MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1373 Press Mis.

394-395

Dated 17 th. May 1869

Not to be folded or roughly handled

Lr
1373

No. 394. Read the following Proceedings of the Board of Revenue, dated 17th April 1869 :—

Read the following letter from the Collector of Madras, to the Acting Secretary to the Board of Revenue, dated Sydapet, 9th April 1869, No. 100.

I HAVE the honor to forward herewith a License-tax Appeal which has been preferred to me from the decision of Mr. Winscom by the Madras Equitable Assurance Society.

2. As the question is one of importance, and involves the liability of all Mutual Insurance Companies like the Appellants' and as from my decision of confirmation there would be no appeal, I think it but fair and right to first obtain the opinion of the Law Officer of Government, or a ruling from the Supreme Government in the matter.

SUBMITTED to Government with the Board's recommendation that the opinion of the Advocate-General be obtained on the subject.

No. 395. ORDER THEREON, 17th May 1869, No. 1,373.

Miscellaneous.

THE Government are not prepared to make a reference either to the Advocate-General or to the Government of India on the subject of the foregoing Proceedings.

2. The appeal in question must be disposed of by the Collector of Madras in his capacity of Commissioner, as required by the License-tax Act.

(True Extract.)

Acting Secretary to Government.

To the Board of Revenue.

Exd F. R. Bantleman.

Govt. of {1869} Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated May, 17th.

Recd. 19th.

G. O., 17th May 1869, No. 1,373.

MAY.

Nos. 394-395.

License-tax.—Appeal from Madras Equitable Assurance Society against the assessment, to be disposed of by the Collector of Madras in his capacity of Commissioner.

to be the accruing profits, and not, as the Society contends, a sensible return of cost price premiums. The Collector also considers it very doubtful whether the excess of payments for premiums forms any portion of the profits of an Assurance Company, inasmuch as the premiums paid are calculated on a very low scale by most of such Companies in order that they may attract business. He is of opinion that it is not the premium payers' own money that is returned to them, but the interest on Capital invested, and the forfeited money of others, and such sums he remarks, are undoubtedly profits. The Collector has therefore decided 1st "That the Society is a firm carrying on a "legitimate

& As the Court further on to the Govt of India for them to dispose of it. — Should Mr Shaw, the Govt of Madras, should be required to discharge the duty of the law has imposed on him. If he should uphold Mr Bruton's assessment, the subject will no doubt be brought by Messrs Arbuthnot & Co before the Govt, who may then transmit them an Order to Attach a remittance with the sanction of the Govt, or ask as seems best — But I cannot anticipate the possibility of anything but as the ordinary course pointed out in the Act has not been followed the Govt should finish it. I cannot further remember. What is the Coll of Madras fixed for if he cannot occasionally give his mind to a subject somewhat above a Income Tax arrear or a tender for waste. Had he given an opinion before the subject would have been more ready for disposal than it now is —

Agree.

"the profits so made paid & divided "do not come under any of the "exceptions specified in the Act "& are consequently liable to "taxation under Section 5th —

4 From this decision of the Collector, the Society has preferred an appeal to the Collr of Madras, as the Commissioner under the Act. As the question is one of im= portance and involves the lia= bility of all Mutual Insurance Companies ~~like the appellants~~, the Collector has deferred his decision of confirmation, pending a ruling from the Supreme Govt in the matter, which I am now directed to request.

Proceedings of the Madras Government
Under date the April 1869.
Read the following Rec.
of the 12th of Nov.

Submitting letter from Coll.r of Madras forwarding letter from Madras Equitable Assurance Society appealing against assessment of Income Tax, with recommendation that opinion of Law Officers be obtained in the matter

(G.E. 14 April 69 No.)

The Government resolve to submit the question referred to in the foregoing Proceedings for the Decision of the Govt. of India.

See also letter W.D.

B.P. of Rec.

21/4

Sol. Gen.

Revenue Department

No 1373

Proceedings of the Madras Government
Under date the 4th May 1869

Read the following
Pro: of the Board of Revenue.

Submitting letter from Collector of Madras forwarding ~~Appeal~~ from Madras Equitable Assurance Society ~~appealing~~ against assessment of Licence tax & recommending that opinion of Law Officers may be obtained on the matter.— (B. & 17th April 1869 No)

The Government are not prepared to make a reference either to the Advocate General or to the Govt of India on the subject of

4 May 69 R7

of the foregoing Pro:
:ceedings.

2. The Appeal in question must be disposed of by the Collector of Madras in his capacity of Commissioner, as required by the License Tax Act.—

[illegible]

[illegible]

