M.R.O. 14—13,000—27. 9-24

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1813 Press ~~Mis.~~

77.78

Dated 4.. 8. 1865.

***Not to be folded or roughly handled***

No. 77. Read the following letter from F. LUSHINGTON, Esq., Accountant General, to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, dated Fort Saint George, 26th July 1865, No. 72:—

SIR,

1. I have the honor to forward herewith copy of a letter received by me from Messrs. Binny & Co., dated 21st instant, together with copy of a communication from the Board of Inland Revenue, addressed to Messrs. Finlay, Hodgson & Co., of the 16th June 1865, No. 3,295, annexed thereto, and under the circumstances therein detailed, I have the honor to request that you will be good enough to obtain a re-consideration of the opinion expressed by the Right Honorable the Secretary of State for India, in respect to the operation of the English Stamp Laws (Acts XVIII. of 27 Victoria, and LVI. of 27 and 28 Victoria) on Powers of Attorney for the receipt of interest unlimited as to amount, executed in the United Kingdom, and intended to be acted upon *in India*.

2. In his Despatch dated the 9th December 1864, No. 98, recorded in Proceedings of the Madras Government of the 17th January 1865, No. 38, the Right Honorable the Secretary of State remarked that Powers of Attorney of the kind referred to above should apparently bear a £1-10-0 Stamp, under the provisions of Act* XVIII. of 27 Victoria, inasmuch as Section 3 of Act LVI. of 27 and 28 Victoria expressly restricted the use of the 5 Shillings Stamp to Powers for the receipt of interest on Indian Promissory Notes, payable *by Bills of Exchange on the Governments of India, Madras, and Bombay.* This interpretation of the operation of the English Stamp Laws *in India* was concurred in by the Advocate General at this Presidency, whose opinion, dated 9th February last, is embodied in Proceedings of Government of the 25th March 1865, No. 170.

* For and upon any letter or Power of Attorney of any other kind £1-10-0.

3. In pursuance of these instructions, this Department has since taken objection to all Powers of Attorney of the above description which bore only a 5 Shillings Stamp, and has required a £1-10-0 Stamp to be affixed instead, and accordingly Miss L. Clough's Power† of Attorney, referred to in Messrs. Binny & Co's. letter annexed, when presented here for registry in March 1865, was returned to them for the higher Stamp under the above ruling. In reference to this requisition, Messrs. Binny & Co. have now submitted the communication from the Board of Inland Revenue hereto annexed, in which it is stated that the wording of the 3rd Section of Act LVI. of 27 and 28 Victoria, so far as it relates to India, was obtained from the Department of the Secretary of State, and that the said Board has been advised that the 5 Shillings duty is quite sufficient for such documents.

† Dated 17th December 1864.

4. Messrs. Arbuthnot & Co. of Madras also represent that the officials at Somerset House have not only expressed the above opinion, but have further declined to stamp such Powers of Attorney with a 30 Shillings duty, and that by the refusal of this Office to accept these documents without the 30 Shillings Stamp, great inconvenience will be felt by their constituents residing in England.

5. As I believe the Inland Board of Revenue is esteemed the chief authority for determining the value of Stamps to be affixed to legal instruments, I have deemed it necessary so far to accede to the representation of Messrs. Arbuthnot

& Co. and Messrs. Binny & Co. as to accept conditionally the Powers tendered by them with the 5 Shillings Stamp, pending the further decision of the Right Honorable the Secretary of State for India on the point at issue.

No. 78. ORDER THEREON, 4th August 1865, No. 1,813.

| Separate Revenue, No. 3. |
|---|
| *Stamps.* |

As the London Board of Inland Revenue are satisfied that the Stamp Law in England only require a 5 Shilling Stamp on Powers of Attorney to receive interest on Government Securities in India, the Government authorize the Accountant General to accept and act on such powers when presented to him, so far as any question of English Stamp duty is concerned.

(True Extract.)

(Signed) W. HUDLESTON,
*Acting Secretary to Government.*

To the Accountant General.
,, the Board of Revenue.
,, the Government Solicitor, for information of Advocate General.

Erd. S. T. Augustin.

Madras 21st July 1865

To,
The Accountant General
Fort St George

Sir,

With reference to the letter of the 12th April last from your Office in reply to ours of the 29th March, we have the honor to hand you herewith an original letter from the Board of Inland Revenue Somerset House to the address of Messrs Finlay Hodgson & Co, stating that the accompanying Power of Attorney from Miss L. Clough bears the correct stamp of 5/- This Power of Attorney you may remember was returned to us for the purpose of being stamped with a stamp of the value of £1-10. We trust that the explanation given in the Board's letter will remove the objection raised by you, and that you will now be prepared to accept the Power in question.

We are quite sure it is unnecessary for us to draw your attention to the great inconvenience and annoyance to which a correspondence such as this exposes us and our Constituents.

We have the honor to be,
Sir
your most Obt Servts
(Signed) Binny & Co.

Inland

Inland Revenue
Somerset House,
London, W. C,
16th June 1865

No 3295
65

Gentlemen,

The Board of Inland Revenue have had before them your letter of the 9th instant in regard to the liability of the accompanying Power of Attorney to additional duty.—

In reply, I am directed to acquaint you that the wording of the 3. Section of the 27 and 28 Victoria, Cap. 56 so far as it relates to India was obtained from the Department of the Secretary of State, and the Board are advised that the law which was enacted for that specific purpose does in effect beyond all doubt, make the Power of Attorney alluded to, liable only to the duty of 5/-

I am,
Gentlemen
Your Obt Servant
(signed) J. Sargent

Messrs Finlay, Hodgson & Co.

(True Copies)

W. H. Morden
Ag 2d Asst Solr

Compd & Pd

the communication from the Board of Inland Revenue hereto annexed in which it is stated that the wording of the 3 Section of Act 56 of 27 & 28 Victoria so far as it relates to India was obtained from the Department of the Secretary of State and that the said Board has been advised that the 5 shillings duty is quite sufficient for such documents.

4 — Messrs Arbuthnot & Co of Madras also represent that the Officials at Somerset House have not only expressed the above opinion but have further declined to stamp such Powers of Attorney with a 30 Shillings duty and that by the refusal of this Office to accept these documents without the 30 Shillings stamps, great inconvenience will be felt by their Constituents residing in England.

5 As I believe the Inland Board of Revenue is esteemed the Chief authority for determining the value of stamps to be affixed to legal instruments, I have deemed it necessary so far to accede to the representation of Messrs Arbuthnot & Co and Messrs Binny & Co as to accept conditionally the Powers tendered by them with the 5 Shillings stamps, pending the further decision of the Right Honble the Secretary of State for India on the point at issue.—

I have the honor to be,
Your most Obed Servt

F. Cruttwell
Accountant General

Ed. C. Gipson
Asst
C. Nagaruthnum

Received in England
by the Despatches of 11th Sept
Ext. Revenue

Rev. 209 of 65

Ans

Rec:d 17 January 1865 [illegible]-56-57
Inv Dep.
25 March a---41-42a

Reported to England
by 11th September No 11 of 65
Sep Rev

Rev: 1865 Department
Sec of Gov (Jud) Rec:
No 2094
From
The Accountant General
To
The Chief Secretary
to Government

Dated 26 July 1865
Rec'd 27

Ent.

No 813-1 Aug 65
No

Requests to obtain a reconsideration of the opinion of the Secretary of State for India, on the operation in India of the English Stamp Laws, under the within detailed representations of Messrs Arbuthnot & Co and Messrs Binny & Co of Madras.

With an order

No 77 & 78

No 1813.

as the London &
Westminster Bank
Limited pay that the Stamp
Laws in England only require
a 6 Shilling Stamp on Powers
of Attorney & Decrees in favor
of Creditors in India,
& Govt Securities in India,
& Govt authorise the Accept
Gen. to accept & act on such
Powers when presented & claim
to receive any question
of English & Stamp duty in
connection - [illegible]

62 Acct. Gen Deputy Asst to Gen Aug 1865,
16 Ad. Gen Rec'd
4 Govt Sec: to Govt of Mad: Gen: Dep: 27/5