

1. Number of pages. 18
2. Date of repair. 14-5-41
3. Initials of Reference. J
H.R.O. 1-20,000-10-10-40.

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	1380	Press Mis.
Dated	7-9-	1918/1

Not to be folded or roughly handled

11

*Proceedings of the Madras Government, Public Department,
7th September 1871.*

Read the following papers :—

No. 30. From the Rev. A. F. CÆMMERER, to the Chief Secretary to Government, Fort St. George, dated Tranquebar, 11th August 1871.

I have the honour to solicit the favour of your kindly submitting the accompanying two German documents, being two Powers of Attorney executed by my mother and myself, to the Right Honourable His Excellency the Governor of Madras, with a request that he will be pleased to countersign the same and attest the signature of C. R. Pelly, Esq., the Civil Session Judge of Tranquebar, and obligingly forward the two aforesaid documents to His Excellency Count Bernstorff, the German Ambassador in London, as early as possible.

No. 31.

MEMORANDUM.

The undersigned is directed to forward to the Government Solicitor the accompanying letter* from the Rev. Mr. A. F. Cæmmerer,

* Dated 11th instant.

and its enclosures, being two Powers of Attorney, in the German language, executed by Mr. Cæmmerer and Mrs. Dorathea Sophia Cæmmerer, and to request that the Government may be informed whether there is any objection to Mr. Cæmmerer's request being complied with; and if not, whether it will not be sufficient, for the purpose of attesting the signature of the Justice of the Peace before whom the documents in question were executed, if the Chief Secretary to Government attaches his signature to a certificate† of attestation at the foot of these documents, instead of His Excellency the Governor, and also whether it is not necessary that these Powers of Attorney should be engrossed on stamp paper of the value prescribed by Article 32 of the 2nd Schedule to the General Stamp Act XVIII. of 1869, for "Powers of Attorney (executed in British India) not otherwise provided for by this Schedule." It is requested that the reply to this memorandum may be addressed to the Government Office at Madras.

(Signed) A. DEC. SCOTT, Captain, R.E.,
Under Secretary, P. W. D.,
for Chief Secretary.

FORT ST. GEORGE,
23rd August 1871.
To the Government Solicitor.

No. 32. From H. G. PRICHARD, Esq., Government Solicitor, to the Chief Secretary to Government, Fort St. George, dated Madras, 30th August 1871, No. 337.

I have the honour to acknowledge the receipt of the Official Memorandum from the Under Secretary to Government, Public Works Department, dated 23rd instant, together with its enclosures, requesting my opinion as to whether it would not be sufficient if the Chief Secretary to Government attached his signature to a certificate of attestation at the foot of the two Powers of Attorney forwarded to me, instead of His Excellency the Governor; and also whether it is not necessary that the two Powers of Attorney should be engrossed on stamp paper of the value prescribed by Article 32 of the 2nd Schedule to the General Stamp Act XVIII. of 1869.

Proceedings of the Madras Government, Public Department,

7th September 1871.

2. In reply to the first question, I have the honour to state that I have made inquiries of the German Consul at Madras as to the mode in which Powers of Attorney executed in this country, but intended to be used in Germany, should be executed and authenticated, and have been informed by him that the practice is for the principal to execute the Power of Attorney in the presence of a Magistrate and get the Magistrate to certify that the signature is in order, and then for the German Consul to certify that the Magistrate is the proper authority to give the first certificate.

3. I may mention that the practice has hitherto been in cases of Powers of Attorney to be used in foreign countries for the Chief Secretary to Government to give the requisite certificate of attestation, and not His Excellency the Governor.

4. In case this practice should be followed in the present case, I herewith forward, as requested, a form of the certificate hitherto made use of in such cases.

5. With regard to the second question, I have to state that the two Powers of Attorney forwarded with the Official Memorandum above noted are not exempt from stamp duty, and that, therefore, they must be stamped under the provisions of Article 32 of the 2nd Schedule to the Stamp Act.

6. I think the Magistrate should have attested the execution of the Powers as the Collector and Magistrate, and added his seal of office, and not simply attested them as a Justice of the Peace.

7. I return, herewith, the enclosures forwarded with the Official Memorandum under reply.

No. 33. ORDER THEREON, 7th September 1871, No. 1380.

A copy of the Government Solicitor's letter above recorded will be communicated to the Rev. Mr. Cammerer, in view to the course indicated in paragraphs 2 and 5 thereof being adopted in the matter of the Powers of Attorney referred to in Mr. Cammerer's letter of the 11th August.

2. With reference to paragraph 6 of Mr. Prichard's letter, it is observed that the officer who attested the execution of the documents forwarded with Mr. Cammerer's letter, was the Civil and Session Judge of Tranquebar, and not the Magistrate of the District.

(True Extract.)

Captain, R. E.,
Under Secretary, P. W. D.,
for Chief Secretary.

To the Rev. A. F. Cammerer, with two Powers of Attorney returned.

Exd. J. Wright.

N^o 337.

Madras, 30th August 1871.

From H. G. Prichard
Government Solicitor,
Madras,

To
The Honorable R. S. Ellis, C. B.,
Chief Secretary to Government
Fort St. George,

Sir,

1. I have the honor to acknowledge the receipt of the Official Memorandum from the Under-Secretary to Government P. W. D. dated 23rd Instant, together with its enclosures requesting my opinion as to whether it would not be sufficient if the Chief Secretary to Government attached his signature to a Certificate of attestation at the foot of the two Powers of Attorney forwarded to me, instead of His Excellency the Governor and also whether it is not necessary that the two Powers of Attorney should be engrossed on Stamp paper of the value prescribed by Article 32 of the 2nd Schedule to the General Stamp Act XVIII of 1869.

2. In reply to the first question, I have the honor to state that I have made enquiries of the German Consul at Madras as to the mode

Obdt. of 1871 Madras.

PUBLIC.

THE REV. A. F. CEMMERER.

Dated September, 7th.

Recd.

Encl.

G. O., 7th September 1871, No. 1380.

SEPTEMBER.
Nos. 30-33.

Returning the Powers of Attorney forwarded by the Rev. Mr. Cemmerer for attestation, in view to his following the course recommended by the Government Solicitor.

mode in which Powers of Attorney executed in this Country, but intended to be used in Germany, should be executed and authenticated and have been informed by him that the practice is for the principal to execute the Power of Attorney in the presence of a Magistrate and get the Magistrate to certify that the signature is in order and then for the German Consul to certify that the Magistrate is the proper authority to give the first Certificate.

3. I may mention that the practice has hitherto been, in cases of Powers of Attorney to be used in foreign Countries, for the Chief Secretary to Government to give the requisite Certificate of Attestation and not the Secretary to the Governor.

4. In case this practice should be followed in the present case, I have with me forward, as requested, a form of the Certificate hitherto made use of in such cases.

5. With regard to the second question, I have to state that the two Powers of Attorney forwarded with the Official Memorandum above noted, are not exempt from Stamp duty and that therefore they must be stamped under the provisions of Article 32 of the 2^d Schedule to the Stamp Act.

6. I think the Magistrate should have attested the execution of the Powers as the Collector and Magistrate and added his seal of office and not simply attested them as a Justice of the Peace.

7. I return herewith the inclosures forwarded with the Official Memorandum under reply.

I have the honor to be,

Sir,

Your most Obedient Servant,

H. F. Richard

Government Solicitor.

have hereunto set my hand this day of 1871.

Chief Secretary to the Government of Fort St. George.

Public Department

Memorandum

3

31

* Instant:

The undersigned is directed to forward to the Government Solicitor the accompanying letter from the Revenue to S. F. Hammer and its endorsement, being two copies of the same, in the presence of the gauge, executed by S. F. Hammer and Dr. Christian S. F. Hammer and the request that the Government may be informed that there is no objection to S. F. Hammer's request being complied with, and if so, whether it will not be sufficient for the purpose of attesting the signature of the parties of the same before whom the documents in question were executed, if the Chief Secretary to Government attaches his signature to a certificate of attestation at the foot of these documents, instead of his executing the same, and also whether it is not necessary that these

Revenue

* It is requested that the names of the witnesses may be furnished.

Delivered in letter
1871. The Government
to the Chief Secretary to
Government, 15th May 1871
London, dated 30th
August 1871 - 1871-337-

1871. 27th Dec 1871
Jan 3, 1872

In Dec. 1866/71

Fort St George
22^d August 1877.

Signed, A. de la Roche, Captain
H.M.S. "Hector"



40

[illegible]

PROCEEDINGS of the MARDAS GOVERNMENT.

Read the following ~~letter~~ *papers*.

Letter from the Revd A.F. of 11th. Augt 1871.
Commercer —————

Offl. Mem. o. S. the Govt.
Solicitor _____ 8/23^d — 20 —

Letter from the Govt.
Solicitor — 2/ 30 — v — No 337.

Order. Botreamund. 7 Sept.
— 1871. No 1385!

is a copy of the Govern-
ment Solicitor's Letter above
recorded with the Board
communicated to the Rev.

Mr. Cammerer, in view
of the course indicated
in paras 2 & 5 thereof
being adopted in the
matter of the Powers of
Attorney referred to in

Mr.

20

W. Ammerer's letter of
the 11th Aug -

2. With reference to para
6 of Mr. Richards' letter,
it is observed that the
Officer who attested the
Execution of the docu-
-ments forwarded with
W. Ammerer's letter, was
the Civil & Session of
Tanguet, and not
the Magistrate of the
District -

340 20

To
The Rev. A. F. Ammerer
with 2 Powers of Attorney
returned

Aug 18/9

Govt. of 1871

Plum

The Rev. of J. Amos

Dated Feb 17 }
 Recd. } 1-7, No. 38

Nos. 36-33.

returned the favor of
 attention & answered it
 the next m^o. I am
 now attending to
 my other duties.