M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1586 Press
Mis.

323. 324

Dated 24. 7. 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 24th July 1862.

No. 323. Read again letter from Adjutant General of the Army, to Secretary to Government Military Department, dated 25th April 1862, No. 411:—

Read the following Proceedings of the Board of Revenue, dated 27th June 1862, No. 4,154:—

Read the following letter from J. FRASER, Esq., Acting Collector of North Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Chittoor, 14th June 1862, No. 109.

SIR,

1. I have the honor, with reference to your foot-note* to the Order of Government, dated 1st May 1862, No. 941, to inform you that the Cázee of Vellore having been called upon to state the grounds on which he considers that he cannot grant Certificates of Marriage performed by him otherwise than on stamped papers, reports his opinion that such Certificates come within the scope of Section 24 of Schedule A of the Stamp Act XXXVI of 1860, which answers to Section 32, Schedule A, Act X of 1862.

* Dated 17th May 1862, No. 3,201.

2. It appears to me that the Cázee is wrong. In the Regulation (III of 1808) which treats of such Officers and their duties, no mention is made of their keeping any registry of marriages, or giving copies of extracts from the same: Section 32, Schedule A, Act X of 1862, does not therefore in my opinion apply. I do not think either that the term Government Office is meant to apply to Cázee or his records, and he certainly is not bound to furnish Certificates† or copies of Certificates of Marriage by any law or Regulation that I am aware of. As Certificates of Christian marriages need not be on stamped paper, I do not see why it should be required for Mahomedan or Hindu marriages.

† A form of the Certificate is enclosed.

In Cons. 2nd May 1862, No. 2,585:

1. Ordered to be submitted to Government, with reference to their Order in the Revenue Department, dated 1st May last, No. 941.

2. The Board agree with the Collector that the Sections of the Stamp Act named by him do not require that a copy of a Marriage Certificate granted by a Cázee should be stamped. They beg however to remark that the case is one in which the Government will perhaps deem it desirable to obtain the opinion of the Advocate General.

(A true Copy and Extract.)

(Signed) C. G. MASTER, *Acting Sub-Secretary.*

No. 324. ORDER THEREON, 24th July 1862, No. 1,586.

1. In the above letter the Adjutant General of the Army, by order of the Commander-in-Chief, brought to the notice of Government that the Cázee of Vellore declined granting Certificates of Marriages, performed by him, otherwise than on stamped paper, and requested that Certificates of Marriage of individuals belonging to the Native Army should either be specially exempted from Stamp Duty or if it should be considered that such documents do not come under the provisions of the Stamp Act, that an authoritative decision to that effect should be passed by Government.

2. This letter was referred to the Board of Revenue, who with their Proceedings, dated 27th June 1862, submit a letter from the Acting Collector of North Arcot in which that officer states that the Cázee of Vellore considering that the Marriage Certificates granted by him come within the scope of Section 24 of Schedule A of the Stamp Act XXXVI of 1860, corresponding with Section XXXII Schedule A, Act X 1862, had refused to grant these documents on unstamped paper.

3. The Board of Revenue agree with the Collector of North Arcot in thinking that the Sections of the Stamp Act quoted do not require that a copy of a Marriage Certificate granted by a Cázee should be stamped, but suggest a reference being made to the Advocate General.

Proceedings of the Madras Government, Revenue Department,
24th July 1862.

4. The Government differ from the Board of Revenue in their interpretation of the Sections of Acts XXXVI, 1860 and X of 1862 quoted, and are of opinion that Marriage Certificates, including those granted by Cázees, are of the class of certified documents, which require to be stamped.

5. The Government see no sufficient reason for making any special exemption in favor of Certificates of Marriage of individuals belonging to the Native Army.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Revenue Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again letter from Adjutant Genl. of Army to Secy to Govt. Military Dept. 25 April 1862 (Revenue entered No 411.)

Read ~~again~~ Proceedings of Govt.

Board of Revenue 4/27th June 1862

Submitting a letter from the Collector of North Arcot, giving his opinion on the subject of marriage certificates being granted by the Cazee of Vellore on stamped papers, with the Board's remarks on the subject—

(Revenue entered No. 4154.)

Order thereon.

In the above letter the Adjutant General of Army by order of Commander in Chief brought to the notice of Govt. the Cazee of Vellore

Received 1st May 1862
Revenue Department

Received 1st May 1862

declared granting certificates
of marriages performed
by Civil officers shall
on Stamped paper.
and requested that
certificates of marriage
of individuals belonging
to the Indian army should
either
be specially exempted
from Stamp duty or if
it should be considered
that such documents
do not come under the
provisions of the Stamp
Act, that an authoritative
decision to that effect
should be passed by
Government

This letter was
referred to the Board of
Revenue who with their
Proceedings dated 27th
June 1862 submit a letter
from the Acting Collector
of North Arcot in which
that officer states that
the Cazee of Vellore con-
sidering that the mar-
riage certificates grant-
ed by him come within
the scope of Section 24 of
Schedule A of the Stamp
Act XXXVI of 1860 corres-
ponding with Section
XXXII Schedule A, Act X
1862 - had refused to grant
these documents on un-
stampt paper

The Board of Reve-
nue agree with the Collector
of North Arcot in thinking
that the Sections of the
Stamp Act quoted do not
require that a copy of a
marriage certificate
granted by a Cazee
should be stamped but
suggest

suggest a reference being made to the Advocate General.—

The Govt concur with the Board of Revenue in their opinion that Marriage certificates granted by a Cazee do not require to be stamped and direct that this ruling be made generally known.—

To The Board of Rev
Judl dept

The Govt differ from the Board of Revenue in their interpretation of the terms of Act XXXVI 1860 and X of 1862 quoted.— and are of opinion that ~~the~~ Marriage certificates granted by Cazees should be included in the class of documents which require to be stampt.—

~~XXX~~

The Govt

The Govt are unable to discover any reason for making any special exemption in favor of certificates of marriage of individuals belonging to the Native Army.— Pl Sec

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Marriage certificates being granted by Cazee of Vellore on stamped paper.

copy sent

R.W.

17-7

c/ July R 10th

Revenue Department

No 1586

Proceedings of the Madras Government

Under date the 24th July 1862 -

Read again Letter from Adjutant General of the Army to Secretary to Government Military Department dated 25th April 1862 No 411 -

Read the following Proceedings of the 13th of Nov.

Submitting a Letter from the Acting Collector of North Arcot, giving his opinion on the subject of Marriage Certificates being granted by the Cazees of Vellore on Stamped papers, with the Boards remarks on the subject. —

Here enter 27th June 1862 No 1154

To the above Letter the Adjutant General of the Army, by order of the Commander in Chief brought to the notice of Government that the Cazee of Vellore declined granting certificates of Marriages performed by them otherwise than on Stamped paper - and requested that Certificates of Marriage of individuals

individuals belonging to the Native Army should either be specially exempted from Stamp duty or if it should be considered that such documents do not come under the provisions of the Stamp Act, that an authoritative decision to that effect should be passed by Govt.

This letter was referred to the Board of Revenue, who with their Proceedings dated 27th June 1862 submit a letter from the Acting Collector of North Arcot in which that officer states that the Cazee of Vellore considering that the marriage certificates granted by him come within the scope of Section 24 of Schedule A of the Stamp Act XXXVI of 1860 corresponding with Section XXII Schedule A Act X 1862.

had refused to grant these documents on unstamped paper.—

The Board of Revenue agree with the Collector of North Arcot in thinking that the Sections of the Stamp Act quoted do not require that a copy of a marriage certificate granted by a Cazee should be stamped but suggest a reference being made to the Advocate General.

The Govt differ from the Board of Rev: in their interpretation of the Sections of Acts XXXVI 1860 and X of 1862 quoted. and are of opinion that Marriage certificates, ~~granted by Cazees~~ including those granted by Cazees, for all the class of certified documents, which require to be stamped.

The

The Govt see no sufficient reason for making any special exemptions in favour of certificates of marriage of individuals belonging to the Native Army

11 Copies to Fd Br Genl Dy Qr Mr Genl
7 " Brig Depts

Marriage Certificates being granted by Cutcherry of Vellore on Stamped paper.

No. 18–19
1–5–62

Revenue 1862 Deptt.
Proc. of Govt. for July.

No. 7586.

Proc. of the Madras Govt.
Dt. 24th July 1862.

Passing orders on Board's Proceedings (considering) that Marriage certificates granted by a Cazee do not require to be stamped.

No. 323 & 324.

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