M.R. O. 1—30,000—16-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	937	Press Mis.
161-62 Dated	7-4-1869	

Not to be folded or roughly handled

938

Proceedings of the Madras Government, Revenue Department,
7th April 1869.

No. 141. Read the following letter from the Secretary to the Council of the Governor-General for making Laws and Regulations, to the Secretary to the Government of Madras, dated Fort William, 24th March 1869, No. 82:—

I AM directed by His Excellency the Governor-General of India in Council to transmit the accompanying copy of the Bill for imposing Stamp Duties on certain Instruments as last amended by the Select Committee, to which it was referred, and of the Report thereon of that Committee, and to request that His Excellency the Governor of Madras in Council will, as early as convenient, favor the Governor-General in Council with his opinion on the provisions of the Bill as it now stands.

2. I am also to request that you will, with His Excellency's permission, obtain and forward the opinion of the learned Judges of the High Court.

No. 142. ORDER THEREON, 7th April 1869, No. 937.

Separate Revenue, No. 7.
Stamps.

RESOLVED that the Bill, with the Select Committee's Report, be forwarded to the Board of Revenue and to the Honorable the Judges of the High Court, with a request that they will be good enough to report their opinion of the provisions of the Bill at an early date.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

REVENUE.

To

THE BOARD OF REVENUE.

Dated April 7th.

Read.

APRIL.

No. 141-142.

Bill for imposing Stamp Duties on certain Instruments—Report of the Select Committee of the High Court requested to report their opinion on said Bill.

REVENUE DEPARTMENT.
FORT ST. GEORGE,
7th April 1869.

No. 938.

No. 143.
To

THE HONORABLE SIR C. H. SCOTLAND, KT.,
CHIEF JUSTICE OF THE HIGH COURT OF JUDICATURE, MADRAS.

HONORABLE SIR,

Separate Revenue, No. 8.
Stamps.

I AM directed to transmit the accompanying Proceedings of Government, together with copy of a Bill for imposing Stamp Duties on certain Instruments, and the Report of the Select Committee of the Council of the Governor-General, and to request that the Honorable the Judges of the High Court will be good enough to favor this Government, at an early date, with their opinion on the provisions of the Bill as it now stands.

I have the honor to be,
Honorable Sir,
Your most obedient servant,

(Signed) R. A. DALYELL,
Acting Secretary to Government.

Exd. F. R. Bantleman.

Govt. of India, 1869. 22nd April.

REVENUE.

To

The Hon'ble Sir C. H. [illegible], K.

Chief Justice of the High Court of

[illegible].

Dated April 7th.

Recd.

G. O., 22nd April 1869.

Answd.

APRIL.

No. 142.

Transmitting Proceedings of Government o
copy of Bill for imposing Stamp Duties on certain
Instruments, and requesting opinion on its provi
sions.

THE GENERAL STAMP BILL, 1869.

CONTENTS.

CHAPTER I.—Preliminary.

Section.

1. Short title.
   Extent of Act.
   Commencement of Act.
2. Repeal of enactments.
3. Interpretation-clause.

CHAPTER II.—Stamp Duties chargeable under this Act.

4. Scheduled duties chargeable.
5. Duties how levied.
   (*a*). By adhesive stamps.
   (*b*). By impressed stamps.
6. Duties by whom payable.
7. Duties on bills of exchange.
8. Bills drawn out of British India.
9. Instrument reserving interest.
10. Consideration expressed in foreign currency.
11. Optional stamps where value of subject-matter is indeterminate.
12. Bond, &c., for payment of annuity.
13. Several instruments used in a single transaction.
14. Instruments exempt from duty.
15. Power to lower rates of stamp duty.
16. Saving of judicial stamp duties.

CHAPTER III.—Unstamped or Insufficiently Stamped Documents.

17. Instruments not duly stamped inadmissible in evidence.
    Except in criminal proceedings.
18. Foreign bill unstamped or with stamp uncancelled.
19. Powers of Civil Courts as to unstamped or insufficiently stamped instruments.
    Penalty.
20. Registration of penalties levied by Civil Courts.
21. Impounding unstamped instruments in Civil or Criminal Courts.
22. Impounding unstamped instruments in public office.
23. Powers of Collector as to unstamped or insufficiently stamped instruments.
    Prosecution.
    Remission of penalty.
24. Validity of instrument for which Collector levies penalty.
25. Power to stamp instruments chargeable with one anna.
26. Procedure where receipts are required.
    Refusal to give receipts.
27. After-stamping when inadmissible.

CHAPTER IV.—Criminal Penalties.

28. Penalty for executing instrument on paper not duly stamped.
29. Penalty for presenting, &c., unstamped foreign bills or notes.

SECTION.

30. Cancelling stamps on foreign bills by holder.
Penalty for failure to cancel such stamps.
31. Penalty for not drawing full number of bills or marine policies purporting to be in sets.
32. Cancellation of adhesive stamp by maker or executant.
33. Penalty for not cancelling adhesive stamp.
34. Consideration to be stated.
Mortgage-money to be deemed purchase money.
Penalty for not stating consideration.
35. Penalty on attorneys, &c., not inserting true consideration.
36. Abetment.
37. Recovery of fines.
38. Reward to informers.

CHAPTER V.—JURISDICTION.

39. Adjudication of doubt as to proper stamp.
40. Appeal against Collector's decision.
41. Revision of Collector's orders.
42. Reference to High Court.
43. Power to remit penalties.
44. Institution of prosecutions.
45. Jurisdiction of Magistrate.

CHAPTER VI.—MISCELLANEOUS.

46. Refund in case of useless or spoiled stamped paper.
47. When stamped paper shall be held to be spoiled.
48. Suit where consideration is not stated.
49. Power to make rules for sale of stamps.
50. Employment of single impressed stamp.
51. Employment of several stamped papers.
52. Act to be translated, indexed and sold cheaply.

19*th March* 1869.

4

A

BILL

FOR

Imposing Stamp Duties on certain Instruments.

[*As amended by the Select Committee.*]

CHAPTER I.—PRELIMINARY.

1. This Act may be called 'The General Stamp Act, 1869.'
Short title.

It extends to the whole of British India.
Extent of Act.

And it shall come into force on the first day of October 1869.
Commencement of Act.

2. From such day, the enactments specified in the third schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule.
Repeal of enactments.

3. In this Act and the schedules hereto, unless there be something repugnant in the subject or context,—
Interpretation-clause.

(1). 'Affidavit' includes every declaration in writing, on oath or affirmation, made before a person authorized by law to administer an oath:

(2). 'Award' includes every decision in writing by an arbitrator or umpire:

(3). 'Bill of Exchange' includes a hundí and every other instrument, except a cheque, whereby a person is ordered to pay to another a specified sum of money:

(4). 'Bill of Lading' includes every instrument signed by the owner of a ship or his agent, acknowledging the receipt of goods therein described, and undertaking to deliver them at a port and to a person therein mentioned, or indicated:

(5). 'Bond' includes every instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed:

(6). 'Bottomry Bond' includes every instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to prosecute her voyage:

(7). 'Charter-party' includes every instrument (except an agreement for the hire of a tug-steamer) whereby a ship or some principal part thereof is let for the specified purposes of the charterer:

(8). 'Cheque' includes every instrument whereby a bank, banker, or person acting as a banker, is ordered to pay on demand a specified sum of money:

(9). 'Collector' means within the limits of the towns of Calcutta, Madras and Bombay the Collector

of Calcutta, Madras or Bombay, and without those limits the Collector of a District, and includes Deputy Commissioner or any officer having jurisdiction equivalent to that of a Collector of a District:

(10). 'Composition-deed' includes every instrument executed by a debtor, whereby the debtor conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of license, for the benefit of his creditors:

(11). 'Conveyance' means any instrument (except a transfer of a share in a Company or Association, a mortgage-deed, a settlement, a lease, an instrument of reconveyance of mortgaged property, a composition-deed, an instrument of gift, or an instrument of exchange, or partition-deed, where no money is paid for equality of exchange or partition) by which property is conveyed *inter vivos*:

(12). 'Counterpart' means the duplicate of a conveyance, settlement, mortgage-deed or lease, such duplicate not being executed by the grantor, settlor, mortgagor or lessor, but by some other party to the instrument: it includes a kabúliyát in cases where a lease has been granted:

(13). 'Dock-warrant' includes every instrument evidencing the title of any person therein named or his assign, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the company or person in whose custody such goods may be:

(14). 'Impressed' includes 'printed' and 'lithographed':

(15). 'Lease' includes every instrument by which one person lets, or agrees to let, immoveable property to another:

(16). 'Letter of Credit' includes every instrument by which one person requests another to give credit to the person in whose favour it is drawn:

(17). 'Letter of License' includes every agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion:

(18). 'Mortgage-deed' includes every instrument evidencing a pledge of property for securing the payment of money:

(19). 'Negotiable Instrument' includes Bills of Exchange, Promissory Notes and Cheques:

(20). 'Notarial act' means any instrument made or signed by a Notary Public in the execution of the duties of his office, and includes every like instrument made or signed by a consul, attorney, or other person authorized by law to act as a Notary Public:

(21). 'Paper' includes vellum, parchment or any other material on which an instrument may be written:

(22). 'Partition-deed' means any instrument whereby persons interested in immoveable property jointly, or in common, or as co-parceners, or as members of an undivided Hindú family, divide or agree to divide such property in severalty, and includes a batwárá:

(23). 'Policy of Insurance' means any instrument (except a policy on life) by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event:

(24). 'Power of Attorney' includes every instrument (except a proxy) empowering a person to act in the stead of the person executing it:

(25). 'Promissory Note' includes every instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight:

(26). 'Property' means property being in British India:

(27). 'Protest' means a declaration in writing made by a Notary Public, or other person authorized to act as such, attesting the dishonour of a Bill of Exchange or Promissory Note:

(28). 'Protest of the Master of a Ship' includes every declaration of the particulars of her voyage, drawn up by him with a view to the adjustment of losses, or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship:

(29). 'Proxy' means an instrument whereby a person authorizes another to vote for him at a meeting:

(30). 'Release' includes every instrument whereby a person renounces a claim upon another person, or against any specified property:

(31). 'Respondentia bond' includes every instrument securing a loan on the cargo laden or to be laden on board a ship, and making re-payment contingent on the arrival of the cargo at the port of destination: and

(32). 'Settlement' means any instrument (other than a Will) whereby the destination or devolution of moveable or immoveable property is settled or agreed to be settled.

CHAPTER II.—Stamp Duties chargeable under this Act.

Scheduled duties chargeable.

4. For every instrument mentioned in the schedules hereto annexed and executed in British India after this Act comes into force,

, or executed out of British India after this Act comes into force, but relating to any property within British India,

there shall be payable to the Government of India, as stamp duty, the amount indicated in any schedule hereto annexed, to be the proper duty for such instrument.

Duties how levied.

5. *(a)*.—All instruments chargeable under this Act with a duty not exceeding one anna, bills of exchange and promissory notes drawn or made out of British India, customs-bonds and transfers by endorsement of shares of companies and associations may (subject to the provisions hereinafter contained) be stamped with adhesive stamps.

By adhesive stamps.

(b).— The stamp on every other instrument chargeable under this Act shall either be impressed on the paper whereon the instrument is written or be otherwise denoted by the Collector or the Superintendent of Stamps in accordance with such rules as the Governor General of India in Council may from time to time prescribe in this behalf.

By impressed stamps.

Duties by whom payable.

6. In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne—

1*st*.—In the case of any instrument mentioned in schedule I to this Act (other than a policy of insurance, a mortgage-deed, a settlement, a conveyance, a lease, an instrument of exchange or partition-deed where money is paid for equality of exchange or partition, an appraisement or valuation, an award and a copy, duplicate or extract), by the person drawing, making or executing such instrument:

2*nd*.—In the case of a policy of insurance, by the insured:

3*rd*.—In the case of a settlement, by the settlor:

4*th*.—In the case of a conveyance, mortgage-deed or lease, by the grantee, mortgagor or lessee:

5*th*.—In the case of a counterpart of a lease, by the lessor:

6*th*.—In the case of a partition-deed, by the parties thereto in proportion to their respective shares in the property comprised therein; and

7*th*.—In case of an exchange where money is paid for equality of exchange, by the person paying such money.

Duties on bills of exchange.

7. The duty imposed by this Act on bills of exchange shall be chargeable *(a)* on all bills drawn and payable in British India, *(b)* on all bills drawn in, but payable out of, British India, and *(c)* on all bills drawn out of, but accepted, or paid, or endorsed, transferred, or otherwise negotiated within British India.

Bills drawn out of British India.

8. The holder of any bill of exchange or promissory note drawn or made out of British India, and not stamped as required by this Act, shall, before he presents the same for acceptance or for payment, or endorses, transfers, or otherwise negotiates such bill or note, affix thereto the proper adhesive stamp or stamps for denoting the duty with which such bill or note is chargeable under this Act.

Instrument reserving interest.

9. Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with a duty higher than that with which it would have been chargeable had no mention of interest been made therein.

Consideration expressed in foreign currency.

10. When the consideration set forth in or the amount secured by any instrument chargeable under this Act is expressed in pounds sterling, francs or dollars, such consideration or amount shall, for the purposes of this Act, be estimated according to the following scale:—

One pound sterling is equivalent to ten rupees.

One hundred francs are equivalent to forty rupees.

One Mexican or China dollar is equivalent to two rupees four annas.

One Mauritius dollar is equivalent to two rupees.

Optional stamps where value of subject-matter is indeterminate.

11. When the amount or value of the subject-matter of any bond, mortgage-deed or settlement chargeable under this Act with an *ad valorem* stamp duty and referred to or mentioned in section six cannot be ascertained, the proper stamp to be borne by such instrument may be determined by the person bound under that section to bear the expense of providing the stamp:

Provided that, under such instrument, nothing shall be recoverable more than the highest amount or value for which, if stated in an instrument of the same denomination, the stamp actually used under such option would have been sufficient.

Bond, &c., for payment of annuity.

12. The whole amount secured for the payment of an annuity for an indefinite period by a bond, promissory note, or mortgage-deed shall, for the purposes of this Act, be deemed to be ten times the amount of the annual payment.

When the consideration for a conveyance is an annuity payable for an indefinite period, such consideration shall, for the purposes of this Act, be deemed to be a sum equal to ten times the amount of the annual payment.

Several instruments used in a single transaction.

13. Where more instruments than one are required for the completion of any transaction involving the execution of a mortgage-deed, settlement, conveyance, or lease, the proper stamp required by this Act for such mortgage-deed, settlement, conveyance, or lease, shall be borne by the principal instrument

executed in such transaction, and each of the other instruments shall bear the stamp specified in schedule II to this Act as applicable to a collateral instrument.

The parties may determine for themselves which of such instruments shall for the purposes of this section be deemed to be the principal instrument.

Instruments exempt from duty.

14. Nothing in this Act shall render the following instruments chargeable with duty :—

(1). Receipt or discharge granted to a cultivator for the rent of land paying revenue to Government.

(2). Receipt given for money or securities for money deposited in any Bank or in the hands of any Banker or person acting as a Banker to be accounted for:

Provided the same be not expressed to be received of or by the hands of any other than the person to whom the same is to be accounted for:

Provided further, that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited for, or upon a letter of allotment of a share in respect of, a call upon any scrip or share of or in any Company, or Association or proposed or intended Company or Association.

(3). Receipt or discharge endorsed on or contained in any instrument duly stamped according to the laws in force in British India at the date thereof, acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest or annuity thereby secured.

(4). Transfer by endorsement of a negotiable instrument or a policy of marine insurance or of insurance against fire.

(5). Letters of hypothecation accompanying a bill of exchange.

(6). Transfers of securities of the Government of India.

(7). Bond to Government for the due performance of the duties of any salaried office.

(8). Agreement or memorandum of an agreement for or relating to the sale of goods or merchandize.

(9). Lease granted to a cultivator, unless a fine or premium be paid in consideration of such lease.

(10). Counterpart of such lease.

(11). Surrender of land executed by a cultivator to his landlord.

(12). Affidavit made for the sole purpose of enabling any person to receive any pension or charitable allowance.

(13). Copy of any paper which a public officer is by law required to make or furnish in his official capacity.

(14). Copies made for the private use only of any person having the custody of the original instrument or of his counsel, attorney or vakil.

(15). Receipt or other instrument executed by or on behalf of Government, in cases where the

Government would but for this exemption be liable to pay for the stamp thereon.

(16). Letter of cover or engagement to issue a policy of insurance;

Provided that, unless such letter or engagement bear the stamp prescribed by this Act for such policy of insurance, nothing shall be recoverable thereunder, nor shall it be available for any purpose except to compel the delivery of the policy therein mentioned.

Power to lower rates of stamp duty.

15. The Governor General of India in Council may, from time to time by order published in the *Gazette of India*, reduce or remit in the whole or any part of British India the duties chargeable under this Act on all or any of the instruments mentioned in the schedules hereto annexed or on any particular class of such instruments, or on any of the instruments belonging to such class, or on any of the instruments mentioned in the said schedules when executed or granted by or to any particular class of persons, or by or to any members of such class, and may in like manner cancel or vary such order to the extent of the powers hereby given. Every such cancelment or variation shall be published in the *Gazette of India*.

Saving of Judicial stamp duties.

16. Nothing in this chapter or in the schedules hereto annexed shall be deemed to affect the stamp duties chargeable under Act No. XXVI of 1867 or under any other Act relating to stamps used in judicial proceedings.

CHAPTER III.—Unstamped or Insufficiently Stamped Documents.

Instruments not duly stamped inadmissible in evidence.

17. *(a)*.—No instrument chargeable with stamp duty under this Act shall be received in any court of justice, or by any person having by law or consent of parties authority to receive evidence, as creating, modifying, transferring or extinguishing, or purporting to create, modify, transfer or extinguish, any right or obligation,

or as evidence in any civil proceeding,

or shall be acted upon in any such court, or by any such person as aforesaid, or by any public officer,

or shall be registered by any officer acting under any law for the registration of assurances or in any public office,

or shall be authenticated by any public officer,

unless such instrument bears a stamp of a value not less than the amount of the duty with which it is chargeable under this Act.

Except in criminal proceedings.

(b).—Every instrument chargeable with stamp duty shall be admitted in evidence in any criminal proceeding (other than proceedings under Chapter 22 of the Code of Criminal Procedure) although it may not have the stamp required by law impressed thereon or affixed thereto.

18. Subject to the provisions contained in section twenty-five, no person taking a bill of exchange or promissory note requiring a stamp under section eight, either in payment or as a security, or by purchase or otherwise, shall be entitled to recover thereon, or to make the same available for any purpose, unless at the time when he so takes it, the proper stamp is affixed thereto and cancelled in manner hereby directed.

Foreign bill unstamped or with stamp uncancelled.

19. When any instrument chargeable with stamp duty under this Act, executed on paper not bearing the proper stamp, is produced in a Civil Court, the court, if satisfied that the omission to execute such instrument on paper bearing the proper stamp, did not arise out of any intention to evade payment of the proper duty, and on payment of such duty, or, in the case of an insufficiently stamped instrument, of the sum required to make up the full amount chargeable on such instrument,

Powers of civil courts as to unstamped or insufficiently stamped instruments.

together with a penalty of the following amount (that is to say) :—

Penalty.

if the instrument is produced within one year from the date of its execution ... ... five times

or, if it is produced after one year from such date ... ... twenty times

such proper stamp duty or deficient portion thereof as aforesaid,

shall certify by endorsement on such instrument that the proper stamp duty has been levied thereon.

Provided that no such penalty shall exceed one thousand rupees.

Such certificate shall be conclusive evidence as to the amount of stamp duty leviable on such instrument, and the said instrument shall thereupon be admissible as if originally executed on paper bearing the proper stamp.

20. *(a)*.—An entry of every such payment showing the amount thereof shall be made in a book to be kept by the Court, and shall also be endorsed on the instrument and signed by the presiding officer.

Registration of penalties levied by civil courts.

(b).—The Court shall at the end of every month make a return to the Collector of the money (if any) which it has so received, distinguishing between the sums received by way of penalty and the sums received by way of duty, stating the number and title of the suit, the name of the party from whom the money was received, and the date (if any) and description of the instrument.

(c).—The Court shall pay over all money so received to the Collector or to such person as he may from time to time appoint to receive the same.

21. If it appear to a Civil or Criminal Court that any instrument filed or exhibited in such Court was executed on unstamped or insufficiently stamped paper with the intention of evading payment of the stamp duty prescribed by this Act for such instrument, the court may impound the instrument and send it to the Collector, and he shall thereupon prosecute the offender.

Impounding unstamped instruments in civil or criminal courts.

22. When any instrument is produced before any registering officer, or in any public office other than a civil or criminal court, if it appear to the registering officer or to the head of such public office that the instrument is chargeable under this Act, but that it does not bear a stamp of a value equal to or exceeding the value of the stamp prescribed therefor by this Act, he shall impound the instrument, and send it forthwith to the Collector.

Impounding unstamped instruments in public office.

23. *(a)*.—When any instrument is produced before the Collector, otherwise than for the purpose of obtaining an adjudication under section thirty-nine, or has been sent to him under section twenty-two, he shall either proceed in accordance with the provisions of section nineteen, exercising the powers thereby conferred on a civil court; or if it appear to him that the instrument was executed on unstamped, or insufficiently stamped, paper with the intention of evading payment of the proper stamp duty, he shall prosecute all the persons that have executed the said instrument or such of them as to him may seem fit;

Powers of Collector as to unstamped or insufficiently stamped instruments.

Prosecution.

or if it appear to him that the instrument is properly stamped or that it is not chargeable under this Act, he shall certify by endorsement thereon that it is properly stamped, or that it is not so chargeable (as the case may be); and he shall thereupon return such instrument to the registering or other public officer by whom it was sent, or to the person by whom it was produced, and it shall be deemed to be properly stamped or not chargeable under this Act (as the case may be).

(b).—Provided that, in any case coming under this section, if the instrument is brought within one year from the date of its execution to the Collector, or other public officer by whom it has been sent to the Collector under section twenty-two, and if the Collector is satisfied that such instrument has not been duly stamped previously to being signed or executed by reason of accident, mistake, inadvertence or urgent necessity, he may remit the whole or any part of the penalty prescribed by section nineteen.

Remission of penalty.

(c).—Provided also that, in any case coming under this section in which an instrument, other than a bill of exchange or promissory note, purports to have been executed out of British India, if the Collector is satisfied that the instrument was so executed, and also that it has been brought to him within the three months next after its arrival in British India, he shall, on payment of the duty with which such

instrument would have been chargeable if executed in British India, certify by endorsement thereon that the proper stamp duty has been levied upon it.

(d).—Such certificate shall be conclusive evidence of the amount of stamp duty leviable on the instrument, which shall thereupon be admissible as if originally executed on paper bearing the proper stamp.

Validity of instrument for which Collector levies penalty.

24. When the Collector elects to proceed under section nineteen, he shall, (if he imposes a penalty) after endorsing on the instrument the certificate thereby directed, or (if he remits the whole of the penalty) after endorsing on the instrument a certificate to that effect, return such instrument to the registering or other public officer by whom it was sent or to the person by whom it was produced, and the said instrument shall thereupon be, and be deemed to have been, as valid as if it was originally executed on paper bearing the proper stamp.

Power to stamp instruments chargeable with one anna.

25. *(a)*.—When any bill of exchange, promissory note, cheque or order for the payment of money on demand, or any other instrument, chargeable hereunder with the duty not exceeding one anna, comes to the hand of any person unstamped, he may affix thereto the necessary adhesive stamp, and cancel the same in the manner required by this Act, and upon so doing, may charge the duty against the person who ought to have paid the same, or deduct such duty from the sum so directed to be paid.

(b).—Such bill, note, cheque, order or other instrument shall, so far as relates to the stamp duty chargeable thereon, be valid; but this shall not relieve any person from the liability to the penalty which he may have incurred by issuing or giving the said bill, cheque, order or other instrument unstamped.

Procedure where receipts are required.

26. *(a)*.—Any person, or the agent of any person, from whom money exceeding in amount twenty rupees is due or claimed to be due, and who shall have paid such money, may provide a piece of paper with an adhesive stamp of one anna affixed thereto, and may require of the person entitled to such money or any agent to whom the same shall have been paid a receipt for such money and also the value of the said stamp.

Refusal to give receipts.

(b).—If any person to whom money shall have been so paid refuses to give such receipt upon demand thereof, or to pay the value of the said stamp thereon, he shall be liable for every such offence to a fine not exceeding one hundred rupees.

After-stamping when inadmissible.

27. Except as provided in sections eight and twenty-five, no stamp shall be affixed to, or impressed on, any bill of exchange or promissory note or any instrument chargeable hereunder with duty not exceeding one anna, subsequent to the execution thereof, nor shall the provisions of sections nineteen and twenty-three apply to any such instrument.

CHAPTER IV.—Criminal Penalties.

Penalty for executing instrument on paper not duly stamped.

28. Whoever makes, signs or issues, or, except as provided in section twenty-five, accepts, endorses, transfers, pays or receives payment of any bill of exchange, promissory note, cheque or other similar instrument liable to any of the duties hereby imposed, without the same being duly stamped,

and whoever makes, executes, or signs otherwise than as a witness any other instrument liable to any of such duties without the same being duly stamped,

shall, for every such offence, be liable to fine not exceeding one hundred rupees,

or, if ten times the value of the proper stamp exceeds one hundred rupees, to fine not exceeding ten times such value,

or, where an insufficient stamp has been used, if ten times the deficient amount exceeds one hundred rupees, to fine not exceeding ten times such deficient amount.

Penalty for presenting, &c., unstamped foreign bills or notes.

29. Whoever presents for acceptance or for payment, or accepts, pays or endorses, transfers, or in any manner negotiates, any bill of exchange or promissory note drawn or made out of British India whereon there is not such stamp as is required by this Act, shall be liable for every such offence to fine not exceeding one hundred Rupees.

Cancelling stamps on foreign bills by holder.

30. Whoever presents for acceptance or payment a bill of exchange or promissory note to which an adhesive stamp has been affixed under section eight,

and whoever endorses, transfers, or in any manner negotiates such bill or note,

shall, before delivering the same out of his hands, custody or power, cancel the stamp so affixed,

in such manner as to show that the stamp has been made use of, and so that the same shall not admit of being used again.

Penalty for failure to cancel such stamps.

And whoever ought, as directed by this Act, to cancel such stamp in manner aforesaid, and refuses or neglects so to do, shall be

liable for every such offence to fine not exceeding one hundred rupees.

Penalty for not drawing full number of bills or marine policies purporting to be in sets.

31. Whoever draws or executes within British India a bill of exchange, or a policy of marine insurance purporting to be drawn or executed in a set of two or more, and does not at the same time draw or execute on paper duly stamped as required by this Act the whole number of bills or policies of which such bill or policy purports the set to consist, shall, for every such offence, be liable to fine not exceeding one thousand rupees.

Cancellation of adhesive stamp by maker or executant.

32. Whenever an adhesive stamp is used as hereinbefore authorized, the person making or executing the instrument to which such stamp is affixed shall, before delivering the instrument out of his hands, custody or power, cancel the stamp so used so that it cannot be used again.

Penalty for not cancelling adhesive stamp.

33. Whoever makes or signs any instrument with an adhesive stamp thereon when an adhesive stamp is allowed to be used, and does not in manner aforesaid cancel such stamp, shall, for every such offence, be liable to fine not exceeding one hundred rupees.

Consideration to be stated.

34 *(a)*.—When any moveable or immoveable property is sold, the full consideration-money directly or indirectly paid or secured, or agreed to be paid for the same, shall be truly set forth in words at length in the principal or only instrument whereby the property sold is conveyed to, or vested in, the purchaser or in any other person by his direction.

Mortgage money to be deemed purchase money.

(b).—When any property is sold and conveyed subject to any mortgage or bond or other debt, or to any gross or entire sum of money, such debt or sum shall be deemed the consideration-money or part of the consideration-money (as the case may be) in respect whereof the duty chargeable under schedule I to this Act shall be paid,

notwithstanding the purchaser is not or does not become personally liable for such debt or sum,

or does not agree to pay the same or to indemnify the seller against the same.

Penalty for not stating consideration.

(c).—If the full consideration-money is not set forth as aforesaid, the purchaser and the seller shall each be liable to fine not exceeding five hundred rupees, and shall also pay a fine of five times the amount of the excess of duty with which such instrument would have been chargeable under this Act, if the full consideration-

money had been duly set forth in such instrument, in addition to the duty actually paid for the same.

Penalty on attorneys, &c., not inserting true consideration.

35. Any attorney, vakíl, pleader, mukhtár or other person employed in or about the preparing of any instrument in or upon which the full consideration-money is hereby required to be truly set forth,

or employed for any of the parties thereto in anywise about or relating to the transaction therein mentioned,

who knowingly inserts or sets forth, or causes to be inserted or set forth, in or upon any such instrument any other than the full consideration-money,

shall, for every such offence, pay a fine not less than five hundred rupees and not exceeding five thousand rupees.

Every attorney, vakíl, pleader, or mukhtár convicted under this section shall, from the date of such conviction, be disabled to practise as an attorney, vakíl, pleader or mukhtár:

Provided that no person shall be liable to any penalty or disability under this section, unless the duty actually paid for the instrument is less than would have been payable for the same in case the consideration-money had been truly set forth as aforesaid.

Abetment.

36. Whoever abets within the meaning of the Indian Penal Code any offence made punishable by this Act shall be punished with the punishment hereinbefore provided for such offence.

Recovery of fines.

37. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

Reward to informers.

38. Whenever an offender is sentenced to pay a fine under this Act, the convicting Magistrate may award any portion not exceeding one-half to the person on whose information the offender has been convicted.

Chapter V.—Jurisdiction.

Adjudication of doubt as to proper stamp.

39. When any instrument chargeable with stamp duty under this Act, whether previously stamped or not, is presented to the Collector, and the person presenting it desires to have the opinion of that officer as to the duty with which it is so chargeable, and pays a fee of five rupees, the Collector shall assess and charge the duty to which, in his judgment, the instrument is liable; and upon payment of such duty or of such a sum as, with the duty already

paid thereon, is equal to the duty so assessed and charged, and of the penalty, if any, incurred through the instrument having been executed on insufficiently stamped paper, shall certify by endorsement on such instrument that the full duty with which it is chargeable under this Act has been paid.

The instrument shall thereupon be deemed to be duly stamped and receivable in evidence or otherwise in all courts and public offices:

Provided that nothing contained in the former part of this section shall authorize the Collector to make any such endorsement on bills of exchange, promissory notes or instruments chargeable with a stamp duty not exceeding one anna when presented on unstamped or insufficiently stamped paper subsequent to the drawing or execution thereof.

Appeal against Collector's decision.

40 *(a)*.—If the person presenting any such instrument, is dissatisfied with the judgment of the Collector, he may, upon paying the duty assessed by such judgment, including the penalty, if any, which would be leviable under section sixteen if the instrument were produced in a civil court, and upon depositing twenty rupees for costs and charges, require the Collector to state specially and sign the case on which the question arose, together with his judgment thereon, and the Collector shall state and sign such case accordingly, and deliver it to the person making such requisition in order that he may appeal to the High Court.

(b).—And upon the application of the appellant (such notice as the High Court shall by any general rule direct being given to the Government pleader) the High Court shall hear the appeal and decide as to the stamp duty with which the instrument is chargeable under this Act, and award the costs (if any) payable by the appellant; and according to such decision the duty and penalty, if any, shall be deemed to have been payable.

(c).—The said application may be on unstamped paper.

(d).—If no excess of duty or penalty has been paid under the Collector's judgment, the amount deposited by the appellant shall be paid to Government, but if any such excess has been paid, the same, together with the amount of the deposit, shall be re-paid to the appellant.

(e).—And if the sum paid for duty or penalty falls short of what, according to the decision of the High Court, ought to have been paid, the deficiency of duty, or penalty, or both, shall be paid by the appellant, and the Collector may enforce the payment thereof accordingly as if it had been awarded to him by decree of a Civil Court.

Revision of Collector's orders.

41. All orders of the Collector under this Act, except such as are passed under section thirty-nine, shall be open to revision on appeal or otherwise by the chief controlling Revenue Authority to which the Collector is subordinate.

Reference to High Court.

42 *(a)*.—The chief controlling Revenue Authority may state any case coming before him under this Act and refer it with his own opinion thereon, if the case arise in the Presidency of Fort Saint George or Bombay, to the local High Court, and if it arise in any other part of British India, to the High Court at Fort William.

(b).—Every such case shall be decided by at least three Judges of the High Court to which it is referred, and in case of difference the opinion of the majority shall prevail.

(c).—If the High Court is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised thereby, the Court may refer the case back to the Revenue Authority by whom it was stated to make such additions thereto or alterations therein as the Court may direct in that behalf.

(d).—The High Court upon the hearing of any such case shall decide the questions raised thereby and shall deliver its judgment thereon containing the grounds on which such decision is founded; and it shall send to the Revenue Authority by whom the case was stated, a copy of such judgment under the seal of the Court and the signature of the Registrar, and the Revenue Authority shall, on receiving the same, dispose of the case conformably to such judgment.

Power to remit penalties.

43. The chief controlling Revenue Authority may, upon petition, remit wholly or in part any penalty imposed under this Act.

Institution of prosecutions.

44. All prosecutions in respect of any offence punishable by this Act, shall be instituted and conducted by the Collector of the District, or such other officer as he specially authorizes in that behalf.

Jurisdiction of Magistrate.

45. Offences punishable under this Act may be tried within the limits of the towns of Calcutta, Madras and Bombay by a Magistrate of Police, and beyond those limits by the Magistrate of the District or a person exercising the powers of a Magistrate (as defined in the Code of Criminal Procedure) or of a Subordinate Magistrate of the first class: Provided that, in imposing penalties under this Act, no such person shall exceed the limits of jurisdiction prescribed for him by the said Code.

CHAPTER VI.—MISCELLANEOUS.

Refund in case of useless or spoiled stamped paper.

46. If any person who has obtained any stamped paper in the manner allowed by this Act or Act No. X of 1862 *(to consolidate and amend the Law relating to Stamp Duties)* does not require the same for use,

or if the paper so obtained becomes spoiled or unfit for use as hereinafter mentioned,

the Collector of the District in which the paper has been purchased may, upon application made to him, within one year after such purchase, and upon delivery to him of such paper, refund the amount paid to Government for the same, whether by the applicant or any other person.

or in case the owner of the paper so spoiled or unfit for use, desires to be supplied with stamped paper of similar or equal value, the Collector may cause such paper to be delivered to him or his agent upon payment of the value of the paper on which the new stamp or stamps shall be impressed.

When stamped paper shall be held to be spoiled.

47. Stamped paper shall be held to be spoiled or unfit for use within the meaning of section forty-six when—

By accident happening to the same before any writing thereupon has been finally signed and executed, it is rendered unfit for use;

Or when, because of some error in the drawing up or copying of any writing thereon, discovered before such writing has been finally signed and executed, it is rendered of no avail;

Or when, by reason of death or refusal of the party whose signature may be necessary to effect the transaction intended by such writing, it remains incomplete and of no avail;

Or when, by refusal of any office or trust granted by a writing thereon, it has failed of the purpose intended;

Or when, by reason of failure of consideration, the transaction intended to be effected or evidenced by a writing thereon cannot be effected or evidenced;

Or when the transaction intended to be effected by a writing thereon has been effected by some other instrument duly stamped;

Or when, in the case of a negotiable instrument, such instrument is, by reason of non-delivery to the payee or person acting in his behalf, or other cause, never brought into use;

Or when, in the case of a bill of exchange other than a bill drawn in a set, it has not been presented for acceptance or payment.

Suit where consideration is not stated.

48. Where in case of a sale, or an exchange upon which money is paid for equality of exchange, or a lease for a premium, the full consideration-money is not truly set forth in the manner hereby directed, it shall be lawful for the purchaser, or the person paying money for equality of exchange, or the lessee (as the case may be) or his representative in interest, to sue for and recover back from the seller, or the person receiving such money, or the lessor (as the case may be) or his representative in interest, so much of the consideration-money as is not set forth as aforesaid, or the whole thereof, if no part of the same is so set forth; and in such suit, notwithstanding anything hereinbefore contained, the conveyance, instrument of exchange, or lease shall be admissible in evidence.

Power to make rules for sale of stamps.

49. Every Local Government shall frame rules for regulating the sale of stamps and stamped paper required by this Act, or by Act No. XXVI of 1867 *(to amend the law relating to stamp duties)* for determining the persons by whom such sale is to be conducted, and for fixing the remuneration of such persons within the territories subject to its control; and may from time to time alter and add to such rules.

Such rules, alterations and additions shall, when approved by the Governor General of India in Council, and after publication in the local official Gazette, have the force of law.

Employment of single impressed stamp.

50. The amount of stamp duty chargeable on any instrument for which an impressed stamp is required by this Act shall be denoted by a single impressed stamp, except when such amount exceeds one thousand rupees, in which case it may be denoted by two or more impressed stamps, of which the aggregate amount is the amount so required:

Provided that, where a single impressed stamp of any amount less than one thousand rupees is not procurable on application to the Collector or stamp vendor appointed under section forty-nine, it shall be lawful, on such officer making a certificate to that effect, for the person requiring such stamp to denote the amount by two or more impressed stamps, of which the aggregate amount is the amount so required.

Employment of several stamped papers.

51. When more stamped papers than one are used, under section fifty for an instrument chargeable with stamp duty under this Act, each stamped paper so used shall contain a part of the instrument.

Act to be translated, indexed and sold cheaply.

52. Every Local Government shall cause this Act and the schedules hereto annexed to be carefully translated into the principal vernacular languages of the territories subject to its control. A full alphabetical index shall be added to every such translation, and the translation and index shall be printed and sold to the public at a price not exceeding four annas per copy.

SCHEDULE I.

Instruments chargeable with ad valorem Stamp-duties.

Description of Instruments.		Proper Stamp Duty.		
		If drawn singly.	If drawn in set of two, for each part of the set.	If drawn in set of three, for each part of the set.
		Rs. A. P.	Rs. A. P.	Rs. A. P.
1. BILL OF EXCHANGE PAYABLE OTHERWISE THAN ON DEMAND	When the amount of the Bill or Note does not exceed Rs. 100	0 1 0	0 1 0	0 1 0
2. PROMISSORY NOTE PAYABLE OTHERWISE THAN ON DEMAND	And when the amount exceeds Rs. 100 but does not exceed Rs. 200 ...	0 2 0	0 1 0	0 1 0
	„ „ 200 „ „ 300 ...	0 3 0	0 2 0	0 1 0
	„ „ 300 „ „ 600 ...	0 6 0	0 3 0	0 2 0
	„ „ 600 „ „ 900 ...	0 9 0	0 5 0	0 3 0
	„ „ 900 „ „ 1,200 ...	0 12 0	0 6 0	0 4 0
	„ „ 1,200 „ „ 1,500 ...	0 15 0	0 8 0	0 5 0
	„ „ 1,500 „ „ 2,500 ...	1 8 0	0 12 0	0 8 0
	For every Rs. 2,500 or part thereof in excess of Rs. 2,500 up to Rs. 10,000	1 8 0	0 12 0	0 8 0
	For every Rs. 5,000 or part thereof, in excess of Rs. 10,000 up to Rs. 30,000	3 0 0	1 8 0	1 0 0
	And for every Rs. 10,000 or part thereof in excess of Rs. 30,000 ...	6 0 0	3 0 0	2 0 0

		If drawn singly.	If drawn in duplicate then for each part.
		Rs. A. P.	Rs. A. P.
3. POLICY OF INSURANCE	When the amount insured does not exceed Rs. 1,000	0 4 0	0 2 0
	And for every further sum of Rs. 1,000 insured or for every part thereof ...	0 4 0	0 2 0

SCHEDULE I—continued.

Instruments chargeable with ad valorem Stamp-duties.

DESCRIPTION OF INSTRUMENTS.		PROPER STAMP DUTY.
4 †TRANSFER OF A SHARE IN A COMPANY OR ASSOCIATION	When the amount paid for such share does not exceed Rs. 100	Rs. 0 A. 4 P. 0
	For every Rs. 100 of such amount or part thereof in excess of Rs. 100 up to Rs. 1,000	0 4 0
	And for every Rs. 500 of the same or part thereof in excess of Rs. 1,000...	1 4 0
5. BOND FOR ANY SPECIFIED AMOUNT, OTHER THAN AN ADMINISTRATION BOND	When the amount secured does not exceed Rs. 25	0 2 0
	When such amount exceeds Rs. 25 but does not exceed Rs. 50... ...	0 4 0
	„ „ 50 „ „ 100... ...	0 8 0
6. BOTTOMRY BOND	For every Rs. 100 or part thereof in excess of Rs. 100 up to Rs. 1,000...	0 8 0
7. RESPONDENTIA BOND	For every Rs. 500 or part thereof in excess of Rs. 1,000 up to Rs. 10,000	2 8 0
	For every Rs. 1,000 or part thereof in excess of Rs. 10,000 up to Rs. 30,000	5 0 0
	And for every Rs. 10,000 or part thereof, excess of Rs. 30,000... ...	12 8 0
8. *CUSTOMS BOND	(*a*). When the amount secured does not exceed Rs. 1,000	The Stamp-duty with which a Bond for such amount is chargeable (No. 5).
	(*b*). When such amount exceeds Rs. 1,000	Five Rupees.
9. INDEMNITY BOND	(*a*). When the amount secured does not exceed Rs. 3,000	The Stamp-duty with which a Bond for such amount is chargeable (No. 5).
	(*b*). When such amount exceeds Rs. 3,000 or is not expressed	Sixteen Rupees.
10. MORTGAGE DEED, WHEN POSSESSION OF THE PROPERTY COMPRISED THEREIN IS NOT GIVEN BY THE MORTGAGOR AT THE TIME OF EXECUTION	... ...	The Stamp-duty with which a Bond for such amount is chargeable (No. 5).
11. BOND OR MORTGAGE DEED FOR THE DUE EXECUTION OF AN OFFICE, OR TO ACCOUNT FOR MONEY RECEIVED BY VIRTUE THEREOF	(*a*). When the amount secured does not exceed Rs. 3,000	The Stamp-duty with which a Bond for such amount is chargeable (No. 5).
	(*b*). When such amount exceeds Rs. 3,000, or the amount is not expressed ...	Sixteen Rupees.
12. ASSIGNMENT OF ANY INTEREST SECURED BY A BOND OR MORTGAGE DEED ...	(*a*). When the amount of such interest does not exceed Rs. 3,000 ...	The Stamp-duty with which a Bond for such amount is chargeable (No. 5).
	(*b*). In any other case	Sixteen Rupees.
13. SETTLEMENT		The Stamp-duty with which a Bond for the amount or value of the property thereby settled is chargeable (No. 5).
14. CONVEYANCE NOT CHARGEABLE UNDER SCHEDULE II, No. 28	When the amount paid or secured does not exceed Rs. 50	Rs. 0 A. 8 P. 0
	When such amount exceeds Rs. 50 but does not exceed Rs. 100	1 0 0
	For every Rs. 100 of such amount in excess of Rs. 100 up to Rs. 1,000 ...	1 0 0
15. MORTGAGE DEED—WHEN POSSESSION OF THE PROPERTY COMPRISED THEREIN IS GIVEN BY THE MORTGAGOR AT THE TIME OF EXECUTION	„ „ 500 of such amount in excess of Rs. 1,000 up to Rs. 10,000...	5 0 0
	„ „ 1,000 „ „ „ 10,000 „ 30,000...	5 0 0
	„ „ 10,000 „ „ „ 30,000 „ 1,00,000	50 0 0
	„ „ 20,000 „ „ „ 1,00,000	75 0 0
16.—INSTRUMENT OF EXCHANGE OR PARTITION OF IMMOVEABLE PROPERTY WHEN MONEY IS PAID FOR EQUALITY OF EXCHANGE OR PARTITION ..	... ...	The Stamp-duty with which a conveyance for the amount so paid is chargeable (No. 15), in addition to the Stamp-duty with which an instrument of exchange of immoveable property or a partition-deed is chargeable under Schedule II.
17.—LEASE	(*a*). Where the lease is expressed to be for a term of less than one year ...	The Stamp-duty with which a Bond (No. 5) for the total amount payable under such lease is chargeable.
	(*b*). Where the lease is expressed to be for a term of not less than one year but not more than three years	The Stamp-duty with which a Bond for the total amount payable under such lease during the first year of the term is chargeable.
	(*c*). Where the lease is expressed to be for a term exceeding three years, or where no term is expressed	The Stamp-duty with which a conveyance for the total amount payable under such lease during the first year of the term is chargeable.
	(*d*). Where the lease is granted in consideration of a fine or premium and where no rent is reserved	The Stamp-duty with which a conveyance for the amount so paid is chargeable.
	(*e*). Where the lease is granted in consideration of a fine or premium and also of a yearly rent	The Stamp-duty with which a conveyance for the amount of the fine or premium is chargeable, in addition to the Stamp-duty with which the lease would be chargeable in case no such fine or premium had been paid.

SCHEDULE I—continued.

Instruments chargeable with ad valorem Stamp duties.

Description of Instruments.		Proper Stamp Duty.
18. SURRENDER OF LEASE	(*a*). Where the amount of Stamp-duty chargeable on the lease does not exceed Rs. 16	The Stamp-duty with which the lease is chargeable (No. 17).
	(*b*). In any other case	Sixteen Rupees.
19. APPRAISEMENT OR VALUATION— OF ANY PROPERTY OR OF ANY INTEREST THEREIN ... OR OF THE ANNUAL OR MONTHLY VALUE THEREOF ... OR OF ANY REPAIRS WANTED ... ... OR OF THE MATERIALS USED OR TO BE USED IN ANY BUILDING ... ... OR OF ANY ARTIFICER'S WORK	(*a*). Where the amount of such appraisement or valuation does not exceed Rs. 500	Eight Annas.
	(*b*). Where it exceeds Rs. 500	One Rupee.
20. AWARD	(*a*). Where the amount or value of the property in dispute expressed in such award does not exceed Rs. 500	Eight Annas.
	(*b*). Where such amount or value exceeds Rs. 500, or where no amount or value is expressed in the award	One Rupee.
21.—COPY, DUPLICATE OR EXTRACT, ATTESTED TO BE A TRUE COPY, DUPLICATE OR EXTRACT.	(*a*). If the duty chargeable on the original does not exceed Rs. 5, or if no duty is chargeable on the original	Eight Annas.
	(*b*). If the duty chargeable on the original exceeds Rs. 5 but does not exceed Rs. 20...	One Rupee.
	(*c*). If such duty exceeds Rs. 20 but does not exceed Rs. 50	Two Rupees.
	(*d*). If such duty exceeds Rs. 50	Four Rupees.

NOTE.—The stamp-duty chargeable on the instruments marked* may be denoted by adhesive stamps.
The stamp-duty chargeable on the instrument marked † may be denoted by an adhesive stamp when the transfer is made by endorsement.

Table showing the Stamp-duty chargeable under this Schedule on any Bill of Exchange or Promissory Note, the amount of which does not exceed Rs. 2,00,000.

When the amount exceeds	but does not exceed	Proper Stamp-duty.		
		If drawn singly.	If drawn in sets of two, for each part of the set.	If drawn in sets of three, for each part of the set.
Rs.	Rs. 100	Rs. 0 A. 1	Rs. 0 A. 1	Rs. 0 A. 1
100	200	0 2	0 1	0 1
200	300	0 3	0 2	0 1
300	600	0 6	0 3	0 2
600	900	0 9	0 5	0 3
900	1,200	0 12	0 6	0 4
1,200	1,500	0 15	0 8	0 5
1,500	2,500	1 8	0 12	0 8
2,500	5,000	3 0	1 8	1 0
5,000	7,500	4 8	2 4	1 8
7,500	10,000	6 0	3 0	2 0
10,000	15,000	9 0	4 8	3 0
15,000	20,000	12 0	6 0	4 0
20,000	25,000	15 0	7 8	5 0
25,000	30,000	18 0	9 0	6 0
30,000	40,000	24 0	12 0	8 0
40,000	50,000	30 0	15 0	10 0
50,000	60,000	36 0	18 0	12 0
60,000	70,000	42 0	21 0	14 0
70,000	80,000	48 0	24 0	16 0
80,000	90,000	54 0	27 0	18 0
90,000	1,00,000	60 0	30 0	20 0
1,00,000	1,10,000	66 0	33 0	22 0
1,10,000	1,20,000	72 0	36 0	24 0
1,20,000	1,30,000	78 0	39 0	26 0
1,30,000	1,40,000	84 0	42 0	28 0
1,40,000	1,50,000	90 0	45 0	30 0
1,50,000	1,60,000	96 0	48 0	32 0
1,60,000	1,70,000	102 0	51 0	34 0
1,70,000	1,80,000	108 0	54 0	36 0
1,80,000	1,90,000	114 0	57 0	38 0
1,90,000	2,00,000	120 0	60 0	40 0

SCHEDULE I—continued.

Table showing the Stamp-duty chargeable under this Schedule on Bonds for any sum not exceeding Rs. 4,00,000.

When such sum exceeds		but does not exceed	Proper Stamp-duty.
...	...	Rs. 25	Rs. 0 A. 2
Rs. 25	...	50	0 4
50	...	100	0 8
100	...	200	1 0
200	...	300	1 8
300	...	400	2 0
400	...	500	2 8
500	...	600	3 0
600	...	700	3 8
700	...	800	4 0
800	...	900	4 8
900	...	1,000	5 0
1,000	...	1,500	7 8
1,500	...	2,000	10 0
2,000	...	2,500	12 8
2,500	...	3,000	15 0
3,000	...	3,500	17 8
3,500	...	4,000	20 0
4,000	...	4,500	22 8
4,500	...	5,000	25 0
5,000	...	5,500	27 8
5,500	...	6,000	30 0
6,000	...	6,500	32 8
6,500	...	7,000	35 0
7,000	...	7,500	37 8
7,500	...	8,000	40 0
8,000		8,500	42 8
8,500	...	9,000	45 0
9,000	...	9,500	47 8
9,500	...	10,000	50 0
10,000	...	11,000	52 8
11,000	...	12,000	55 0
12,000	...	13,000	57 8
13,000	...	14,000	60 0
14,000	...	15,000	62 8
15,000	...	16,000	65 0

SCHEDULE I—continued.

Table showing the Stamp-duty chargeable under this Schedule on Bonds for any sum not exceeding Rs. 4,00,000,—continued.

When such sum exceeds		but does not exceed	Proper Stamp-duty.
Rs. 16,000	... ...	Rs. 17,000	Rs. 67 A. 8
17,000	... ...	18,000	70 0
18,000	... ...	19,000	72 8
19,000	... ...	20,000	75 0
20,000	... ...	21,000	77 8
21,000	... ...	22,000	80 0
22,000	... ...	23,000	82 8
23,000	... ...	24,000	85 0
24,000	... ...	25,000	87 8
25,000	... ...	26,000	90 0
26,000	... ...	27,000	92 8
27,000	... ...	28,000	95 0
28,000	... ...	29,000	97 8
29,000	... ...	30,000	100 0
30,000	... ...	40,000	112 8
40,000	... ...	50,000	125 0
50,000	... ...	60,000	137 8
60,000	... ...	70,000	150 0
70,000	... ...	80,000	162 8
80,000	... ...	90,000	175 0
90,000	... ...	1,00,000	187 8
1,00,000	... ...	1,10,000	200 0
1,10,000	... ...	1,20,000	212 8
1,20,000	... ...	1,30,000	225 0
1,30,000	... ...	1,40,000	237 8
1,40,000	... ...	1,50,000	250 0
1,50,000	... ...	1,60,000	262 8
1,60,000	... ...	1,70,000	275 0
1,70,000	... ...	1,80,000	287 8
1,80,000	... ...	1,90,000	300 0
1,90,000	... ...	2,00,000	312 8
2,00,000	... ...	2,10,000	325 0
2,10,000	... ...	2,20,000	337 8
2,20,000	... ...	2,30,000	350 0
2,30,000	... ...	2,40,000	362 8
2,40,000	... ...	2,50,000	375 0
2,50,000	... ...	2,60,000	387 8

SCHEDULE I—continued.

Table showing the Amount of Stamp-duty chargeable under this Schedule on Bonds for any sum not exceeding Rs. 4,00,000,—continued.

When such sum exceeds	but does not exceed	Proper Stamp-duty.
Rs. 2,60,000	Rs. 2,70,000	Rs. 400 A. 0
2,70,000	2,80,000	412 8
2,90,000	3,00,000	425 0
3,00,000	3,10,000	437 8
3,10,000	3,20,000	450 0
3,20,000	3,30,000	462 8
3,30,000	3,10,000	475 0
3,40,000	3,50,000	187 8
3,50,000	3,60,000	500 0
3,60,000	3,70,000	512 8
3,70,000	3,80,000	525 0
3,80,000	3,90,000	537 8
3,90,000	4,00,000	550 0

17

SCHEDULE I—continued.

Table showing the Stamp Duty chargeable under this Schedule on any Conveyance the consideration-money set forth in which does not exceed Rs. 4,00,000.

When the amount of such consideration-money exceeds	but does not exceed	Proper Stamp Duty.
....	Rs. 50	Rs. 0 A. 8
Rs. 50	100	1 0
100	200	2 0
200	300	3 0
300	400	4 0
400	500	5 0
500	600	6 0
600	700	7 0
700	800	8 0
800	900	9 0
900	1,000	10 0
1,000	1,500	15 0
1,500	2,000	20 0
2,000	2,500	25 0
2,500	3,000	30 0
3,000	3,500	35 0
3,500	4,000	40 0
4,000	4,500	45 0
4,500	5,000	50 0
5,000	5,500	55 0
5,500	6,000	60 0
6,000	6,500	65 0
6,500	7,000	70 0
7,000	7,500	75 0
7,500	8,000	80 0
8,000	8,500	85 0
8,500	9,000	90 0
9,000	9,500	95 0
9,500	10,000	100 0
10,000	11,000	105 0
11,000	12,000	110 0
12,000	13,000	115 0
13,000	14,000	120 0
14,000	15,000	125 0
15,000	16,000	130 0
16,000	17,000	135 0
17,000	18,000	140 0

SCHEDULE I—continued.

Table showing the Stamp Duty chargeable under this Schedule on any Conveyance the consideration-money set-forth in which does not exceed Rs. 4,00,000.

When the amount of such consideration money exceeds		but does not exceed	Proper Stamp Duty.
Rs. 18,000	... ...	Rs. 19,000	Rs. 145 A. 0
19,000	... ...	20,000	150 0
20,000	... ...	21,000	155 0
21,000	... ...	22,000	160 0
22,000	... ...	23,000	165 0
23,000	... ...	24,000	170 0
24,000	... ...	25,000	175 0
25,000	... ...	26,000	180 0
26,000	... ...	27,000	185 0
27,000	... ...	28,000	190 0
28,000	... ...	29,000	195 0
29,000	... ...	30,000	200 0
30,000	... ...	40,000	250 0
40,000	... ...	50,000	300 0
50,000	... ...	60,000	350 0
60,000	... ...	70,000	400 0
70,000	... ...	80,000	450 0
80,000	... ...	90,000	500 0
90,000	... ...	1,00,000	550 0
1,00,000	... ...	1,20,000	625 0
1,20,000	... ...	1,40,000	700 0
1,40,000	... ...	1,60,000	775 0
1,60,000	... ...	1,80,000	850 0
1,80,000	... ...	2,00,000	925 0
2,00,000	... ...	2,20,000	1,000 0
2,20,000	... ...	2,40,000	1,075 0
2,40,000	... ...	2,60,000	1,150 0
2,60,000	... ...	2,80,000	1,225 0
2,80,000	... ...	3,00,000	1,300 0
3,00,000	... ...	3,20,000	1,375 0
3,20,000	... ...	3,40,000	1,450 0
3,40,000	... ...	3,60,000	1,525 0
3,60,000	... ...	3,80,000	1,600 0
3,80,000	... ...	4,00,000	1,675 0

18

SCHEDULE II.

Instruments chargeable with fixed Stamp-duties.

Description of Instruments.	Proper Stamp Duty.
1.—BILL OF EXCHANGE, PROMISSORY NOTE, CHEQUE OR ORDER for the payment on demand of an amount exceeding twenty rupees	One Anna.*
2.—LETTER OF CREDIT	
3.—AGREEMENT OR MEMORANDUM OF AN AGREEMENT relating to the sale of any Government Security, share in a Company or Association, or Bill of Exchange	
4.—CERTIFICATE OR OTHER DOCUMENT purporting to denote the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any Company or Association, or proposed Company or Association, or to become proprietor of shares, scrip or stock in or of any such Company or Association	
5.—NOTE OR MEMORANDUM written in any book or written on a separate paper, whereby any account, debt or demand, or any part of any account, debt or demand therein specified, and amounting to twenty rupees or upwards, is expressed to have been balanced, or is acknowledged to be due	
6.—SHIPPING ORDER for or relating to the conveyance of goods on board of any vessel	
7.—RECEIPT OR DISCHARGE given for or upon the payment of money, or delivery of goods, in satisfaction of a debt, the amount or value of which money or goods exceeds twenty rupees	
8.—PROXY to vote at any one meeting of— *(a)*.—Members of a Company or Association whose stock or funds is or are divided into shares and transferable. *(b)*.—Municipal Commissioners. *(c)*.—Justices of the Peace, being a body corporate. *(d)*.—Proprietors, members or contributors to the funds of any institution.	
9.—BILL OF LADING	Four Annas.
10.—DOCK WARRANT	
11.—ANY AGREEMENT OR MEMORANDUM OF AN AGREEMENT not otherwise provided for by this Act. NOTE.—*Provided that where two or more letters are offered in evidence to prove any agreement between the parties who shall have written such letters, it shall be sufficient if any one of such letters shall be stamped as an agreement.*	Eight Annas.
12.—NOTICE OF PROTEST by the master of a ship	
13.—POWER-OF-ATTORNEY to present for registration under the Indian Registration Act— *(a)*.—A single instrument. *(b)*.—Any number of instruments required for the completion of a single transaction.	
14.—AFFIDAVIT not made for the immediate purpose of being produced in any Court	One Rupee.
15.—COLLATERAL INSTRUMENT not otherwise provided for by this Schedule ...	
16.—COUNTERPART OF ANY INSTRUMENT chargeable with Stamp Duty under this Act	
17.—INSTRUMENT OF DISSOLUTION OF PARTNERSHIP	
18.—POWER-OF-ATTORNEY for the performance of a single act when the value of the matter to be dealt with does not exceed five hundred rupees	

SCHEULE II—continued.

DESCRIPTION OF INSTRUMENTS.	PROPER STAMP DUTY.
19.—POWER-OF-ATTORNEY for the performance of a single act when the value of the matter to be dealt with exceeds five hundred rupees	Two Rupees.
20.—BOND OR MORTGAGE-DEED executed as a collateral security for the performance of any act where such performance is secured by some instrument previously executed on stamped paper in accordance with the law for the time being in force	
21.—INSTRUMENT EVIDENCING AN AGREEMENT to secure the repayment on or before the expiration of three months from the date of such instrument of a loan made upon the deposit of title-deeds or other valuable security	Two Rupees.
22.—CHARTER PARTY	
23.—NOTARIAL ACT	
24.—PROTEST OF A BILL OF EXCHANGE OR PROMISSORY NOTE ...	
25.—PROTEST OF THE MASTER OR OWNER OF A SHIP	
26.—INSTRUMENT OF CO-PARTNERSHIP	Four Rupees.
27.—RE-CONVEYANCE OF MORTGAGED PROPERTY when the original Mortgage-deed has been stamped in accordance with the law for the time being in force	
28.—CONVEYANCE OF A RIGHT OF REDEMPTION when the original Mortgage-deed has been stamped in accordance with the law for the time being in force	
29.—COMPOSITION-DEED	Eight Rupees.
30.—LETTER OF LICENSE	
31.—RELEASE	
32.—INSTRUMENT CONFERRING AN AUTHORITY TO ADOPT when the person conferring the authority is possessed of or entitled to immoveable property capable of devolving on or descending to the person so adopted	
33.—POWER-OF-ATTORNEY not otherwise provided for by this Schedule ..	
34.—ARTICLES OF ASSOCIATION of a Company	Sixteen Rupees.
35.—MEMORANDUM OF ASSOCIATION of a Company	
36.—APPOINTMENT in execution of a power, whether of Trustees, or of property, moveable or immoveable, where made by any writing not being a Will	
37.—DECLARATION OF ANY USE OR TRUST of or concerning any property, moveable or immoveable, where made by any writing not being a Will	
38.—INSTRUMENT OF GIFT OF IMMOVEABLE PROPERTY	
39.—INSTRUMENT OF EXCHANGE OF IMMOVEABLE PROPERTY where no money is paid or agreed to be paid for equality of exchange	
40.—PARTITION-DEED relating to immoveable property where no money is paid or agreed to be paid for equality of exchange	
41.—PETITION FOR LEAVE TO FILE A SPECIFICATION OF AN INVENTION or for the extension of the term of the exclusive privilege of making, using or selling such invention in India	One hundred Rupees.
42.—ARTICLES OF CLERKSHIP or contract whereby any person shall first become bound to serve as a clerk in order to his admission as an Attorney in any High Court	Five hundred Rupees.

NOTE.—The stamp duty chargeable on the instrument marked * may be denoted by an adhesive stamp.

SCHEDULE III.

Enactments repealed by section 2.

No. and date of Act.	Title of Act.	Extent of repeal.
Act XIV of 1840 ...	An Act for rendering a written memorandum necessary to the validity of certain promises and engagements by extending to the territories of the East India Company, in cases governed by English law, the provisions of the Stat. 9 Geo. IV., cap. XIV.	Section 8.
„ XVIII of 1856 ...	An Act relating to the administration of the public revenues in the Town of Calcutta.	So much of the preamble as relates to stamp duty, and section 2.
„ XIX of 1858 ...	An Act to provide for the authentication of stamped paper issued from the Stamp Office in Calcutta.	The whole.
„ XLI of 1858 ...	An Act to amend Regulation X, 1829, of the Bengal Code (for the collection of stamp duties).	The whole.
„ XV of 1859 ...	An Act for granting exclusive privileges to inventors.	Section 37.
„ X of 1862 ...	An Act to consolidate and amend the law relating to stamp duties.	Sections 1 to 25 both inclusive, sections 27, 28, 29, sections 34 to 57 both inclusive, and schedule A.
„ XXVI of 1867 ...	An Act to amend the law relating to stamp duties.	Section 5.

INDEX.

(Nothing hereinafter contained shall be deemed to have the force of law.)

Abetment of offences punishable under Act, sec. 36.
Account, stamp on note evidencing balance of, schedule II, No. 5.
Acknowledgment of debt, stamp on, schedule II, No. 5.
Adhesive stamp, sec. 5, clause (*a*).
" " to be affixed to bill drawn out of British India, sec. 8.
" " may be affixed to instrument chargeable with one anna, sec. 25.
" " may be affixed to paper for receipt, sec. 26.
" " presenting bill wanting, sec. 29.
" " holder of foreign bill to cancel, sec. 30.
" " executant to cancel, sec. 33.
Adoption—see *Authority to adopt.*
'Affidavit' defined, sec. 3, clause (1).
" to enable a person to receive a pension, exempt, sec. 14, clause 12.
" stamp on, schedule II, No. 14.
After-stamping when inadmissible, sec. 27.
Agreement for hire of tug-steamer not included in 'charterparty,' 3.
" to secure repayment after three months of loan on deposit, person to pay duty on, 6.
" for sale of goods, exempt, sec. 14, clause 8.
" relating to sale of Government securities, shares or bills, stamp on, schedule II, No. 3.
" to repay at short date loan on deposit, stamp on, schedule II, No. 21.
" not otherwise provided for, stamp on, schedule II, No. 11.
Annuity, duty on bond, &c., for payment of, sec. 12.
" duty on conveyance where consideration is an, *ib.*
Appeal against Collector's decision as to proper stamp, sec. 40.
Appointment, stamp on, schedule II, No. 36.
Appraisement, stamp on, schedule I, No. 19.
Articles of Association, stamp on, schedule II, No. 34.
Articles of clerkship, stamp on, schedule II, No. 42.
Assignment of interest secured by bond or mortgage deed, stamp on, schedule I, No. 12.
" person to pay stamp on, sec. 6.
Attorney, exemption of copies made for use of, sec. 14, clause (14).
not stating true consideration, sec. 35.
See *Articles of clerkship.*
Authentication, not of instruments not duly stamped, sec. 17.
Authority to adopt, stamp on, schedule II, No. 32.
'Award' defined, sec. 3, clause (2).
" stamp on, schedule I, No. 20.
Balance of account, stamp on note expressing, schedule II, No. 5.
Banker's receipts, exemption of, sec. 14, clause (2).
Batwárá included in 'partition-deed,' sec. 3, clause (3).
'Bill of Exchange' defined, sec. 3, clause (3).
" may be stamped with adhesive stamp, sec. 5, clause (*a*).
" person to pay duty on, sec. 6.
" duties on, sec. 7.
" drawn out of British India, ss. 5, 7, 8.
" unstamped or with stamp uncancelled, holder cannot recover on, sec. 18.
" payable otherwise than on demand, stamp on, schedule I, No. 1.
" for payment on demand of amount exceeding twenty rupees, stamp on, schedule II, No. 1.
See *Agreement, Memorandum, Protest, Set.*
'Bill of Lading' defined, sec. 3, clause (4).
" may be stamped with adhesive stamp, sec. 5, clause (*a*).
" person to pay duty on, sec. 6.
" stamp on, schedule II, No. 9.
'Bond' defined, sec. 3, clause (5).
" person to pay duty on, sec. 6.
" to Government for performance of duties of salaried office, exempt, sec. 14, clause 7.

'Bond' for specified sum, stamp on, schedule I, No. 5.
„ for due execution of an office, stamp on, schedule I, No. 11.
„ person to pay duty on, sec. 6.
„ as a collateral security, stamp on, schedule II, No. 20.
See *Bottomry-bond, Customs-bond, Indemnity-bond, Respondentia-bond.*
'Bottomry bond' defined, sec. 3, clause (6).
„ person to pay duty on, sec. 6.
„ stamp on, schedule I, No. 6.
British India, duty on instruments executed out of, sec. 4.
„ duty on bills drawn out of, secs. 5, 7 and 8.
Cancelling adhesive stamps on foreign bills by holder, sec. 30.
„ „ by maker or executant, sec. 32.
Certificate of title to shares, scrip or stock, stamp on, schedule II, No. 4.
„ that penalty has been paid on unstamped instrument produced in Court, sec. 19.
„ of Collector that instrument is properly stamped or is not chargeable, sec. 23, clause (*a*).
„ of Collector that duty has been levied on instrument executed out of British India, sec. 23, clauses (*c*), (*d*).
'Charter-party' defined, sec. 3, clause (7).
„ „ stamp on, schedule II, No. 22.
See *Agreement.*
'Cheque' defined, sec. 3, clause (8).
„ may be stamped with adhesive stamp, sec. 5, clause (*a*).
„ for amount exceeding twenty rupees, stamp on, schedule II, No. 1.
Chief Controlling Revenue Authority may revise Collector's orders, sec. 41.
„ „ may refer questions to High Court, sec. 42.
„ „ may remit or mitigate penalties, sec. 43.
Civil Court, its powers as to unstamped or insufficiently stamped instruments, sec. 19.
See *High Court.*
Code of Criminal Procedure, instruments not duly stamped inadmissible in proceedings under chapter 22 of, sec. 17, clause (*b*).
Collateral instrument not otherwise provided for, stamp on, schedule II, No. 15.
„ security, stamp on, schedule II, No. 20.
'Collector' defined, sec. 3, clause (9).
„ to stamp blank forms of bills, cheques, &c., sec. 5, clause (*a*).
„ monthly return and payment to, of money received by Court, sec. 20.
„ to prosecute executant of unstamped instrument sent by Court, sec. 21.
„ public officer to send unstamped instrument to, sec. 22.
„ his powers as to unstamped or insufficiently stamped instruments, sec. 23.
„ when he may remit penalty, sec. 23, clause (*b*).
„ when he may certify that proper stamp duty has been levied on instrument executed out of British India, sec. 23, clause (*c*).
„ validity of instrument for which penalty levied by, sec. 24.
„ to decide doubt as to proper stamp, sec. 39.
„ appeal against decision of, sec. 40.
„ revision of orders of, sec. 41.
„ to institute prosecutions, sec. 44.
„ may make refund, or supply new, for spoiled or useless stamped paper, sec. 46.
Commencement of Act, sec. 1.
Company, stamp on agreement relating to shares in, schedule II, No. 3.
„ stamp on certificate of title to shares in, schedule II, No. 4.
„ stamp on proxy to vote at meeting of, schedule II, No. 8.
See *Articles of Association, Memorandum of Association,*
'Composition deed' defined, sec. 3, clause (10).
„ stamp on, schedule II, No. 20.
Consideration in foreign currency, sec. 10.
„ to be stated, sec. 31, clause (*a*).
„ mortgage-money or sum charged to be deemed, sec. 31, clause (*b*).
„ penalty for not stating, sec. 31, clause (*c*).
„ penalty on attorney, &c., not inserting, sec. 35.
„ suit when it is not stated, sec. 48.
See *Annuity.*
'Conveyance' defined, sec. 3, clause (11).
„ person to pay duty on, sec. 6.
„ stamp on, schedule I, No. 11.
„ of a right of redemption, stamp on, schedule II, No. 23.

Co-partnership, stamp on instrument of, schedule II, No. 26.
See *Dissolution.*
Copy of paper which public officer is required to make, exempt, sec. 14, clause 13.
„ for private use, exempt, sec. 14, clause 14.
„ attested, stamp on, schedule I, No. 21.
Costs of appeal against Collector's decision, sec. 40, (*b*).
Counsel, exemption of copies made for, sec. 14, clause (14).
'Counterpart' defined, sec. 3, clause (12).
„ of lease, lessor pays duty on, sec. 6.
„ of lease to ryot exempt, sec. 14, clause 10.
„ of instrument chargeable with stamp duty, stamp on, schedule II, No. 16.
Criminal proceedings, instruments not duly stamped admissible in, sec. 17.
Cultivators, exemption of receipts for rent to, sec. 14, clause (1).
Customs-bond, person to pay stamp on, sec. 6.
„ stamp on, schedule I, No. 8.
Declaration of use or trust, stamp on, schedule II, No. 37.
Deputy Commissioner included in "Collector," 3.
Discharge, stamp on, schedule II, No. 7.
Dissolution of partnership, stamp on instrument of, schedule II, No. 17.
'Dock-warrant' defined, sec. 3, clause (13).
„ stamp on, schedule II, No. 10.
Dollars, see *Foreign Currency.*
Doubt as to proper stamp, adjudication of, sec. 39.
Duplicate, attested, stamp on, schedule I, No. 21.
Duty chargeable, sec. 4.
„ levied by adhesive stamps, sec. 5, clause (*a*).
„ levied by impressed stamps, sec. 5, clause (*b*).
„ by whom payable in certain cases, sec. 6.
„ on bills of exchange, sec. 7.
„ on bill drawn out of British India, secs. 5, 8.
„ on instrument reserving interest, sec. 9.
„ where value of subject-matter is indeterminate, sec. 11.
„ on bond, promissory note or mortgage-deed for payment of annuity, sec. 12.
„ on several instruments used in a single transaction, sec. 13.
„ instruments exempt from, sec. 14.
See *Appeal, Reference.*
Employment—See *Agreement.*
Equity of redemption—See *Release.*
Evidence, instruments not duly stamped inadmissible in, sec. 17.
Exchange of immoveables, person to pay duty on, sec. 6.
„ „ where money is paid for equality, stamp on, schedule I, No. 16.
„ „ where no money is paid for equality, stamp on, schedule II, No. 39.
Exemptions from stamp-duty, sec. 14.
Extension—See *Petition.*
Extent of Act, sec. 1.
Extract, stamp on attested, schedule I, No. 21.
Fine for executing, &c., instrument not duly stamped, sec. 28.
„ on holder not cancelling adhesive stamp, sec. 30.
„ for not drawing full number of set, sec. 31.
„ on executant not cancelling adhesive stamp, sec. 33.
„ for not stating consideration, sec. 34.
„ on attorney, &c., not stating consideration, sec. 35.
„ how recovered, sec. 37.
Fire-policy, transfer by endorsement of, exempt, sec. 14, clause (4).
Foreign bills, stamp on, secs. 5, 7, 8.
Foreign currency, duty where consideration or amount is expressed in, sec. 10.
Francs—See *Foreign Currency.*
Gift of immoveables, stamp on instrument of, schedule II, No. 38.
Goods—See *Agreement.*
Governor General in Council may make rules as to denoting stamps, sec. 5, clause (*b*).
„ „ may lower rates of stamp duty, sec. 15.
„ „ to approve rules for sale of stamps, sec. 49.
„ „ to approve rules for sale of stamps, sec. 14, clause (15).
Government, exemption of instruments executed by or on behalf of,
Government Security—See *Agreement, Memorandum.*

High Court, appeal to, against Collector's decision as to proper stamp, sec. 40.
„ reference to, by chief controlling Revenue Authority, sec. 42.
Hire—See *Agreement.*
Impounding unstamped instruments produced in Court, sec. 21.
„ „ „ in public office, sec. 22.
'Impressed,' defined, sec. 3, clause (14).
Impressed stamps, 5, clause (*b*).
Indemnity-bond, stamp on, schedule. I, No. 9.
„ person to pay stamp on, sec. 6,
Indexes to vernacular versions of Act, sec. 52.
Informer, reward to, sec. 38.
Interest, duty on instrument reserving, sec. 9.
Interpretation clause, sec. 3.
Judicial stamps, saving of, sec. 16.
Jurisdiction—See *Collector, Chief Controlling Revenue Authority, Magistrate.*
Justices of the Peace, stamp on proxy to vote at meeting of, schedule II, No. 8.
Kabúliyát included in 'counterpart,' sec. 3.
'Lease' defined, sec. 3, clause (15).
„ person to pay duty on, sec. 6.
„ to ryot exempt from duty, sec. 14, clause (9).
„ stamp on, schedule I, No. 17.
See *Surrender.*
Letter of cover or engagement to issue policy, exempt, sec. 14, clause (16).
'Letter of credit' defined, sec. 3, clause (16).
„ stamp on, schedule II, No. 2.
'Letter of license' defined, 3, clause (17).
„ stamp on, schedule II, No. 30.
Letters of hypothecation accompanying bill of exchange, exempt, sec. 14, clause (5).
Local Government to make rules for sale of stamps, sec. 49.
„ to cause Act and schedules to be translated and indexed, sec. 52.
Magistrate, jurisdiction of, sec. 45.
Marine policy, transfer by endorsement of, exempt from duty, sec. 14, clause (4).
Meeting—See *Proxy.*
Memorandum of agreement for sale of Government security, share or bill, stamp on, schedule II, No. 3.
„ of balance of account or acknowledgement, stamp on, schedule II, No. 5.
„ not otherwise provided for, schedule II, No. 11.
„ of Association, stamp on, schedule II, No. 39.
„ evidencing balance or acknowledgment, stamp on, schedule II, No. 5.
'Mortgage-deed' defined, sec. 3, clause (18).
„ person to pay duty on, sec. 6.
„ stamp on, where possession not transferred, schedule I, No. 10.
„ „ where possession is transferred, schedule I, No. 15.
„ for due execution of an office, stamp on, schedule I, No. 11.
„ as a collateral security, stamp on, schedule II, No. 20.
See *Conveyance.*
Mukhtár not stating true consideration, sec. 35.
Municipal Commissioners, stamp on proxy to vote at meetings of, schedule II, No. 8.
'Negotiable instrument' defined, sec. 3, clause (19).
„ transfer by endorsement of, sec. 14, clause 4.
'Notarial act' defined, sec. 3, clause (20).
„ stamp on, schedule II, No. 23.
Note evidencing balance on acknowledgment, stamp on, schedule II, No. 5.
Notice to Government pleader of appeal, sec. 40, (*b*).
„ of protest of master of a ship, stamp on, schedule II, No. 12.
Office, bond to Government for due performance of duties of, exempt from duty, sec. 14.
Optional stamp, sec. 11.
Order for payment on demand, stamp on, schedule II, No. 1.
'Paper' defined, sec. 3, clause (21).
„ stamps impressed on, sec. 5, (*b*).
„ not bearing proper stamp, secs. 19, 21, 23, 39.
„ for receipt, sec. 26.
„ refund for spoiled or useless stamped, sec. 46.

'Partition-deed' defined, sec. 3, clause (22.)
„ persons to pay duty on, sec. 6.
„ stamp on, when money is paid for equality of partition, schedule I, No. 16.
„ „ where no such money is paid, *ib.*, No. 40.
Partnership—See *Co-partnership, Dissolution.*
Patent—See *Petition.*
Penalty on unstamped or insufficiently stamped instruments produced in Civil Court, sec. 19.
„ validity of instrument for which Collector levies, sec. 24.
„ criminal, for executing instrument not duly stamped, sec. 28.
„ for presenting or negotiating unstamped bills, sec. 29.
„ on holder of foreign bill refusing or neglecting to cancel stamp on bill, sec. 30.
„ for not drawing full number of set of bills, sec. 31.
„ on maker not cancelling adhesive stamp, sec. 33.
„ power to remit, sec. 43.
See *Abetment, Fine, Prosecution.*
Pension—See *Affidavit.*
Petition for leave to file specification or for extension of term, stamp on, schedule II, No. 41.
Pleader not stating true consideration, sec. 35.
'Policy of Insurance' defined, sec. 3, clause (23).
„ „ person to pay duty on, sec. 6.
„ „ penalty for not drawing full number of set, sec. 31.
„ „ stamp on, schedule I, No. 3.
Pounds sterling—See *Foreign Currency.*
Power—See *Appointment.*
'Power of attorney' defined, 3, clause (24).
„ „ to present for registration, stamp on, schedule II, No. 13.
„ „ for performance of single act, stamp on, schedule II, Nos. 18, 19.
„ „ not otherwise provided for, stamp on, schedule II, No. 33.
Power to stamp instruments chargeable with one anna, sec. 25.
Price of vernacular versions of Act, sec. 52.
Principal instrument, stamping, sec. 13.
'Promissory Note' defined, sec. 3, clause (25).
„ person to pay duty on, sec. 6.
„ payable otherwise than on demand, stamp on, schedule I, No. 2.
„ payable on demand, stamp on, schedule II, No. 1.
See *Protest.*
'Property' defined, sec. 3, clause (26).
See *Conveyance, Settlement.*
Prosecution of executants of unstamped or insufficiently stamped instruments, secs. 21 and 23, (*a*).
„ institution of, sec. 44.
'Protest' defined, sec. 3, clause (27).
„ of bill or note, stamp on, schedule II, No. 24.
'Protest of the master of a ship' defined, sec. 3, clause (28).
„ „ stamp on, schedule II, No. 25.
'Proxy' defined sec. 3, clause (29).
„ stamp on, schedule II, No. 8.
Receipt to ryot for rent of revenue-paying land, exempt from duty, sec. 14, clause (1).
„ for money deposited in bank to be accounted for, exempt, *ib.*, clause 2.
„ endorsed on or contained in duly stamped instrument, exempt, *ib.*, clause 3.
„ by or on behalf of Government, exempt, *ib.*, clause 15.
„ procedure where payee refuses, sec. 26.
„ for money exceeding twenty rupees, stamp on, schedule II, No. 7.
„ for re-conveyance of mortgaged property, stamp on, schedule II, No. 27.
Reference to High Court, sec. 42.
Refund in case of useless or spoiled stamped paper, sec. 46.
Refusal to give receipt, sec. 26, clause (*b*).
Registering officer not to register instruments not duly stamped, sec. 17.
„ to impound unstamped instrument, sec. 22.
Registration of penalties levied by Civil Courts on unstamped instruments, sec. 20.
'Release' defined, sec. 3, clause (30).
„ stamp on, schedule II, No. 31.
„ of right of redemption, stamp on, schedule II, No. 31.
Remission of penalty by Collector, sec. 23, clause (*b*).
„ of penalties by chief controlling Revenue Authority, sec. 43.

Repeal of enactments, sec. 2, and schedule III.
'Respondentia-bond' defined, 3, clause 31.
" person to pay duty on, 6.
" stamp on, schedule I, No. 7.
Return to Collector of money received by Court under Stamp Act, sec. 20.
Revision of Collector's orders, sec. 41.
Reward to informer, sec. 38.
Rules for denoting stamps, sec. 5, clause (*b*).
" for sale of stamps, sec. 49.
Ryot—See *Counterpart, Cultivators, Lease, Receipt, Surrender.*
Sale of stamps and stamped paper, sec. 49.
See *Consideration.*
Scrip—See *Certificate.*
Service—See *Agreement.*
Set of bills, penalty for not drawing whole number of, sec. 31.
'Settlement' defined, sec. 3, clause (32).
" person to pay duty on, sec. 6.
" stamp on, schedule I, No. 13.
Several stamped papers, employment of, sec. 51.
Share—See *Agreement, Certificate, Memorandum, Transfer.*
Ship—See *Charter party, Protest of Master.*
Shipping-order, stamp on, schedule II, No. 6.
Short title, sec. 1.
Single impressed stamp, employment of, sec. 50.
Specification—See *Petition.*
Stamped papers, refund for spoiled, sec. 46.
" " what shall be held to be, spoiled, sec. 47.
" " rules for sale of, sec. 49.
" " employment of several, sec. 51.
See *Paper.*
Stamp-sellers, remuneration of, sec. 49.
Stock—See *Certificate.*
Suit when consideration is not stated, sec. 48.
Surrender of land by ryot, exempt, sec. 14, clause 11.
" of lease, stamp on, schedule I, No. 18.
" person to pay stamp on, sec. 6.
Transfer of negotiable instrument or policy, sec. 15, clause 4.
" of share, person to pay duty on, sec. 6.
" " stamp on, schedule I, No. 4.
" of securities of Government of India exempt from duty, sec. 14, clause 6.
Translations of Act, sec. 52.
Trust—See *Declaration.*
Tug-steamer—See *Agreement.*
Use—See *Declaration.*
Vakíl, exemption of copies made for, sec. 14, clause 14.
" not stating true consideration, sec. 35.
Valuation, stamp on, schedule I, No. 19.

Government of India.

LEGISLATIVE DEPARTMENT.

A

BILL

FOR

Imposing Stamp Duties on certain Instruments.

(As amended by the Select Committee).

(Mr. Cockerell).

Price ten annas.

Office Supdt. Govt. Printing.—No. 7021 L. C.—23-3-69.—50.

LEGISLATIVE DEPARTMENT.

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations to which the Bill for imposing stamp duties on certain instruments was referred, have the honour to report that we have considered the Bill and the papers noted in the Appendix.

By defining 'property' to mean "property within British India," we have practically excluded from the operation of the Bill instruments relating to the transfer of property situated beyond the limits of British India, which are not intended to have any effect within those limits, but which are necessarily executed partly or wholly in this country by reason of some of the parties to such instruments residing therein at the time of execution.

We have struck out the 4th clause of section 4 of the Bill as originally drawn, and thereby limited the application of the Bill to instruments executed subsequent to its coming into operation.

We have restricted the use of adhesive stamps to those instruments to which they may be applied under the existing law and practice, and to such other instruments as are by the Bill made chargeable with a duty not exceeding one anna.

Section 8 of the Bill as originally drawn has been omitted. The effect of this omission is to retain the existing practice of distributing the stamp duty chargeable on bills of exchange when drawn in sets over the several parts of such sets.

We have provided for the case of instruments in which the consideration or amount is expressed in pounds sterling, francs or dollars.

In section 15, we have added to the list of exemptions certain documents exempted from stamp duty under the existing law, *viz.*,—

(1). Transfers of securities of the Government of India.

(2). Letters of hypothecation accompanying bills of exchange.

(3). Copies made for the private use of persons having the custody of the original documents, of their counsel, attorney or agent.

(4). Letters of cover or engagement to issue a policy of insurance.

The exemption in the case of bonds executed for the due execution of their office by public servants has been extended to the case of all salaried officers, without limit as to the amount of the salary.

We have introduced two new sections (14 and 15): the first is a simple re-enactment of the provisions of Act XVIII of 1865, which it has been thought desirable to transfer to this Bill for facility of reference; the other excludes from the operation of the Bill documents for which special stamp duties are, or may be hereafter, prescribed by Act XXVI of 1867, or any similar enactment.

In section 18, we have reduced the penalty which it was proposed in the original Bill to levy on all unstamped or insufficiently stamped instruments produced in any Court, or before any public officer within one year from the date of their execution, from ten to five times the proper amount of stamp duty chargeable on such instruments, and we have provided that the penalty leviable on such instruments shall in no case exceed Rs. 1,000.

In section 24, we have extended the provisions of the original Bill as regards unstamped bills of exchange and cheques payable on demand and receipts, to all other instruments specified in schedule II as chargeable with a duty not exceeding one anna. In section 25, we have struck out the words "or goods," thereby bringing the provisions of that section into exact conformity with the English law on the subject.

We have dispensed with the provision of the original Bill and of the existing law in regard to the mode of obliterating adhesive stamps, and have merely imposed on the person using such stamps the obligation of effecting their cancelment in such manner as shall preclude their being used again.

We have inserted the penalties prescribed by the existing law for the offence of not drawing or executing at the same time the whole number of a set of bills of exchange or policies of insurance of which such bill or policy purports to consist. This provision is rendered necessary by the retention of the existing practice of distributing the stamp duty to be borne by a bill of exchange drawn in sets or policy of insurance executed in duplicate over the several parts of such set.

In section 34 we have restricted the constitution of the offence therein specified to the wilful misrepresentation of the true facts of the case.

We have made the abetment of any offence against the Stamp Law punishable with the punishment provided for such offence.

We have provided for the admission of an appeal on plain paper to the High Court against the order of a Collector passed in adjudication of the proper stamp duty to be borne by any instrument upon the application of any of the parties to such instrument.

We have also provided for the realization by the Collector of any amount which may become due from the appella[illegible] under the judgement of the High Court as at such amount has been awarded by a decree of the Civil Court, in substitution for the provision of the original Bill, by which it was proposed to enforce the recovery of the amount so due as an arrear of Government revenue.

As the functions of a High Court in its civil appellate jurisdiction are, as regards several of the provinces included in the Bengal Presidency, at present vested in a single officer, we have deemed it expedient to provide for all references of doubts as to the proper construction of the law by the Chief Controlling Revenue Authority of any province within such presidency to the High Court at Fort William.

We have limited the authority to try criminal offences under this Bill to officers exercising magisterial powers not less than those of a Subordinate Magistrate of the First Class.

We have made the power to frame rules for the sale of stamps, vested in the Local Governments, applicable to stamps required for use under Act XXVI of 1867.

We have made considerable reductions in the *ad valorem* duties chargeable on bonds, mortgages, leases and conveyances involving any amount in excess of Rs. 10,000. And the reduced duty which the Bill, as introduced, imposed on leases for one year, has now been made applicable to leases for three years.

On bills of exchange, generally, we have provided for a reduction of duty to the extent of one-eighth per Rs. 1,000.

Following the course of recent legislation on this matter in England, we propose to reduce the duty chargeable on policies of insurance to one-half the existing rates, and to exempt life policies altogether.

We think the imposition of an *ad valorem* duty on the counterpart of a lease, which obtains under the existing law, unsound in principle, and we propose to substitute for it a fixed duty of one rupee.

For the varying duties now chargeable on different forms of agreements, we have substituted the uniform duty of eight annas.

We have increased the fixed duty chargeable on instruments of gift and exchange, of immoveable property, appointments, Articles of Association, Memoranda of Association; and we have imposed new duties on appointments of trustees, declarations of trusts, surrenders of leases, and articles of clerkship.

We have also fixed a maximum duty of rupees sixteen for indemnity bonds and bonds for the due execution of an office.

We have subjected promissory notes, whether payable on demand or otherwise, to the duty chargeable on bills of exchange.

We think the imposition of stamp duty on delivery orders or schedules inexpedient.

We have altered the arrangement of the schedules, and omitted schedule V of the original Bill.

We propose to defer till the 1st October 1869 the coming into operation of the proposed Act.

We recommend that the Bill thus amended be passed. But before proceeding further with it we think that it should be published, with this Report, in the *Gazette of India*.

F. R. COCKERELL.
H. S. MAINE.
R. TEMPLE.
GORDON FORBES.
D. COWIE.
M. J. SHAW STEWART.
J. N. BULLEN.

The 5th March, 1869.

APPENDIX.

From Secretary to Chief Commissioner, Oudh, No. 2631, dated 10th September 1863.
„ Officiating Advocate General, Bengal, dated 6th October 1863.
„ Secretary to Government, Bengal, No. 682T, dated 19th September 1863, and enclosures.
„ Governor, Straits Settlement, No. 103, dated 9th June 1863, and enclosures.
„ Officiating Advocate General, Bengal, dated 28th August 1863.
„ Chief Secretary to Government, Fort Saint George, No. 1571, dated 30th September 1863, and enclosures.
„ Foondun Lall Mukhtar, Zilla Muttra, dated 29th June 1863, and enclosure.
Abstract of recommendations of Central and Local Committees, Panjáb.
From Officiating Secretary to Chief Commissioner, Oudh, No. 2734, dated 29th July 1867, and enclosures.
„ Resident, Hyderabad, No. 1878, dated 3rd August 1867, and enclosures.
„ Secretary to Chief Commissioner, British Burma, No. 2,300, 532, dated 11th October 1867, and enclosures.
Extract Proceedings of the Government of Bombay, No. 3706, dated 30th October 1867, and enclosures.
From Officiating Secretary to Government, Bengal, No. 912T., dated 27th September 1867, and enclosures.
„ Secretary to Government, Fort Saint George, No. 37, dated 7th January 1868.
„ Officiating Secretary to Chief Commissioner, Oudh, No. 3197, dated 2nd September 1867, and enclosures.
„ Resident, Hyderabad, No. 1878, dated 3rd August 1867, and enclosures.
„ Commissioner of Cooch Behar Division, No. 40, dated 17th January 1868, and enclosures.
„ Secretary to Government, Panjáb, No. 464-313, dated 19th August 1868, and enclosure.
„ Messrs. Watkins, Stokoe and Co., Solicitors, Calcutta, dated 16th November 1868.
„ Commissioner of Customs, No. 1972, dated 27th August 1867.
„ Political Agent, Kutch, No. 94, dated 21st September 1867, and enclosures.
„ Deputy Commissioner, Kamroop, No. 114, dated 31st August 1867, and enclosure.
„ Acting Chief Secretary to Government, Bombay, No. 4393, dated 13th December 1867, and enclosures.
„ Junior Secretary to Government, Bengal, No. 4283, dated 27th November 1867, and enclosures.
„ Assistant Secretary to Government, Bengal, No. 4426, dated 13th December 1867, and enclosures.
„ Assistant Secretary to Government, Bengal, No. 509, dated 11th February 1868, and enclosures.
„ Registrar, Judicial Commissioner's Court, No. 1034, dated 14th August 1867, and enclosures.
„ Officiating Solicitor to Government, Bengal, No. 962, dated 4th January 1869
„ Messrs. McKinnon McKenzie, & Co. No. 238 C, dated 2nd February 1869
„ Chief Secretary to Government, Bombay, No. 443, dated 1st February 1869, and enclosure.
„ Officiating Secretary to Landholders and Commercial Association, dated 15th January 1869.
„ Secretary, Bengal Chamber of Commerce, dated 6th January 1869.
„ Chief Secretary to Government, Bombay, No. 547, dated 8th February 1869, and enclosures.
„ Secretary to Government, Panjáb, No. 48, dated 16th January 1869, and enclosure.

Government of India,

LEGISLATIVE DEPARTMENT.

Rev: 1043/69.

Fort, the 7th April 1869.

Report of the Select Committee on the Bill for imposing stamp duties on certain instruments.

Office Suptd. Govt. Printing.—No. 11326 L. C.—13-3-69.—100.

Rv-937/69.

Resolved that the Bill with the Select Committee's Report be forwarded to the Board of Revenue & the Hon'ble the Judges of the High Court with a request that they will be good enough to report their opinion of the provisions of the Bill at an early date.

7th April 69.

To Copies to the Bd of Revenue & Hon'ble Judges Despatched

P.C. 2nd May 1863 — No 219 to 221
" 29th Aug — No 261 — 262
" 30th Sept — No 263 — 264
" 19th March 1868 No 218 to 219
" 16th April — No 136 — 137
P.C. 29th May 1867 No 466 — 467
" 7th Jan 1868 No 70 to 71

Dept. 1864 Dept

No. 1045.

Secy to the Council of the Govr Genl &c. making Laws & Regulations

82

16/4/13 V
7-9-17

Rd 24 Mar
Rep & Appl
4th
2 Encls
No 759

Forwards copy of a Bill to provide for imposing certain Stamp Duties on certain Instruments, & requests the opinion of the Court of the Judges of the Madras High Court thereon

No 937 - 2 Apl 69.

With Order

was referred, and of the Memorial thereon of Mr
Committee, and he requests that this Excellency
the Governor-in-Council will please cause
a copy thereof to be forwarded to the Madras
Council with this opinion on the Provisions
of the Bill as it may affect Foreigners.

I am also to request that you will, with this
Excellency's permission, obtain and forward the opinion of
the Madras Judges of the High Court.

I have the honour to be
Sir
Your Obedient Servant

Secy to the Council of the Govr Genl
for making Laws and Regulations.

1 Copy Dated 28

Revl Department

No 938. 29

To

The Honorable Sir C. A. Scotland, Kt.
Chief Justice of the High
Court of Judicature Madras

Sir,

I am directed to transmit the accompanying Proceedings of Government together with copy of the Bill for imposing Stamp duties on certain instruments and the Report of the Select Committee, and to request that the Honorable the Judges will be good enough to favor Government at an early date with their opinion on the provisions of the Bill as it now stands.

15