

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 292

Press
Mis.

56-57

Dated 30 February 19.1869

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,
3rd February 1869.*

No. 56. Read the following letter from the Officiating Under Secretary to the Government of India, (Home Department—Legislative,) to the Secretary to the Government of Fort St. George, dated Fort William, 7th December 1868, No. 507 :—

* A Bill for imposing Stamp Duties on certain Instruments, with Statement of Objects and Reasons.

I am directed to forward herewith a copy of the Bill noted on the margin,* and to request that His Excellency will favor the Government of India with his opinion on the same at an early date.

TRANSFERRED to the Revenue Department.

LEGISLATIVE DEPARTMENT,
28th January 1869.

(Signed) J. D. MAYNE,
Assistant Secretary to Government.

No. 57. ORDER THEREON, 3rd February 1869, No. 292.

Separate Revenue, No. 1A.
Stamps.

Forwarded to the Board of Revenue, who will be good enough to report their opinion of the Bill in time, to enable the Government to address the Government

of India on the subject, before the expiration of the present month.

(True Extract.)

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

To the Board of Revenue.

Exd. G. A. Turton.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th October 1868:—

No. 27 of 1868.

THE GENERAL STAMP ACT, 1868.

CONTENTS.

CHAPTER I.—PRELIMINARY.

Sections.

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

CHAPTER II.—STAMP DUTIES CHARGEABLE.

4. Scheduled duties chargeable.
5. Duties how levied.
(a) by adhesive stamp;
(b) by impressed stamps.
6. Duties by whom payable.
7. Duties on bills of exchange.
8. Bills drawn in sets.
9. Bills drawn out of British India.
10. Bill, note, or bond reserving interest.
11. Instruments of a double character.
12. Optional stamp where value of subject is indeterminate.
13. Bond, &c., for payment of annuity.
14. Several instruments used in a single transaction.
15. Instruments exempt from duty.

CHAPTER III.—UNSTAMPED OR INSUFFICIENTLY STAMPED DOCUMENTS.

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

CHAPTER IV.—CRIMINAL PENALTIES.

27. Penalty for executing instrument on paper not duly stamped.
28. Penalty for presenting, &c., unstamped bills of exchange.
29. Cancellation of stamps on bills by holder.
Penalty for failure to cancel such stamps.
30. Penalty for post-dating bills of exchange.
31. Cancellation of adhesive stamp by maker or executant.
Penalty for failure to cancel such stamps.
32. Consideration to be stated.
Property sold subject to mortgage or charge.
Penalty for not stating consideration.

Sections.

33. Penalty on attorneys, &c., not stating consideration.
34. Recovery of fines.
35. Reward to informers.

CHAPTER V.—JURISDICTION.

36. Adjudication of doubt as to proper stamp.
37. Appeal against Collector's decision.
38. Revision of Collector's orders.
39. Reference to High Court.
40. Power to remit or mitigate penalties.
41. Institution of prosecutions.
42. Jurisdiction of Magistrate.

CHAPTER VI.—MISCELLANEOUS.

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

SCHEDULE I.

1. Bill of exchange payable at sight, or at any time not exceeding one year after sight.
2. Policy of insurance.
3. Transfer by endorsement of a share.
4. Bill of lading.
5. Delivery-order.
6. Dock-warrant.
7. Shipping-order.
8. Bill, cheque, or note for payment on demand of an amount exceeding Rs. 20.
9. Letter of credit.
10. Agreement of sale of Government securities, shares of bills.
11. Certificate of title to shares, scrip, or stock.
12. Receipts.
13. Note evidencing balance or acknowledgment.
14. Proxies.

SCHEDULE II.

1. Bond for a specified sum.
2. Bill of exchange payable at more than a year after sight.
3. Promissory note for payment otherwise than on demand.
4. Bottomry bond.
5. Respondentia bond.
6. Mortgage deed where possession is not transferred.
7. Instrument evidencing agreement to repay after three months a loan made on deposit.
8. Settlement.
9. Lease for a term not exceeding one year.
10. Counterpart of such lease.
11. Bond or mortgage deed not above provided for.

SCHEDULE III.

1. Conveyance.
2. Lease on fine or premium, no rent being reserved.
3. Lease for an indefinite period, or for a term exceeding one year.
4. Mortgage deed when possession is transferred.
5. Partition deed.

REVENUE.

THE BOARD OF REVENUE.

1869

1869

1869

1869

1869

1869

Sections.

6. Exchange of immoveable property when money is paid for equality of exchange.
7. Lease for more than a year where fine is paid, and rent reserved.
8. Counterpart of any lease mentioned in this schedule.

Table showing the duty chargeable on any bond or conveyance.

SCHEDULE IV.

Miscellaneous Instruments.

1. Composition deed.
2. Instrument of gift of immoveable property.
3. Instrument of exchange of immoveable property, no money being paid.
4. Appointment.
5. Authority to adopt.
6. Letter of license.
7. Release.
8. Articles of association.
9. Memorandum of association.
10. Instrument of co-partnership.
11. Instrument of re-conveyance of mortgaged property.
12. Instrument of release of a right of redemption.
13. Instrument evidencing agreement to pay on or before expiration of three months a loan on deposit.
14. Affidavit not made for immediate purpose of being produced in Court.
15. Bond or mortgage-deed executed as a collateral security.
16. Charter-party.
17. Notarial act not otherwise provided for.
18. Protest of a bill or note.
19. Agreement to produce, provide, or deliver a specified article.
20. Agreement for hire of any article not otherwise provided for.
21. Agreement for the performance of any work.
22. Collateral instrument not otherwise provided for.
23. Counterpart not otherwise provided for.
24. Instrument of dissolution of partnership.
25. Schedule.
26. Agreement for service or personal employment.
27. Appraisement.
28. Award.
29. Copy, duplicate, or extract of any instrument.
30. Power of attorney.
31. Protest of the master of a ship.
32. Notice of such protest.

SCHEDULE V.

List of requisite denominations of Stamps.

SCHEDULE VI.

Enactments repealed.

A Bill for imposing Stamp Duties on certain Instruments.

CHAPTER I.—PRELIMINARY.

1. This Act may be called 'The General Stamp Act, 1869.'
- It extends to the whole of British India.
- And it shall come into force on the first day of April 1869.

2. From the time at which this Act comes into force, the enactments specified in the sixth Schedule hereto annexed shall be repealed to the extent specified in the third column of the same Schedule.

3. In this Act and the Schedules hereto, unless there be something repugnant in the subject or context,—

'Affidavit' includes every declaration in writing, on oath, or affirmation, made before a person competent to administer an oath;

'Award' includes every decision in writing by an arbitrator or umpire;

'Bill of Exchange' includes a hundi and every other instrument, except a cheque, whereby a person is ordered to pay to another a specified sum of money;

'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;

'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;

'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 the voyage;

'Charter-party' includes every instrument (other than 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 charter;

'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;

'Collector' means Collector of a District, and includes Deputy Commissioner or any officer having jurisdiction equivalent to that of a Collector of a District;

'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;

'Conveyance' means any instrument, except a lease or mortgage-deed, by which property is transferred *inter vivos*;

'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 *kabūliyāt*;

'Delivery-order' includes every instrument entitling or intended to entitle any person therein named, or his assigns, or the holder thereof, to the delivery of any goods of the value of twenty Rupees or upwards lying in or upon any dock, port, warehouse, or wharf, such instrument being signed by, or on behalf of, the owner of such goods upon the sale or transfer of the property therein;

'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;

'Lease' includes every instrument by which one person lets, or agrees to let, immoveable property to another for a specified term;

'Letter of Credit' includes every instrument by which one person requests another to give credit to the person in whose favor it is drawn;

'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;

'Mortgage-deed' includes every instrument evidencing a pledge of property for securing the payment of money;

'Negotiable Instrument' includes Bills of Exchange, Promissory Notes, and Cheques;

'Notarial act' means any act done by a Notary Public in the execution of the duties of his office, and includes every like act done by a consul, attorney, or other person authorized by law to act as a Notary Public;

'Paper' includes vellum, parchment, or any other material on which an instrument may be written;

'Partition-deed' means any instrument whereby persons interested in property jointly, or in common, or as co-parceners, or as members of an undivided Hindū family, divide or agree to divide such property in severalty, and includes a *batwārā*;

'Policy of Insurance' means any instrument 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, and includes a policy on life;

'Power of Attorney' includes every instrument empowering a person to act in the stead of the person executing it;

'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;

'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;

'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 charters or the consignees for not loading or unloading the ship;

'Proxy' means an instrument whereby a person authorizes another to vote for him;

'Release' includes every instrument whereby a person renounces a claim upon another person, or against any specified property;

'Respondentia bond' includes every instrument securing a loan on the cargo laden or to be laden on board a ship, and making repayment contingent on the arrival of the cargo at the port of destination;

'Schedule' includes every list or inventory separate and distinct from an instrument, and therein referred to as part thereof, or as material thereto; but does not include any public map, plan, survey, or award;

'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.

4. For every instrument 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,

or executed out of British India whether before or after this Act comes into force, but in any manner becoming obligatory therein after this Act comes into force,

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

Duties how levied. 5. The duty so chargeable shall be levied,—

(a.)—On the several instruments specified in Schedule I to this Act,—by means of adhesive stamps to be affixed to such instruments subject to the conditions hereinafter mentioned;

Provided that the duties chargeable on bills of exchange, bills of lading, cheques, and such other of the said instruments as the Governor General of India in Council from time to time directs, may be denoted by stamps impressed on the paper, whereon such instruments are written,

and the Collector shall, on receiving payment of the full amount of the stamps required to be impressed on the forms hereinafter mentioned, cause all blank forms of such instruments, which may be brought to him for the purpose, to be stamped accordingly.

(b.)—On the several instruments specified in Schedules II, III, and IV to this Act,—by means of bi coloured stamps to be impressed on the paper whereon the instruments are written in such manner as the said Governor General may from time to time direct.

6. In the absence of an agreement to the contrary, the expense of providing the necessary stamp in the following cases shall be borne—

1st.—In the case of any instrument specified in Schedules I and II to this Act, other than a policy of insurance, a mortgage-deed, a lease, or a counterpart of a lease, by the person drawing, making, or executing such instrument;

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

3rd.—In the case of a conveyance, mortgage-deed or lease, by the grantee, mortgagee, or lessee;

4th.—In the case of a counterpart of a lease, by the lessor; and

5th.—In the case of an instrument of partition, by the parties thereto, in proportion to their respective shares in the property comprised therein.

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.

8. When a bill of exchange is drawn within British India in a set of two or more parts, the requisite stamp shall be affixed to, or impressed on, the first part, and each of the other parts shall, on being brought to the Collector, and on proof to his satisfaction of the first part having been duly stamped, be stamped by him with the words "Duty paid."

9. The holder of any bill of exchange drawn Bill drawn out of 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, affix thereto a proper adhesive stamp for denoting the duty with which such bill is chargeable under this Act.
10. Where interest is expressly made payable by the terms of a bill of exchange, promissory note, or bond, the 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.
11. When any instrument is drawn or made in such form as to come under two or more denominations of instruments chargeable with different rates of stamp duty under this Act, the instrument shall be charged with the highest of such rates.
12. When the amount or value of the subject-matter of any instrument chargeable under this Act 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 the section to provide 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; and no such instrument shall be valid in respect of any amount or value exceeding that for which such stamp would be sufficient.
13. The whole amount secured by a bond, promissory note, or mortgage for the payment of an annuity shall, for the purposes of this Act, be deemed to be ten times the amount of the annual payment.
14. Where more instruments than one are required for the completion of any transaction involving the execution of any conveyance, settlement, mortgage, or lease, the proper stamp required by this Act for such conveyance, settlement, mortgage, 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 IV to this Act as applicable to a collateral instrument. And where of several instruments, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which, for the purposes of this section, shall be so deemed to be the principal instrument.
15. Nothing in this Act shall render the following instruments chargeable with duty:—
- (1.) Receipt or discharge granted to the actual cultivator for the rent of land paying revenue to Government.
 - (2.) Receipt or discharge written upon any duly stamped negotiable instrument.
 - (3.) 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, Association, or proposed or intended Company or Association.
 - (4.) Receipt or discharge endorsed or otherwise written upon or contained in any bond, mortgage deed or other security, or any conveyance or instrument whatever duly stamped according to the laws in force 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.
 - (5.) Document given by an inland carrier acknowledging the receipt of goods conveyed by such carrier.
 - (6.) Transfer by endorsement of a negotiable instrument, or a policy of marine insurance, or of insurance against fire.
 - (7.) Bond to Government for the due performance of the duties of any office of which the salary does not exceed ten Rupees.
 - (8.) Agreement or memorandum of an agreement for, or relating to, the sale of goods or merchandise.
 - (9.) Lease granted to an actual 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 ryot or other actual 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.
- CHAPTER III.—UNSTAMPED OR INSUFFICIENTLY STAMPED DOCUMENTS.**
16. 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 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. 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.

17. No person taking or receiving from another a bill to which an adhesive stamp has been affixed under this Act 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 whatever, unless at the time when he so takes or receives such bill, such stamp as aforesaid is affixed thereto and cancelled in manner hereby directed.
18. When any instrument chargeable with stamp duty under Schedules II, III, or IV to 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 payable thereon, 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, 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 ... | ten times such date ... |
| | 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. Such certificate shall be conclusive as to the amount of stamp-duty leviable on such instrument, and the said instrument shall thereupon be receivable in evidence as if originally executed on paper bearing the proper stamp.
19. 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. 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. 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.
20. 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 manifest 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.
21. If any instrument not bearing the stamp prescribed therefor by this Act is produced before any registering officer, or in any public office other than a civil or criminal court, the registering or other public officer shall impound the instrument, and send it forthwith to the Collector.
22. When any such instrument has been so sent or brought before the Collector, otherwise than for the purpose of obtaining an adjudication thereon, as hereinafter provided, he shall either proceed in accordance with the provisions of section eighteen, exercising the powers thereby conferred on a civil court; or if it appear that the instrument was executed on unstamped, or sufficiently stamped, paper, with the manifest intention of evading payment of the proper stamp duty, the Collector shall prosecute all the persons that have executed the said instrument, or such of them as to him may seem fit: Provided that in any case coming under this section if where the instrument has been 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-one, and if the Collector is satisfied that the omission or neglect to execute such instrument on paper bearing the proper stamp arose solely from urgent necessity or unavoidable accident, he may remit the penalty prescribed by section eighteen: Provided also, that in any case coming under this section in which an instrument, other than a bill of exchange, 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 two 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. Such certificate shall be conclusive as to the amount of stamp duty leviable on the instrument, which shall thereupon be receivable in evidence as if originally executed on paper bearing the proper stamp.
23. When the Collector elects to proceed under section eighteen, he shall, after endorsing on the instrument the certificate thereby directed, 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.
24. When any bill, cheque, or order for the payment of money on demand, or any receipt, chargeable with the stamp duty of 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; Such bill, cheque, order, or receipt 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 receipt unstamped.

25. Any person, or the agent of any person, from whom money or goods exceeding in amount or value Rupees twenty is or are due are claimed to be due, and who shall have paid such money, or delivered such goods, 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 goods, or any agent to whom the same shall have been paid or delivered, a receipt for such money or goods, and also the value of the said stamp.

If any person to whom money or goods shall have been so paid or delivered refuses to give such receipt upon demand there-
of, or to pay the value of the said stamp thereon, he shall be liable for every such offence to a fine of Rupees one hundred.

26. Except as provided in section twenty-four, no stamp shall be affixed to, or impressed on, any instrument specified in Schedule I nor shall the provisions of sections eighteen and twenty-two apply to any such instrument.

CHAPTER IV.—CRIMINAL PENALTIES.

27. Whoever makes, signs or issues or, except as provided in section twenty-three, 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 any other instrument liable to any of such duties without the same being duly stamped, shall, for every such instrument, be liable to a fine not exceeding Rupees one hundred, or if ten times the value of the proper stamp or, in case an insufficient stamp has been used, ten times the deficient amount thereof, exceeds Rupees one hundred, then to a fine not exceeding ten times such value or deficient amount.

28. Whoever presents for acceptance or for payment, or accepts, pays, or endorses, transfers, or in any manner negotiates any such bill as aforesaid, whereon there is not such adhesive stamp as aforesaid duly affixed, shall be liable to the penalty prescribed by section twenty-seven.

29. Whoever presents for acceptance or payment a bill of exchange to which an adhesive stamp has been affixed under section nine, and whoever endorses, transfers, or in any manner negotiates such bill, shall, before delivering the same out of his hands, custody, or power, cancel the stamp so affixed, by writing thereon his name or the initial letters thereof, or the name of his firm, and the day and year on which he so writes the same, or by affixing thereon or across the same, the seal or mark which he is in the habit of using, 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.

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 to the penalty prescribed by section twenty-seven.

shall be liable to the penalty prescribed in section twenty-seven.

30. Whoever, in order to evade the payment of the duty prescribed by this Act for such instrument, makes and issues any bill of exchange bearing a date subsequent to the date on which it is issued, and whoever knowing that such bill has been so post-dated, takes or receives such bill, or accepts, pays, endorses, transfers, or in any manner negotiates the same, shall be liable to a fine not exceeding Rupees five hundred.

31. Whenever an adhesive stamp is used as hereinafore 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 by writing thereon his name or the initial letters thereof, or the name of his firm, and the date on which such instrument is made or executed, so that such stamp shall not admit of being used again.

Whoever makes or signs any instrument with an adhesive stamp thereon when an adhesive stamp is allowed to be used, and does not *cancel* the same in manner aforesaid shall be liable to a fine not exceeding Rupees one hundred.

32. When any moveable or immovable 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.

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 III 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 purchaser against the same.

If the full consideration-money is not set forth as aforesaid, the purchaser and the seller shall each be liable to a fine not exceeding Rupees five hundred, 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.

33. Any attorney, vakeel, pleader, mukhtar, 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 inserts or sets forth, or causes to be inserted or set forth, in or upon any such instru-

ment any other than the full consideration-money, or abets, within the meaning of the Indian Penal Code, the doing thereof respectively, shall, for every such offence, pay a fine not less than Rupees five hundred and not exceeding Rupees five thousand.

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

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.

34. 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.

35. 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.

36. 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 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 an instrument comprised in Schedule I to this Act, and presented on unstamped or insufficiently stamped paper subsequent to the execution thereof.

37. 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 twenty-two 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.

And upon the application of the appellant (notice 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.

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 repaid to the appellant.

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 were arrears of land revenue.

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

39. The chief controlling revenue authority may refer to the High Court any question arising in a case coming before such authority on appeal or otherwise as to the proper stamp prescribed by this Act for any instrument, stating specially the case on which the question arose.

The High Court shall take cognizance of every case so referred, and decide as to the stamp duty with which the instrument is chargeable, and such decision shall be final as to the duty to be charged on such instrument.

40. The chief controlling revenue authority may, upon petition, remit or mitigate any penalty imposed under this Act.

41. All prosecutions in respect of any offence punishable by this Act, shall be instituted by the Collector of the District, or other officer specially authorized by the Government in that behalf.

42. Offences punishable under this Act may be tried by any Magistrate who would, under the Code of Criminal Procedure, have jurisdiction to try offences for which corresponding penalties are provided by the Indian Penal Code.

CHAPTER VI.—MISCELLANEOUS.

43. 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 within one year after such purchase, and upon delivery of such paper, refund the amount actually paid for the same,

or in the case the owner of the paper which has become 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, 44. Stamped paper shall be held to be spoiled or unfit for use within the meaning of section forty-three when—

By accident happening to the same before any writing thereon 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.

45. 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 heir, executor, or administrator, 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 heir, executor, or administrator, 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 receivable in evidence.

46. Every Local Government shall frame rules for regulating the sale of stamps and stamped paper required by this Act, 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.

47. Every Local Government shall cause a sufficient supply of adhesive stamps and stamped papers of the several denominations specified in Schedule V to this Act to be provided and kept for sale at all convenient places within the territories subject to its control.

48. The amount of any stamp required by this Act shall be denoted by a single stamp, except when such amount exceeds Rs. one thousand, in which case it may be denoted by two or more stamps, the aggregate amount of which shall be the amount so required :

Provided that where a single stamped paper of any amount less than Rupees one thousand is not procurable on application to the proper officer, 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 stamps, to the aggregate amount of which shall be the amount so required.

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

50. Every Local Government shall cause this Act 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.

Bills of Exchange, &c.

1.—Bill of exchange payable at sight or within any time not exceeding one year after sight.

2.—Policy of Insurance

3.—Transfer by endorsement of a share in a Company or Association

4.—Bill of lading

5.—Delivery order relating to goods of the value of Rupees twenty or upwards

6.—Dock-warrant

7.—Shipping-order for or relating to the conveyance of goods on board of any vessel

8.—Bill of exchange, cheque, promissory note, or order for the payment on demand of an amount exceeding Rupees twenty.

9.—Letter of credit

10.—Agreement, or memorandum of an agreement, relating to the sale of any Government security, share in a Company or Association, or bill of exchange

11.—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

12.—Receipt or discharge given for or upon the payment of money or delivery of goods, the amount or value of which exceeds Rupees twenty

13.—Note or memorandum written or endorsed in or upon any book or other document, 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 Rupees twenty or upwards, is expressed to have been balanced, or is acknowledged to be due

14.—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.

Proper Stamp.	Rs. A. P.
When the amount of the Bill or the sum insured does not exceed Rs. 100 ...	0 1 0
When it exceeds Rs. 100, but does not exceed Rs. 250 ...	0 3 0
" Rs. 250, but does not exceed Rs. 500 ...	0 6 0
" Rs. 500, but does not exceed Rs. 750 ...	0 9 0
" Rs. 750, but does not exceed Rs. 1,000 ...	0 12 0
And for every Rs. 1,000, or fraction thereof, in excess of Rs. 1,000 up to Rs. 10,000 ...	0 12 0
For every Rs. 5,000, or fraction thereof, in excess of Rs. 10,000 up to Rs. 50,000 ...	3 12 0
And for every Rs. 10,000, or fraction thereof, in excess of Rs. 50,000 ...	7 8 0
For every Rs. 100 of the consideration-money, or fraction thereof, up to Rs. 1,000 ...	0 4 0
For every Rs. 500, or fraction thereof, in excess of Rs. 1,000 ...	1 4 0

Four annas.

One anna.

SCHEDULE II.

Bonds, &c.

Proper Stamp.

- 1.—Bond for a specified sum payable by instalments or otherwise ...
 - 2.—Bill of exchange payable at any time exceeding one year after sight ...
 - 3.—Promissory note for the payment of money by instalments or otherwise than on demand ...
 - 4.—Bottomry Bond ...
 - 5.—Respondentia Bond ...
 - 6.—Mortgage-deed, where possession of the property comprised therein is not transferred ...
 - 7.—Instrument evidencing an agreement to secure the repayment after three months from the date of such instrument of a loan made upon the deposit of title-deeds or other valuable security ...
 - 8.—Settlement.
 - 9.—Lease for any term not exceeding one year.
- (NOTE.—The stamp duty is to be assessed on the amount of the annual rent reserved by the lease.)
- 10.—Counterpart of such lease ...
 - 11.—Bond or mortgage-deed not above provided for ...

When the whole amount secured, settled or reserved, does not exceed Rs. 50 ... 4 annas when it exceeds Rs. 50 but does not exceed Rs. 100 ... 8 annas the stamp duty rising by 8 annas for every Rs. 100, or part thereof in excess of Rs. 100 up to Rs. 1,000; by Rs. 2-8 for every Rs. 500, or part thereof up to Rs. 10,000; by Rs. 5 for every Rs. 1,000, or part thereof in excess of Rs. 10,000 up to Rs. 20,000; by Rs. 25 for every Rs. 5,000, or part thereof in excess of Rs. 20,000 up to Rs. 50,000; and by Rs. 50 for every Rs. 10,000, or part thereof in excess of Rs. 50,000.

An optional stamp under section 12.

SCHEDULE III.

Conveyances, Leases, Mortgage-deeds, and Partition-deeds.

Proper Stamp.

- 1.—Conveyance ...
 - 2.—Lease in consideration of a specified amount paid by way of fine or premium if no rent is reserved ...
 - 3.—Lease either for an indefinite period, or for a term exceeding one year ...
 - 4.—Mortgage-deed, when possession of the property comprised therein is transferred ...
 - 5.—Partition-deed, where the amount or value of the property agreed to be divided is expressed ...
- And where the amount or value of the property agreed to be divided is not expressed ...
- 6.—Instrument of exchange of immoveable property when is paid or agreed to be paid for equality of exchange ...
 - 7.—Lease for a term exceeding one year in consideration of a specified amount paid by way of fine or premium where a rent is also reserved ...
 - 8.—Counterpart of any lease mentioned in this Schedule ...

When the consideration-money or annual rent or, in the case of an exchange, the money agreed to be paid for quality of exchange, or, in the case of a partition, the expressed amount or value of the property agreed to be divided does not exceed Rs. 50 ... 8 annas exceeds Rs. 50, but does not exceed Rs. 100 ... 1 Rupee the stamp rising by one Rupee for every hundred Rupees or fraction thereof in excess of Rupees one hundred up to Rupees 1,000 by five Rupees for every hundred Rupees, or fraction thereof up to Rupees 10,000 by ten Rupees for every 1,000 Rupees, or fraction thereof in excess of Rs. 10,000 up to Rupees 20,000 by fifty Rupees for every Rs. 5,000, or fraction thereof, in excess of Rs. 20,000 up to Rs. 50,000; by one hundred Rupees for every Rs. 10,000, or fraction thereof in excess of Rs. 50,000;

An optional stamp under section 12.

A stamp for the amount of the money calculated as above in addition to the amount of the stamp prescribed for an instrument of exchange by Schedule IV to this Act.

A stamp for the aggregate amount calculated as above on both the fine and the rent.

The same stamp as required for the original lease.

TABLE showing the Duty chargeable on any Bond or Conveyance.

On amount which exceeds	But does not exceed	PROPER STAMP.			
		On Bonds		On Conveyances.	
Rs.	Rs.	Rs.	A.	Rs.	A.
...	50	0	4	0	8
...	100	0	8	1	0
50	200	1	0	2	0
100	300	1	8	3	0
200	400	2	0	4	0
300	500	2	8	5	0
400	600	3	0	6	0
500	700	3	8	7	0
600	800	4	0	8	0
700	900	4	8	9	0
800	1,000	5	0	10	0
900	1,500	5	8	15	0
1,000	2,000	10	0	20	0
1,500	2,500	12	8	25	0
2,000	3,000	15	0	30	0
2,500	3,500	17	8	35	0
3,000	4,000	20	0	40	0
3,500	4,500	22	8	45	0
4,000	5,000	25	0	50	0
4,500	5,500	27	8	55	0
5,000	6,000	30	0	60	0
5,500	6,500	32	8	65	0
6,000	7,000	35	0	70	0
6,500	7,500	37	8	75	0
7,000	8,000	40	0	80	0
7,500	8,500	42	8	85	0
8,000	9,000	45	0	90	0
8,500	9,500	47	8	95	0
9,000	10,000	50	0	100	0
9,500	11,000	55	0	110	0
10,000	12,000	60	0	120	0
11,000	13,000	65	0	130	0
12,000	14,000	70	0	140	0
13,000	15,000	75	0	150	0
14,000	16,000	80	0	160	0
15,000	17,000	85	0	170	0
16,000	18,000	90	0	180	0
17,000	19,000	95	0	190	0
18,000	20,000	100	0	200	0
19,000	25,000	125	0	250	0
20,000	30,000	150	0	300	0
25,000	35,000	175	0	350	0
30,000	40,000	200	0	400	0
35,000	45,000	225	0	450	0
40,000	50,000	250	0	500	0
45,000	60,000	300	0	600	0
50,000	70,000	350	0	700	0
60,000	80,000	400	0	800	0
70,000	90,000	450	0	900	0
80,000	1,00,000	500	0	1,000	0
90,000	1,10,000	550	0	1,100	0
1,00,000	1,20,000	600	0	1,200	0
1,10,000	1,30,000	650	0	1,300	0
1,20,000	1,40,000	700	0	1,400	0
1,30,000	1,50,000	750	0	1,500	0
1,40,000	1,60,000	800	0	1,600	0
1,50,000	1,70,000	850	0	1,700	0
1,60,000	1,80,000	900	0	1,800	0
1,70,000	1,90,000	950	0	1,900	0
1,80,000	2,00,000	1,000	0	2,000	0
1,90,000					

SCHEDULE IV.—MISCELLANEOUS INSTRUMENTS.

Proper Stamp.

- 1.—Composition-deed ...
- 2.—Instrument of gift of immoveable property.
- 3.—Instrument of exchange of immoveable property where no money is paid or agreed to be paid for equality of exchange ...
- 4.—Appointment in execution of a power of property or any interest therein, where made by any writing not being a Will ...

Eight Rupees.

SCHEDULE IV.—MISCELLANEOUS INSTRUMENTS.—(continued)

5.—Authority to adopt	...	Eight Rupees.
6.—Letter of license	...	
7.—Release	...	
8.—Articles of Association	...	
9.—Memorandum of Association	...	
10.—Instrument of co-partnership	...	Four Rupees.
11.—Instrument of re-conveyance of mortgaged property	...	
12.—Instrument of release of the right of redemption in mortgaged property	...	
13.—Instrument evidencing an agreement to secure the repayment on or before the expiration of three months of a loan made upon the deposit of title-deeds or other valuable security	...	
14.—Affidavit not made for the immediate purpose of being produced in any Court	...	Two Rupees.
15.—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 provisions of this Act	...	
16.—Charter-party	...	Two Rupees.
17.—Notarial act not otherwise provided for by this Schedule	...	
18.—Protest of a bill of exchange or promissory note	...	One Rupee.
19.—Agreement to produce, provide, or deliver any specified article	...	
20.—Agreement for the hire of any article not otherwise provided for by this Schedule...	...	
21.—Agreement for the performance of any work other than service or personal employment.	...	
22.—Collateral instrument not otherwise provided for by this Schedule.	...	
23.—Counterpart not otherwise provided for...	...	
24.—Instrument of dissolution of partnership	...	
25.—Schedule	...	
26.—Agreement for service or personal employment	...	One Rupee.
(1.)—If the monthly salary agreed to be paid exceeds Rupees fifty	...	
(2.)—If it does not exceed Rupees fifty...	...	Eight Annas.
27.—Appraisement or valuation of any property, or of any interest therein, or of the annual value thereof, or of any repairs wanted, or of the materials or labor used or to be used in any building, or of any artificer's work, where the amount of such appraisement or valuation exceeds Rs. 500	...	
and where it does not exceed Rs. 500	...	Eight Annas.
28.—Award where the amount or value of the property in dispute exceeds Rs. 500	...	
And where it does not exceed Rs. 500, and also in all other cases not above provided for	...	Eight Annas.
29.—Copy, duplicate, or extract of any instrument attested or certified to be a true copy, duplicate, or extract,—	...	
(1.)—If the duty chargeable on the original exceeds Rupees fifty	...	Four Rupees.

SCHEDULE IV.—MISCELLANEOUS INSTRUMENTS.—(continued).

(2.)—If such duty exceeds Rupees twenty, but does not exceed Rupees fifty	Two Rupees.
(3.)—If such duty exceeds Rupees five, but does not exceed Rupees twenty	One Rupee.
(4.)—If such duty does not exceed Rupees five.	Eight Annas.
If the entire quantity of words in the copy, duplicate, or extract exceeds 360, then for every entire quantity of 360 words contained in any each copy, duplicate, or extract, over and above the first 360 words, a further progressive duty of eight annas	Eight Annas.
30.—(1.)—Power of attorney not otherwise provided for by this schedule	Eight Rupees.
(2.)—Power of attorney for the performance of a single act when the value of the property or matter to be dealt with exceeds Rupees five hundred	Two Rupees.
(3.)—When such value does not exceed Rupees five hundred	One Rupee.
31. Protest of the master of a ship	Two Rupees.
32. Notice of such protest	Eight Annas.

SCHEDULE V.

List of the several denominations of Stamps to be provided for sale under Section 47.

ADHESIVE STAMPS.			IMPRESSED STAMPS.		
Rs.	A.	P.	Rs.	A.	P.
0	1	0	0	2	0
			0	4	0
			0	8	0
			0	12	0
			1	4	0
			3	12	0

Rs.	A.	Rs.	A.	Rs.	A.	Rs.	Rs.
0	4	7	0	30	0	70	450
0	8	7	8	32	8	75	500
1	0	8	0	35	0	80	550
1	8	9	0	37	8	85	600
2	0	10	0	40	0	90	650
2	8	12	8	42	8	95	700
3	0	15	0	45	0	100	750
3	8	17	8	47	8	110	800
4	0	20	0	50	0	120	850
4	8	22	8	55	0	125	900
5	0	25	0	60	0	130	950
6	0	27	8	65	0	140	1,000

SCHEDULE VI.

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 II.
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.
X of 1862...	An Act to consolidate and amend the law relating to stamp duties.	Sections 1 to 26 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.

STATEMENT OF OBJECTS AND REASONS.

The generally admitted defect of the existing Stamp Law, Act X of 1862, is the very imperfect arrangement of its provisions, especially in regard to the subject-matter of Schedule A, which is so complicated that the requirements of the law are frequently ill-understood by its administrators, whilst to the mass of persons whose entire business transactions are so materially affected by it, those requirements are for the most part wholly unintelligible.

The primary result of this state of the law is a loss of revenue through evasion of the Stamp Duty, and this evasion is in some degree fostered by the tendency of the administrators of the law, from the reasons above stated, to presume as the cause of under-stamping ignorance of what the law requires rather than a wilful attempt to defraud the revenue.

The infrequency of criminal prosecution for breaches of the Stamp Law may be also partly ascribed to the somewhat conflicting provisions of the existing law in regard to penalties and the imperfect procedure for their enforcement, which results from the withdrawal by Act XXXVI of 1860 of the power of impounding unstamped documents, a power which, prior to the passing of that enactment, obtained in Bengal under Regulation X of 1829.

The main desideratum, therefore, in any amendment of the existing Stamp Law is its simplification, and the chief object of the present Bill is so to express and re-arrange the provisions of that law as to render them generally intelligible, and to enable persons whose transactions involve the execution of instruments liable to stamp-duty, to ascertain, without difficulty, what amount of stamp such instruments must bear to secure their validity.

For this purpose, the provisions of the Bill have been arranged in chapters, each chapter treating of a distinct branch of the subject: all instruments chargeable with stamp duty have been classed according to the amount of duty to which they are severally liable: the exemptions and all other enacting matter have been placed in the body of the Bill; and an interpretation clause, embracing every denomination of instruments specified in the schedules, has been supplied. The interpretations attempt a generic description of the documents which each denomination is intended to include rather than a definition of the denomination specified, as such a description is better calculated to explain the requirements of the law. Provision has been made also for the preparation by each Local Government of a well-authenticated translation into the principal vernacular languages of the territories subject to its control.

The Bill also aims at obviating the ambiguity of the provisions of the existing law in regard to the action of the courts and public officers before whom unstamped or insufficiently stamped documents are produced. It empowers the Civil and Criminal Courts to impound all unstamped and insufficiently stamped instruments coming before them, with a view to the criminal prosecution of the executants, when the proper stamp duty appears to have been fraudulently evaded: it provides for the impounding and transmission to the Collectors of all unstamped or insufficiently stamped documents produced before any registering or other public officer; and it prescribes the procedure to be followed by the Collector in the case of such documents so transmitted, or otherwise brought before him.

The Bill does not contemplate the acquisition of increased revenue by any general enhancement of the now prevailing rates of stamp duty, but advantage has been taken of the opportunity afforded by the revision of Schedule A. to adjust the gradations of the *ad valorem* duties chargeable on bonds and conveyances on a scale of uniform percentage in accordance with the English system. The number of classes of *ad valorem* duties contained in Schedule A. has been reduced from five to three, instruments of partition being classed with conveyances, and leases, if for an indefinite period or for a term exceeding one year being charged as conveyances, and if for less than one year being made liable to the same duty as bonds. The effect of these modifications is a reduction of the rates now chargeable, on bonds for a less amount than Rs. 10,000, and on conveyances, when the amount involved does not exceed Rs. 15,000, and a considerable enhancement of the rates on bonds and conveyances for any higher amount; but as the vast majority of bonds and conveyances executed in this country involve an amount less than the sums above-mentioned, the net result of the change is presumably in favor of the tax payer.

By Section 19, Act X of 1862, provision is made on the payment of a fee of Rs. 10 for the adjudication by the chief controlling revenue authority of doubts as to the proper stamp to be borne by any instrument. Owing probably to the excessive amount of the fee, and the delay and inconvenience caused by the required reference to such distant authority, this provision is practically inoperative. The Bill proposes to make the Collector the adjudicating authority, to reduce the fee to Rs. 5, and to allow an appeal or reference to the High Court from the decision of the Collector on the further payment of a fee of Rs. 20—to be refunded to the appellant in the event of the Collector's decision being reversed. The procedure will thus be assimilated to that obtaining under the English law.

The Civil penalty leviable under Act X of 1862, for the validation of an instrument executed on unstamped or insufficiently stamped paper, varies greatly according to the time which may have elapsed from the execution of such instrument until it is brought to the Collector; whilst the period within which the penalty may be remitted on the ground of unavoidable accident, is practically unlimited. Such distinctions are purely arbitrary, and not recognized by the English law. The only limit which the English law prescribes as to after-stamping is in regard to instruments executed through any unavoidable cause on paper not bearing the proper stamp. Any such instruments, to obtain a remission of the penalty incurred, must be brought to the Revenue Officer within one year from the date of their execution. Following this course, the Bill provides for the remission of the penalty in such cases, when the unstamped instrument is brought to the Collector or (to any other public officer by whom it is transmitted to the Collector) within one year from the date of its execution, and in all other cases constitutes that period the sole ground of distinction in regard to the amount of fine to be levied: the penalty on instruments brought within one year, being fixed at ten times, and if brought after that period, at twenty times, the deficient amount of stamp duty chargeable thereon.

The provisions of Section 29, Act X of 1862, in regard to the cost of the stamp on certain instruments have been extended. The obligation of bearing the expense of supplying the stamp is fixed by the Bill, in the case of all instruments

specified in the first, second, and third schedules, in accordance with the English practice on this subject.

The appellate jurisdiction of the chief controlling revenue authority is extended by the Bill to the revision of all orders passed by the Collector. With the view of obtaining from time to time an authoritative construction of the law for the guidance of the courts and public officers concerned in its administration, the Bill also provides for references being made to the High Court by the chief controlling revenue authority.

In lieu of the existing provisions of the law regarding the sale of stamps, the Bill proposes to invest the Local Governments with the power of framing rules for the regulation of such sale. It is almost impossible to devise a single set of rules suitable to the circumstances of all the provinces of British India, and separate systems adapted to the provinces subject to each Local Government, are better calculated to have successful operation. The Bill proposes to impose fixed stamp duties of small amount on certain instruments which are stamped under the English law, but have hitherto escaped the impost when executed in this country. It provides also for the reduction of the stamp duty now charged on instruments evidencing the gift or exchange of immoveable property, and the re-conveyance of mortgaged property, or the release of an equity of redemption, instruments

of co-partnership, proxies, and copies of documents; and it slightly enhances the rates on bills of exchange of large amount, and the fixed duty on a general power-of-attorney.

It further imposes penalties on a legal practitioner who inserts in a conveyance an amount of consideration less than that actually given. This provision is in modification of the second clause of section 51, Act X of 1862, and in accordance with the English law on the subject.

In accordance also with the provision of the English statute 48 Geo. III, c. 149, s. 24, purchasers are empowered to recover from the vendors any amount paid for the property purchased by them in excess of the amount stated in the instrument of conveyance.

The present Bill relates only to that branch of stamp duties comprised in Schedule A., Act X of 1862. The subject of stamp duties on judicial proceedings, which are of the nature of Court fees, is reserved for separate legislation.

F. R. COCKERELL.

SIMLA,
October 24th, 1868.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept., (Legislative.)

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R. S. ELLIS, Chief Secretary.

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of Revenue who will
be good enough report
their opinion of the
bill in time to enable
the Govt to address the
Govt of India on the
subject before the expiration
of the present month

28-3 July 1869
In 156-157

List

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