

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2714	Press ~~Mis.~~
291-292	
Dated 16-11-1867.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
16th November 1867.*

No. 291. Read the following Proceedings of the Government of India, in the Financial Department, (Separate Revenue—Stamps,) dated Simla, 1st November 1867, No. 3,472:—

Read a letter from the Government of the Punjab, No. 332, dated the 6th June 1867, enquiring whether a transfer of names of proprietors could be registered in the Cantonment Register of Houses without a fresh deed of sale duly stamped.

Read also a letter from the Solicitor to Government, No. 323, dated the 26th September 1867, with enclosure.

1. RESOLUTION.—The Governor General in Council observes that the question stated in the preamble of this Resolution was raised by Mr. Knox, who, in the course of his enquiries into the working of the Stamp Act, observed during an inspection of the Offices of the Cantonment Magistrates at Umballa, Delhi, and Mooltan, that while, on some occasions, separate deeds of sale were drawn up, and on other occasions, certified copies of entries in the Cantonment Register were produced as title deeds in Civil Courts.

2. The Advocate to the Local Government having been requested to give his opinion on the validity of such entries, or copies of entries, as evidence of title, stated that he considered "that, if proprietors are content with such evidence of title as the Cantonment Register affords, they cannot be compelled to resort to the more expensive method of securing their property which the use of stamped deeds of sale would involve; that the Cantonment Magistrate would probably be obliged to produce his Register, if called upon by a Civil Court in cases of disputed title; but that he is not bound to give certified copies of entries in his Register, nor to allow it to be inspected by private parties; and that, *if both these privileges were refused*, the proprietors of houses in Cantonments would find it for their interest to resort to the ordinary methods of transfer by stamped deeds, which could be registered in the ordinary way."

3. The question having been referred to this Government for decision, the Advocate General's opinion was taken, which is "that the entries in the Cantonment Register are evidence of nothing, except that the Government assent to the transferee named in the entry occupying in place of the transferor, they are no evidence of title. Further, the Cantonment Magistrate may and *ought* to refuse to register any transfer, unless it is evidenced by a written conveyance or bill of sale stamped under Clause 23 of Schedule A. to the Stamp Act."

4. The Governor General in Council directs that this opinion be acted upon.

Ordered that the foregoing Resolution be communicated to the Government of the Punjab and the other Local Governments, as also to the several Administrations for information and guidance.

(Signed) E. H. LUSHINGTON,
Secy. to the Govt. of India.

Proceedings of the Madras Government, Revenue Department,
16th November 1867.

No. 292.

ORDER THEREON, 16th November 1867, No. 2,714.

Separate Revenue, No. 23.

Stamps.

Communicated to the Board of Revenue for information and guidance.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

W-2714.

Comm^d to the
Board of Revenue for
information & guidance.

16th Nov 67

in C. P. as per P. of Rev. Dec 18