

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	326	Press
	<u>132-133</u>	~~M~~
Dated	8 th February 12 1869	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department.
8th February 1869.

No. 132. Read the following letter from the Acting Registrar General of Assurances, Madras, to the Chief Secretary to Government, Fort St. George, dated Madras, 27th January 1869, No. 8 :—

1. I have the honor to submit, for such notice as may be called for, the following remarks on the General Stamp Act Bill now before the Council of the Governor General of India for making Laws and Regulations.

Section 2 of the Bill.

2. The 6th Schedule referred to in this Bill shews that a small portion of the present Stamp Act is still to be retained. This is inexpedient. I would, for the sake of clearness and convenience of reference rescind the whole Act, and re-enact in the Bill such of its provisions as it may be necessary to retain.

Section 3 "Lease."

3. Very often, the produce of a garden is leased to a renter for a year or a term of years. His right extends simply to gathering the produce of the trees therein, such as mango, tamarind, &c., &c. I doubt whether such leases would come under the definition of "Lease" given in the Bill. It is perhaps intended that they should not.

Section 15.

4. Among the exemptions enumerated under this Section, I do not find some of the most important of those contained in the present Act X of 1862, *e. g.*

I. Deeds, Instruments or Writings of any kind made or executed by or on behalf of Government.

II. Leases or other engagements executed between landlord and tenant, relative to land in the Presidency of Madras, subject to the payment of revenue to Government.

III. Counterparts of do.

These exemptions it appears to me should be carried into the present Bill.

Section 17.

5. The wording of this Section seems to require amendment.

Section 18.

6. The exaction of a penalty of ten times, on all instruments brought within one year, seems hard. A document may be brought the very next day or even the next hour, and to levy ten times the proper duty in such cases would be deemed very hard indeed.

Sections 36 to 41.

7. It seems scarcely worthwhile to waste the time of the Judges of the High Court by the references to that authority provided by this part of the Bill. Nor do I like the adjudication by the Collectors. The provisions of the present Act on this head seem to me far preferable. They have worked well in practice and have become familiar to the people; and, unless any strong ground exists for so doing, I do not see why they should be set aside. The adjudication by the Board of Revenue provided for by the present Act is more satisfactory, and carries more weight than any adjudication by Collectors would do.

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Section 43.

8. The one year's time allowed by this Section for the renewal, or the refund of the value, of unused or spoilt stamps seems to me quite uncalled for. The time allowed by the present Act, namely six months is long enough, if not longer than is desirable. People about our Courts and professional forgers, make it a business to lay in a stock of stamp paper of all values; and extending the time within which they can claim the value of unused paper, will be affording them facilities for their work. I should be disposed to shorten the time and reduce it to three months. People who purchase stamps for *bona-fide* use have never any occasion to wait so long as three months before they can decide whether the paper is wanted or not, and so three months appear to me to be ample time.

Section 46.

9. I think it is well that the regulation of the sale of stamps is left to the local Governments. The provisions of the present Act X. of 1862 in this respect are considered to afford facilities for forgery; and it is therefore, desirable, that each Government should have the power of making such rules as may be necessary, with reference to local circumstances and peculiarities.

Schedule II, Article 11.

10. "Bond or Mortgage Deed not above provided for." This, coming after Article 6 "Mortgage Deed where possession of the property comprised therein is not transferred," would naturally mean that it comprised mortgage bonds of every other description; but seeing Article 4 in the immediately following Schedule III, it is impossible to say to what Mortgage Deeds Article 11 refers, and for which an optional stamp is prescribed.

Schedule III., Article 4.

11. I do not clearly see the propriety of subjecting "Mortgage Deeds, when possession of the property comprised therein is transferred," to the same duty as conveyances. The transfer of possession in the former case is but temporary, and the right of equity of redemption exists.

Schedule IV., Article 3.

12. "Instruments of exchange of immoveable property where no money is paid or agreed to be paid for equality of exchange." It is very important that an exemption from this Article should be allowed in favor of what are called Karay-olays or instruments of exchange in Karay-edu villages in this Presidency. They are villages in which the lands change hands every five years or so. According to immemorial practice, a periodical allotment of the lands publicly takes place, in which each ryot relinquishes his present holding for an equal extent of other land, which he retains till the time for the next allotment arrives, when he gives it up again in exchange for other land. The apportionment is most carefully made under strict rules, and is intended, in the interests of the community, to equalize profits and losses. The practice, though not so common as before, is still general, and as each ryot of such a village gets an instrument shewing the exchange as far as he is concerned, it would be felt as a great hardship to subject such, in every village where it occurs, to a Stamp duty of 8 Rupees.

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Schedule IV., Article 11.

13. The Stamp duty of 4 Rupees prescribed for "instruments of reconveyance of mortgaged property," would operate as a hardship in some cases. Suppose the value of the mortgaged property to be 50 or 100 or 200 Rupees. The stamps on the original mortgage deeds in these cases would, under Article 6, Schedule II, be Annas 4 and 8 and 1 Rupee, respectively; whereas, on the instrument reconveying this same property, the Stamp duty would be 4 Rupees.

Schedule IV., Article 25.

14. The duty of 1 Rupee on a Schedule applies, I presume, to each entire Schedule, without reference to the number of sheets as at present. This should be clearly expressed.

Schedule IV., Article 27.

15. Would this Article take in appraisement of Houses by Municipal Officers for the purpose of assessing the House tax? The Article, if strictly enforced, supposing such to be practicable, would prove vexatious, or on the other hand, it would be evaded wholesale.

Schedule IV., Article 29.

16. This Article is unnecessarily complicated, and ought to be simplified. Besides, to what cases does this Article apply? See Articles 3, 4, 5, and 6 of Schedule B, Act XXVI. of 1867.

TRANSFERRED to the Revenue Department.

(Signed) JOHN D. MAYNE,

Asst. Secy. to Govt., Legislative Department.

3rd February 1869.

No. 133.

ORDER THEREON, 8th February 1869, No. 326.

Separate Revenue, No. 4.

Stamps.

The Board of Revenue will be requested to consider the suggestions made by the Honorable V. Ramiengar in the foregoing letter, when forwarding their

reply to the G. O., under date 3rd February 1869, No. 292.

(True Extract.)

(Signed) R. A. DALYELL,

Acting Secretary to Government.

To the Board of Revenue.

„ the Acting Registrar General of Assurances.

Exd. G. A. Turton.

W. 326.

8th July/69

The Board of Revenue will be requested to consider the suggestions made by the Honble V. Ramayyar in the foregoing letter when forwarding their reply to the G. O under date 3rd February 1869 Ch. 292.

[Signature]

[Signature]

11 copies to the Secy of Govt. Dept. 108.
1 copy to the Registrar of Assurances.

15/4/1871

Board of 1869 ADURAS.

REVENUE.

To

THE BOARD OF REVENUE.

By, Secy, Govt.

Dated February, 8th.

Recd.

No.

G. O., 8th February 1869, No. 326.

FEBRUARY.

Nos. 132-133.

General Stamp Act Bill.—Board of Revenue requested to consider the suggestions made by the Honorable V. Ramayyar on this subject.