

ACT No. XL OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 11th September 1860)

An Act to Amend Act XXXVI of 1860.

WHEREAS it is expedient to Amend Act XXXVI of 1860 (*to consolidate and amend the law relating to Stamp Duties*); It is enacted as follows :—

Preamble.

I. So much of the aforesaid Act as imposes Duties on Bills of Exchange, Letters of Credit, Drafts, Cheques on Bankers or others, Promissory Notes, Hoondees, and other Orders and Obligations for the payment of money, not being Bonds or other Instruments or Writings bearing the attestation of one or more witnesses, if payable at any period not exceeding one year after date or sight, or otherwise relates to such Instruments, shall not come into force until the 1st of January 1861, or until such subsequent date as the Governor-General in Council by an order in the Gazette previous to the said date may prescribe. Until that date all Regulations and Acts or parts thereof which are repealed by Section I of the aforesaid Act shall remain in full force as regards all such Instruments as aforesaid. Provided that nothing in this Act shall affect Drafts or Orders for the payment of money on demand, and bearing the date on which the Draft or Order is made.

Act not to come into force as regards Bills of Exchange &c. payable after date or sight, until 1st January 1861.

II. If any person shall affix or use any adhesive Postage Stamp, which to his knowledge shall have been taken off or removed from any paper whereon any Receipt or any Draft, Order, or Bill of Exchange, or other Instrument requiring a Stamp under the said Act shall have been written, or from any letter or Packet, to or for any Receipt, Draft, Order, or Bill of Exchange or other Instrument so requiring a Stamp, or to or for any paper whereon the same shall

Penalty for use of Postage Stamp which has been removed.

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shall be or be intended to be written, or to or for any letter or Packet—every person so offending shall forfeit a sum not exceeding two hundred Rupees.

III. On and after the 1st January 1861, or such subsequent date as the Governor-General in Council, by an order in the Gazette, may prescribe, the Duty chargeable on the transfer of the shares of any Banking Corporation or Joint Stock Company which by any Law applicable to such Corporation or Company can be effected by simple endorsement, shall be denoted by an adhesive Stamp or more than one adhesive Stamp; and all the provisions of the said Act relating to the use of adhesive Stamps on Bills of Exchange and the like shall be applicable to such adhesive Stamps used as aforesaid. Until the 1st January 1861, or such subsequent date as may be prescribed, every transfer of the shares of any such Corporation or Company which can now be effected by endorsement, shall be accompanied by a Deed or Memorandum of transfer bearing a Stamp of the value prescribed for such transfers, otherwise the transferee shall be liable to a penalty not exceeding ten times the amount of the requisite Stamp.

IV. The rates of Duties prescribed in Article 4 of Schedule A of the said Act for inland and foreign Bills payable at any period not exceeding one year after date or sight, shall, as soon as the Law imposing such Duties shall come into operation, be the rates of Duties to be imposed on Letters of Credit, Drafts, Cheques on Bankers, Promissory Notes, Hoondees, and other Orders and Obligations for the payment of money at any period as aforesaid, not being Bonds or Instruments or Writings bearing the attestation of one or more witnesses.

V. Sections XXI and XXII of Act XXXVI of 1860 are repealed, and the following new Sections shall be read as Sections XXI and XXII of the said Act :—

“ XXI. Every Vendor of Stamps shall write on the back of each Stamp which he sells, except adhesive Stamps and

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and Stamps used for Receipts, or for Bills of Exchange, Promissory Notes, Drafts, or other Orders for money, Bankers agreements for loans, or Bills of Lading, the date of issue, the name of the person to whom it is issued, and his own ordinary signature, on pain of a fine not exceeding one hundred Rupees."

" XXII. Any Vendor who shall knowingly write a false name or date on the back of any Stamp which he is required to endorse under the foregoing Section, shall be punished by a fine not exceeding five hundred Rupees, or imprisonment not exceeding three months, or both."

VI. Article 28 of Schedule A. of the said Act is repealed, and the following words shall be read as Article 28 of the said Schedule of the said Act:—
Repeal of Article 28 of Schedule A, and substitution of new Article.

" 28. Engagements to cultivate, produce, provide, or deliver any Article of Commerce in consideration of advance made. } Shall be charged on the amount advanced at the rate of Bonds."

VII. The said Act XXXVI of 1860 shall not extend to the Straits Settlement.
Act XXXVI of 1860 not to extend to the Straits Settlement.

VIII. This Act shall be read and construed as part of Act XXXVI of 1860.
Construction.