

ACT NO. XV OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

[Received the assent of the Governor General on the 28th October, 1904.]

An Act further to amend the Indian Stamp Act, 1899.

II of 1899. WHEREAS it is expedient further to amend the Indian Stamp Act, 1899; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Stamp (Amendment) Act, 1904.

Short title and extent.

(2) It extends to the whole of British India, inclusive of Upper Burma, British Baluchistan, the Santhal Parganas and the Pargana of Spiti.

II of 1899.

2. In section 2 of the Indian Stamp Act, 1899 (hereinafter referred to as "the said Act"),—

Amendment of section 2, Act II, 1899.

(a) after the definition of "lease" in clause (16) the following definition shall be inserted, namely:—

"(16A) 'marketable security' means a security of such a description as to be capable of being sold in any stock market in British India or in the United Kingdom;" and

(b) to the definition of "settlement" in clause (24) the following words shall be added, namely:—

"and, where any such disposition has not been made in writing, any instrument recording, whether by way of declaration of trust or otherwise, the terms of any such disposition".

3. After

Addition of new section 23A after section 23, Act II, 1899. Certain instruments connected with mortgages of marketable securities to be chargeable as agreements.

3. After section 23 of the said Act the following section shall be added, namely :—

“ 23A. (1) Where an instrument (not being a promissory note or bill of exchange)—

(a) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt, or

(b) makes redeemable or qualifies a duly stamped transfer, intended as a security, of any marketable security,

it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under Article No. 5 (b) of Schedule I.

(2) A release or discharge of any such instrument shall only be chargeable with the like duty.”

Amendment of section 26, Act II, 1899.

4. In section 26 of the said Act, for the first proviso the following proviso shall be substituted, namely :—

“ Provided that, in the case of the lease of a mine in which royalty or a share of the produce is received as the rent or part of the rent, it shall be sufficient to have estimated such royalty or the value of such share, for the purpose of stamp-duty,—

(a) when the lease has been granted by or on behalf of the Secretary of State in Council, at such amount or value as the Collector may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty or share to the said Secretary of State in Council under the lease, or,

(b) when the lease has been granted by any other person, at twenty thousand rupees a year ;

and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease.”

5. In

5. In section 29, clause (a), of the said Act, for the words and figure "No. 6 (Agreement to Mortgage)" the words and figure "No. 6 (Agreement relating to Deposit of Title-deeds, Pawn or Pledge)" shall be substituted.

Amendment of section 29, Act II, 1899.

6. In section 40, sub-section (1), clause (b), of the said Act, before the words "ten times the amount" the words "an amount not exceeding" shall be inserted.

Amendment of section 40 (1) (b), Act II, 1899.

7. In section 56, sub-section (1), of the said Act, after the word and figure "Chapter V" the following shall be inserted, namely:—

Amendment of section 56 (1), Act II, 1899.

"and under clause (a) of the first proviso to section 26."

8. In Schedule I of the said Act the following amendments shall be made, namely:—

Amendments of Schedule I, Act II, 1899.

(1) for Article No. 6 the following Article shall be substituted, namely:—

"6. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE, that is to say, any instrument evidencing an agreement relating to—

- (1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or
- (2) the pawn or pledge of moveable property,

where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—

- (a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement;
- (b) if such loan or debt is repayable not more than three months from the date of such instrument.

The same duty as a Bill of Exchange [No. 13 (b)] for the amount secured.

Half the duty payable on a Bill of Exchange [No. 13 (b)] for the amount secured.

Exemption.

Exemption.

Instrument of pawn or pledge of goods if unattested.”;

(2) in the entry immediately following Article No. 28, for the words and figure “*See AGREEMENT* by way of *EQUITABLE MORTGAGE* (No. 6)” the words and figure “*See AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE* (No. 6)” shall be substituted;

(3) the entry “*EQUITABLE MORTGAGE*” following Article No. 30 shall be omitted;

(4) in Article No. 40—

(a) for the words and figure “an *AGREEMENT TO MORTGAGE* (No. 6)” the words and figure “an *AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE* (No. 6)” shall be substituted,

(b) from clause (b) the words “at the time of execution” shall be omitted, and

(c) the exemption “(3) Instrument of pledge or pawn of goods if unattested” shall be omitted;

(5) in Article No. 41, for the entry “Four annas” each time it occurs in the second column opposite clause (b), the entry “Two annas” shall be substituted;

(6) after Article No. 46 the following entry shall be inserted, namely:—

“*PAWN OR PLEDGE.—See AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE* (No. 6).” and

(7) in Article No. 55, after the word “instrument” the following parenthesis shall be inserted, namely:—

“(not being such a release as is provided for by section 23A).”