

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 696	Press
487.488	Mis. →
Dated 29. 3. 1862	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
29th March 1862*

No. 437. Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. J. SIM Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 8th March 1862, No. 1,569 :—

SIR,

1. With reference to the Proceedings of Government, dated 1st and 3rd March 1862, Nos. 454 and 457, Revenue Department, I am directed by the Board of Revenue to state that the following are the only observations they have to offer on the Draft Stamp Act in addition to those contained in my letter dated 24th February 1862, No. 1,295.

Section XII.—The marginal abstract does not correspond with the body of the Bill.

Section XXIV.—To be added at the end of the Section “provided also that such certificate to be admitted must be presented to the Collector for payment within three Calendar months after its date.”

It is very desirable that some limit should be fixed for presentation of certificates of Court for refunds of Stamp duty, and there seems no objection to the period of three months which was prescribed by Section 4, Act XVII of 1848. The Board are aware that the Court of Sudder Adalat approve of such limitation.

Section XXVII, Line 5.—The Board would substitute the word “failure” in place of “refusal.”

Section XLVIII.—The Board think it desirable to retain the original provision that their sanction shall be necessary for any suit or prosecution by Collectors of Stamp Revenue under the Act.

Schedule A, Article 12, Bonds.—The Board would exempt from Stamp duty all Bonds for Rupees 10 and under.

Recommendations to this effect have reached them from several of the Collectors, and they need scarcely point out that this class of documents, though required by the custom of the country in any loan transaction however petty, is executed for the amounts specified above by only the poorest class of the community, to whom the amount of the Stamp duty, trifling though it be, is a matter of moment.

Article 41.—Exemption for Madras and Bombay of leases or other engagements executed between landlord and tenant relative to land paying revenue to Government.

The Board are decidedly in favor of retaining this special exemption. The class of landlords in Ryotwary lands is gradually growing up under the influence of the liberal policy of recent years; and it is most desirable that its growth should be left unchecked by any obstacle, such as a Stamp duty on engagements with sub-tenants would offer, and this, as much from the inconvenience in remote hamlets of having to procure a Stamp from some distance, as from the amount of the duty itself.

It may also be safely assumed that the withdrawal of the *special* exemption, while it would shake confidence and obstruct progress, would only have the effect, as a general rule, of bringing the transactions in question under the *general* exemption immediately preceding, for fines upon renewal of engagements between landlord and tenant for land are generally unknown, so far as the Board's information goes.

Ordered that the following letter be despatched.

No. 488. From J. D. SIM, Esq., Secretary to the Government of Fort Saint George, to the Honorable H. FORBES, Member of the Legislative Council, of India, dated 29th March 1862, No. 696.

SIR,

1. I am directed to acknowledge the receipt of your letter, dated 18th ultimo, and to forward for your information an Extract from a letter from the Board of Revenue on its subject, viz., the exemption from Stamp duty of leases between Landlord and Tenant in Madras and Bombay.

See above, No.

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2. In this Presidency, as you are aware, the Land Assessment is certainly not so light as to admit of any reduction of the margin left for profitable sub-tenancy, and if leases between Ryots and their sub-tenants are taxed such deeds will cease to be executed. It has always been an object to encourage the execution of leases as tending to prevent disputes and litigation. This object will, however, be defeated if such documents are taxed at the heavy rates prescribed by the Act.

4. *For these reasons and those adduced by the Board of Revenue the Government are decidedly averse to the entire withdrawal of the present exemption. They consider however that an uniform Stamp duty of one Anna may be levied on such leases, and that such a tax would not be felt by the people. The rates in Section 30 of the Act are quite unsuited to the circumstances of this Presidency.

P. R. 29
29th

P. R.
2-696
To the Hon. H. Forbes

Sir
I am directed
to acknowledge the
receipt of your letter
of 18-ult^o and to
forward for your
information an
extract from a
letter from the Bd.
of Rev. on its subject
viz. the exemption
from Stamp
Duty of leases be-
tween Landlord
& Tenant in Madras
& some days.

In this Presi-
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as the principal
source of disputes
and litigation. This
object will never
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prescribed by the

act.

For these reasons
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divided into ^{undivided} ~~undivided~~
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circumstances

of the Presidency

I have to

J.P.S.

Revenue 1862 Department
Secy of Govt for March

Fort St. Geo.

1862.

29 March 1862.

Copy to the East of India
Office

To
The Honble H. Forbes.
Member of the Legislative
Council of India.
29 March 62.

For the Honble
Secretary to the
Council

29/3/62

1 March/62 No 9-10
3 March/62-15-16

from the Bd of Revs 24.2.62
Chs 529

Revenue 1862 Deptt.
Prs: of Govt. for March

N. 696.

To
The Honble H. Forbes.
Member of the Legislative
Council of India.

Df 29: March 1862.

From 27 9: April/62 CN 1153

Forwarding to Honble
H. Forbes a letter from Rev.
Board on the subject of
exemption from stamp
duty of leases between
Land lord and Tenant.

N 487 & 488.