M.R. G. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1608 Press Mis.

319-32

Dated 29—9— 1932 1865

5/6

Not to be folded or roughly handled

No. 319. Read the following letter from J. G. FERRAND, Esq., Deputy Registrar General of Assurances, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Madras, 11th September 1865, No. 247.

The District Registrar of Madura inquires whether Registering Officers are authorized to attest a Special Power of Attorney executed by an individual to a Court Vakeel, empowering him to defend a suit on his behalf, or to recover from his opponent, and remit to him, the amount awarded by the Court; or whether they are to confine themselves to the attestation of Special and General Powers coming under the provisions of Section 28 of Act XVI of 1864.

2. The Section referred to enacts that no Power of Attorney shall be recognized for the purposes of the Registration Act, unless it shall have been executed in the presence of, and attested by, the District or Deputy Registrar, within the limits of whose jurisdiction the person executing the same resides, if he reside in any part of British India subject to the operation of this Act. But it is not necessary that Powers of Attorney, other than those which have to be produced to obtain the registration of Instruments, should be executed in the presence of a Registrar.

3. Nevertheless, especially since the publication of the amended Table of Registration Fees, which includes charges for attesting Special and General Powers of Attorney, there is an impression abroad that Powers of Attorney, generally, should be attested before Registering Officers. Frequent applications have been made to me, as District Registrar of Madras, to attest Powers of Attorney wholly unconnected with registration, by parties, who have informed me that Magistrates have declined to attest them as hitherto. It is evident, from the present reference from the District Registrar of Madura, that such applications have been made to him, and it is probable that the same has occurred at other stations.

4. I presume that it is not the intention of Government that fees should be charged for attesting Powers of Attorney not required for the purpose of registration, nor that there should be any alteration in the former practice, as regards the officers who are to attest such Powers.

5. I shall accordingly inform the District Registrar of Madura that Registering Officers should attest only the Special and General Powers of Attorney which have to be produced under, the provisions of Section 28 of Act XVI of 1864, for the purpose of obtaining the registration of any Instrument.

6. It seems desirable that Government should intimate whether the view above expressed is correct, in order to remove, if such be the case, the erroneous impression mentioned in paragraph 3.

No. 320. ORDER THEREON, 29th September 1865, No. 1408.

The Deputy Registrar's interpretation of the provision of the law is unquestionably correct.

2. He had better take steps to remove the erroneous impression on the subject, which appears to prevail among District Registrars.

(True Extract).

Acting Secretary to Government.

To the Deputy Registrar General of Assurances.

Exd. J. H. Burns.

Sept 27 1865

My dear Mr Huddleston

I received your letter of the 20th inst. as to the boundary of the Deputy Registrars district and of your duties:

Yours truly
S. B. Boyd

Wm. Huddleston Esq

Judicial 1865. Despatch
From Prov: Govt: I do not see
that there is room
for further action on this
despatch
The Deputy Registrar
General of assurances
To
The Chief secretary
to Govt
Dated 11th
Received 12 September 1865
No. 241

No. 1945

Regarding attestation by a
Registering officer of Powers
of Attorney other than those
contemplated in section XXVIII
of Act XVI of 1864

C 22 Sept
R 28

I have no doubt but Mr Grein is correct
in his opinion of Attorney & that in order
to facilitate matters any Registering officer
should be empowered to attest such
documents as may be executed under Act
XIII — XVI of 1864 —
But it is doubtful if any of the
Attorneys at Law in Bombay could
be considered as Registering officers
under Act XVI of 1864 —

319. 320.

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29. September 1865 No. 1408.

The Dy Registrars
in the performance of the functions
of the Law is unquestionably
correct -

The Lord Lieutenant fully
supports upon the
occasions in question
on the subject &c appears
to prevail among the
Registrars -

L.B.

Editorial Table 15/10.
To the Dy Regr for Observances dispd 3/10.