

T R E A S U R Y D E P A R T M E N T

WASHINGTON.

April 3, 1916.

Charles S. Hamlin, Esq.,
Governor, Federal Reserve Board,
Washington, D. C.

S i r :

In response to your communication of the 27th ultimo, enclosing copy of a letter from the Carter White Lead Company, West Pullman Station, Chicago, Illinois, you are advised that drafts, acceptances, overdrafts and post-dated checks, are not taxable under the Act of October 22, 1914, as promissory notes.

Your attention is invited to paragraph I of T. D. 2170, as follows:

(1) In view of the decision made by the Supreme Court of the United States in the case of the United States v. Isham (17 Wall, 496), that "the liability of an instrument to a stamp duty, as well the amount of such duty, is determined by the form and face of the instrument, and can not be affected by proof of facts outside of the instrument itself," this office is of the opinion that drafts, acceptances, overdrafts, and post-dated checks are not taxable under the above act as promissory notes, even though they are used in such a way as to perform some of the functions of a promissory note.

Respectfully,

DAVID A. GATES,

Acting Commissioner.