

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	743	Press
		Mis.
Dated	3 — 5 —	1871

Not to be folded or roughly handled

Power of Attorney

*Proceedings of the Madras Government, Judicial Department,
3rd June 1871.*

No. 39. Read the following Proceedings of the Board of Revenue, dated 21st January 1871, No. 312:—

Read the following letter from the Acting Collector of Coimbatore, to the Acting Secretary to the Board of Revenue, dated 6th December 1870, No. 337:—

I beg to refer you to Board's Proceedings, dated 17th ultimo, No. 6715.

In paragraph 2 of the letter to the Government of India printed with the above, it is stated that the fee for the attestation of public documents by Magistrates and Judges may "be fixed at the rate hitherto in force." No having hitherto been made in this Presidency, I have the honour to request instructions as to what charge is to be made in future, as occasionally public officers are called upon to perform such services.

The Board resolve to recommend Government to direct that a fee of one Rupee be levied on attestations of Powers of Attorney, &c., made by Magistrates. In this case it should be ordered that applications for such attestation are to be written on paper stamped with a Court Fee Stamp of the value of one Rupee.

(A true Copy and Extract.)

(Signed)

J. GROSE.

Acting Secretary.

No. 40. ORDER THEREON, 2nd June 1871, No. 743.

The Government approve and sanction the Board's proposal that a fee of one Rupee shall in future be levied on all attestations of Powers of Attorney by Magistrates and Judges, the application for such attestation being on a stamp paper of one Rupee value; and the proceeds being credited to Stamp Revenue.

(True Extract.)

W. HUDLESTON,

Acting Chief Secretary.

To the Honourable the Judges of High Court.

- .. Civil and Session Judge of
- .. Magistrate of
- .. Board of Revenue.
- .. Revenue Department.
- .. Accountant-General.

Exd. J. Wright.

Judicial Department.

Memorandum for Orders

Proceedings of the Board of Revenue } Dated 21st January 1871, No. 12

In the Financial
letter from the Government
of India, recorded in the
Proceedings of this Govern-
ment Revenue Department
11th November 1870, No. 752
it is intimated that if
Magistrates or Judges are
called upon to attest pro-
cess documents, such as Powers
of Attorney, and the like,
there can be no objection
to such attestations being
made, or to the levy, and

19-7-07
19-11-07
19-11-07
19-11-07

original
Oct. 10 1871

1871

pecuniary value of a fee
in the person of the holder;
which fee, it is stated, may
be raised by means of
stamp duties, if so levied,
and the credit to stand
thereon.

2. With reference to the
information, and at the
instance of the As. Collector
& Commis. Genl, the Board
of Revenue has recommended
Government to direct a fee
of one Rupee to be levied on
the attestation of Powers of Attorney
granted by Magistrates.
That in this case, it
should be ordered that
applications for such attes-
tation are to be written on
paper stamped with a post
stamp of the value of
one Rupee.

3. With reference to
the proposed mode of
issuing the Revenue
stamp about alluded to
in the last Report, it has
been decided that the
stamp should be affixed
in attestation of such
attestation as compared
with attestation by private
signature, it is observed
that Section 49 of the
Evidence Act II of 1855
provides that "any paper
produced in evidence, which has
been written in a place
other than that in which
it was written, shall be
received in evidence, such
proof being in the
discretion of the Court, and
the value of it is to be
ascertained by the
Court, and the value of
it, to have been
ascertained before, and
attested by a
Magistrate or a
Notary Public, or any
other person authorized
by the Court for that
purpose."

Judge, Council is says
 "that" - so that is
 the case of each power
 of attorney as mentioned
 in this section. The
 law does not allow
 the execution of the
 power by Judge or
 Magistrate. The only
 alteration added that
 the provisions of the
 law shall not be
 applicable only to
 powers of attorney
 executed within the
 limits of the 100
 miles from the river
 where the said
 laws are, but for the
 remainder of the
 territory. And
 attorney executed at
 any place. According
 to the Indian
 Evidence Bill, which
 was before the

* General Notification

Separate Revenue (Stamp) Dept.
 Dated Allahabad the 1st May 1871.

Resolution N. 97A. Read the following
 papers on the subject of the levy of
 a fee for the attestation of powers
 of attorney by Magistrates & Judges:-
 Letter from Mr. [unclear] dated 25 Oct 1870
 N. 4445 & 22nd Feb, 1871. N. 1124.

Resolution - The Honble the Lieut. Govt.
 is accordingly pleased to direct that for
 all attestations of powers of attorney
 by Magistrates & Judges, a fee of Rs. 2
 shall in future be charged, & that such
 fee shall be realized in stamps the
 "instruments to Stamp"

Governor General's Office
 is as follows:-
 "The Govt. shall procure
 that every paper purport-
 ing to be a power of
 attorney, and to have
 been executed before a
 Magistrate or Judge,
 or any public officer,
 or Judge, Magistrate,
 or Civil or Revenue
 Officer, or representative
 of Her Majesty or of the
 Govt. of India, and so
 executed & authenticated
 in the manner
 prescribed by the local
 regulations, shall be
 received by the Financial
 Dept. of the Govt. of
 India above referred
 to, have directed the
 Secy of the Govt.
 for an attestation of a
 power of attorney by
 a Magistrate or Judge
 (See. R. N. [unclear])
 32 May 1871. p. 498

No. 312.

PROCEEDINGS OF THE BOARD OF REVENUE, 17th Decr. 1871.

Read the following letter from H. E. ... Acting Collector ...

Acting Secretary to the Board of Revenue, dated 6th December 1870, No. 337:—

I beg to refer you to Board Proceedings, dated 17th ultimo, No. 6,715.

2. In paragraph 2 of the letter from the Government of India printed with the above, it is stated that the fee for the attestation of private documents by Magistrates and Judges may be "fixed at the rate hitherto in force." No fee having hitherto been made in this Presidency, I have the honour to request instructions as to what charge is to be made in future, as occasionally public officers are called upon to perform such services.

The Board resolve to recommend Government to direct that a fee of one Rupee be levied on attestations of Powers of Attorney, etc., made by Magistrates. In this case it should be ordered that applications for such attestation are to be written on paper stamped with a Court Fee Stamp of the value of one Rupee.

(A true Copy and Extract.)

Acting Secretary.

To the Secretary to Government, Revenue Department.)

.. Acting Collector of Coimbatore.

Copy to the Superintendent of Stamps.

Exd. T. Cartledge.