting that it may be modified or the Company exempted from its operation.

(Vide Financial Railway Proceedings, 30th May 1861, Nos. 155, 156.)

No. 58. ORDER THEREON, 6th June 1861, No. 1,155.

The Government incline to the opinion that the value of the stamp should be regulated by the penalty named in the Agreements, but resolve to request the Advocate General's opinion on the subject. The papers will accordingly be forwarded to the Acting Government Solicitor for the purpose.

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

FINANCIAL RAILWAY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Observations by Captain C. C. JOHNSTON, Consulting Engineer for Railways, dated 20th May 1861, No. 130, on letter from the Agent and Manager of the Madras Railway Company, No. 465, dated 18th May 1861.

In this letter the Agent brings to the notice of Government the very great expense of stamping Agreements between the Railway Company and its Employés, rendered necessary by Act No. XXXVI. of 1860, of the Legislative Council of India. He remarks that this Act rules "that an Agreement or any Memorandum of an Agreement, if for an annual or any periodical payment shall bear the same Stamp as for a Bond for the amount of ten years' payment, or for the total sum secured if less, or, in other words, an *ad valorem* Stamp. The Agreement of every Officer in the Company whose salary and allowance amount in ten years to 80,000 Rupees (and all Officers drawing a salary of Rupees 650 a month or thereabouts would draw that sum in ten years) must bear a Stamp of the value of 200 Rupees."

"In England the case is very different. There, as I am informed, the Stamp required on an Agreement of this nature is fixed whatever may be the salary of the Employé over 5£ at 6 Pence."

2. Whether or not the Agent has been correctly informed in this matter I am unable to state, nor am I aware what the English Stamp Act is supposed to charge. In an abstract of the charges under that Act given in Letts' Diary for this year, it is stated as follows:

"Agreement under hand only for £5, and under 2,160 words 0£. 0*s*. 6*d*."—nothing is said about Contracts, but for

"Deeds not otherwise charged 1£. 15*s*. 0*d*. is entered."

3. I shall feel obliged if the Government will furnish me with their orders on this subject for the information of the Agent.

To the Chief Secretary to Government, Fort Saint George.

From H. A. FLETCHER, Esq., Agent and Manager; to Captain C. C. JOHNSTON, Consulting Engineer for Railways, dated 18th May 1861, No. 465.

1. I have the honor to call the attention of Government to the existing state of the Law with regard to Stamps on Agreements entered into between the Madras Railway Company and their Employés. The amount of the Stamp required by the Indian Act is extremely heavy, and as the Agreements now in force between the Company and their Employés are daily expiring and required to be renewed, or new Agreements entered into, the burden of the tax is felt to be oppressive.

2. Act No. XXXVI. of 1860, of the Legislative Council of India provides that an Agreement or any Memorandum of an Agreement, if for an annual or any periodical payment, shall bear the same Stamp as for a Bond for the amount of ten years' payment, or if the total sum secured if less, or in other words an *ad valorem* Stamp. This in all cases will amount to a considerable sum of money, and in many cases to as much as between two and three hundred Rupees. The Agreement of every Officer in the Company whose salary and allowances amount in ten years to 80,000 Rupees, (and all Officers drawing a salary of 650 Rupees or thereabouts, would draw that sum in ten years), must bear a Stamp of the value of 200 Rupees.

3. In England the case is very different. There, as I am informed, the Stamp required on an Agreement of this nature is fixed whatever may be the salary of the Employé over 5 Pounds at 6 Pence.

4. I have the honor therefore to request that you will bring these facts to the notice of Government, in order to obtain either an exemption from the duty in favor of this Company, or at least a modification of the Law in so far as such expense is involved.

ORDER THEREON, 30th May 1861, No. 415.
Referred to the Revenue Department.
(True Extract.)

Chief Secretary.

To the Revenue Department.

Exd, F. Cartledge.

Recd 1861 Sept.
Dep. of Govt for June.
No 1290

No: Madras Govt
in the Financial
Railway Depart.

Dated 30th May
Recd 31st 1861
No 415.

No 1155. 6th June.
From the Actg Govt Sol. Madras
of 17th June 1861 No 1123 with
Referring a letter from the
Consulting Engineer for
Railways enclosing one
from R. A. Solicitor
stating that Act XXXVII
of 1860 is oppressive in
certain matters connected
with the Company and
requesting that it may
be modified or the
Company exempted from
its operation

With an order

No 57 & 58.

No 1155.

Govt
incline to the opinion that
the value of the Stamps should
be regulated by the penalty
named in the agreements
but resolve to request the
Advocate Generals opinion
on the subject. The papers
will accordingly be for-
warded to the Acting Govt
Solicitor for the purpose.

Govt of Geo:
6th June 1861

J D L

4 Copies to the Govt Solicitor
with Govt. F R & P. No. 415. Govt
Financial Railway Depart