M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 177 — Press / ~~Mis.~~

352-353

Dated 25-1- 1861.

Not to be folded or roughly handled

No. 352. Read the following letter from E. F. HARRISON, Esq., Accountant General, to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated 19th December 1860, No. 323.

SIR,

1. With reference to the Order of Government No. 1,831, dated the 10th October last, I have the honor to submit that on the 15th instant, Messrs. Bainbridge, Byard, Gair & Co. forwarded to me as Accountant General to the Supreme Court, a Power of Attorney executed in Calcutta by Major Thomas William Cooke and Mrs. Augusta Matilda Cooke his wife, authorizing them to receive the interest due upon a Government Promissory Note for Rupees 3,700, deposited in the General Treasury, and the interest which might become due hereafter upon the said note or upon any other security or securities in which the said sum of Rupees 3,700 may be invested, and requested an order on the Sub-Treasurer for the amount of interest which has accrued on the said Promissory Note.

2. Under the construction put upon the Stamp Act by the Government, the Power of Attorney executed by Major and Mrs. Cooke is a general one and should bear a four Rupee Stamp, but it appeared to me that the Power being for the performance of special acts (viz., drawing of interest) only, should be treated as a special Power and was sufficiently stamped with an eight Anna Stamp which it bore, and that I could not legally refuse to recognize and act upon it. I thought it therefore advisable to send the document to the Government Solicitor, and the Government will perceive from the enclosed demi-official letter from Mr. Boyson that the Advocate General considers the Power of Attorney sufficiently stamped with eight Annas duty which it now bears.

3. I have authorized the payment to Messrs. Bainbridge, Byard, Gair & Co. of the interest due upon the Promissory Note, thereby recognizing the sufficiency of the Power of Attorney produced by them, but as in doing so, I am apparently acting at variance with the decision of the Government, I deem it necessary to bring the matter to their notice and to solicit a reconsideration of the Order of the 10th of October last, No. 1,831.

Ordered that the following letter be despatched.

No. 353. From J. D. BOURDILLON, Esq., Secretary to the Government of Fort Saint George, to the Secretary to the Government of India, in the Financial Department. dated 25th January 1861, No. 177.

SIR,

1. I am directed to submit for the orders of the Supreme Government the following difficulty which has arisen in connection with Section 34, Schedule A of Act XXXVI of 1860.

2. The Superintendent of Stamps asked what rate of Stamp duty should be charged on Powers of Attorney to draw interest on Government Securities.

(1.) When the Power is so worded as to authorize the receipt of interest from time to time as it may become due on specific Securities, or on the Securities owned at the date of the Power by the person granting it, and

(2.) When the Power gives authority to receive interest on Government Securities general, extending to such as may be acquired after the date of the execution of the Power.

The Board of Revenue expressed an opinion that neither of the cases mentioned would require more than an *Eight Anna* Stamp, because in both "Special Acts" were authorized: a "General Power of Attorney" (rendering a four Rupee Stamp necessary) being, in their opinion, such as would enable the holder to "represent the Executor without limit as to the occasion."

3. This Government however considered* that the Eight Anna Stamp applied only to Powers of Attorney to do a certain act or certain acts, which being done, the Power is satisfied, as, for example, to receive interest on certain Bonds for one particular dividend or half year; but that when the act or acts are to be repeated from time to time, then the Power is general and becomes liable to the four Rupee Stamp: and under this view they regarded both the cases mentioned in the preceding paragraph as liable to the higher Stamp.

* *10th October* 1860, *No.* 1,831.

(2.) When the Power gives authority

4. The Accountant General has now* brought
notice the case of a Power of Attorney executed in Calcu
by a Major and Mrs. Cooke, authorizing a House of Age
here to receive the interest due, and hereafter to become due, upon a Government Promiss
Note for Rupees 3,700 deposited in the General Treasury, or upon any other Security or Securi
in which the said sum may be hereafter invested. This Power bears an *Eight Anna* Sta
which in the opinion of the Advocate General, demi-officially expressed, is sufficient, an
has in consequence been recognized by the Accountant General; though in accordance with
terms of the order of this Government, noticed above, it should have borne a four Rupee Sta

* 19*th December* 1860, *No.* 323.

5. An authoritative ruling in this matter being requisite, I am to request that such r
be obtained and transmitted as soon as practicable.

6. A similar question was asked by Telegraph on 29th September last, but the reply f
the Home Office did not clear up the doubt.

Dec. 15. 1860

19/17

My dear Harrison

I return the Power
of Attorney from which
and will forward to Mrs
Cambridge by an-
Lair Ship which you
will keep with me
this afternoon. The
Advocate General and
I have looked at it
in connection with the
Stamp Act and the

18 10 1877 Revue Dept.

No. 177.

To

The Secretary to the Govt. of India

Financial Dept.

Sir,

I am directed to submit for the orders of the Supreme Govt. the following difficulty which has arisen in connection with section 34. Schedule A of Act XXVII of 1860.

2. The Superintendent of Stamps has asked what rate of Stamp duty should be charged on Powers of Attorney to draw interest on Govt. Securities

(1) When the power is so worded as to authorize the receipt of interest from time to time as it may become due on specific securities, or on the securities owned at the date of the Power by the Person granting it, and

(2.) When the power gives authority

Copied Dispatch No. 25 dated

Considers it desirable stamped with Stamp duty which is now Rs. 1-4 but should be reduced to annas 12 as proposed.

Concurs

A Boyd

R. Harrison

authority to receive interest on Govt. Securities generally extending to such as may be acquired after the date of the execution of the Power.

The Board of Revenue expressed an opinion that neither of the cases mentioned would require more than an Eight Anna Stamp, because in both "Special acts" were authorized: a "General Power of Attorney" (rendering a four rupee stamp necessary,) being, in their opinion, such as would enable the holder to "represent the Executor without "limit as to the occasion".

3. This Govt. however considered that the Eight Anna Stamp applied only to Powers of Attorney to do a certain Act or certain acts, which being so done, the Power is satisfied, as, for example, to receive interest on certain Bonds for one

† 10th Act. 1860 & 1831.

19th Decr. 1860 No. 323.

4

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4. The Accountant General has now brought to notice the case of a Power of Attorney executed in Calcutta by a Mayor and Mrs. Cooke, authorizing a House of Agency here to receive the interest due, and hereafter to become due, upon a Govt. Promissory Note for Rupees 3,400 deposited in the General Treasury, or upon any other Security or securities in which the said sum may be hereafter invested. This

power

power bears an <u>Eight</u> anna Stamp, which —, in the opinion of the Advocate General, demi-officially expressed, is sufficient, and it has in consequence been recognized by the Accountant General, though, in accordance with the terms of the order of this Govt, noticed above, it should have borne a four Rupee Stamp.

5. An authoritative ruling in this matter being requisite I am to request that such may be obtained and transmitted as soon as practicable.

6. A similar question was asked by Telegraph on 29th Sept last but the reply from the Home Office did not clear up the doubt.

C J W

19/1/61

To Govt of India
Stamp duty on powers of attorney.

Comd

Fort St. Geo: 25 January 1861

of the interest due upon the Promissory Note, thereby recognising the sufficiency of the Power of Attorney produced by them, but as in doing so, I am apparently acting at variance with the decision of the Government. I deem it necessary to bring the matter to their notice and to solicit a reconsideration of the order of the 10th of October last, No. 1831.

I have the honor to be
Sir,
Your obedient servant
Accountt General

Cpy. I Teixeira

Copy Hyderabad

R-10th October/60 No 160
161

352-53

25-1-61

No 352.

Revenue 1860 Department
Pro: of Govt for January/61.
No 3008.

To The Accountt Generall
&
The Secretary to Govt
Revenue Depart

Dated 19th December 1860
Recd 20th December 1860

Sir

Stating that a Power of Attorney executed by Major J. W. Cookes at Calcutta and bearing eight annas stamp was sent to the Govt Sole for his opinion as to whether it could be accepted upon a Four Rupee Stamp should be required under order of Govt dated 10th October 1831 and that the Stamp Officer and the Advocate General are of opinion that the said Power is sufficiently Stamped with eight annas duly submit for the matter to the notice Govt and soliciting reconsideration of their order above mentioned

With an order

The Government Solicitor is requested to obtain and submit to Government a formal opinion from the Advocate General on the question involved in this letter.

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To The Govt Solicitor
with the G.C.

I would submit the Question to Calcutta
Not to our A.G.
J.M.

Copy Rtd