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Ecclesiastical

Final

(1899)

Department.

ORDINARY PRINTED.

G.O., No. 85

DATED 25-7-99

INDEXED.

6-6

[Despatch Abstract.]

Bills - Legislative

Coming to the H.C., the
Advocate Genl & the Senior Chaplain, Bishop
of Scotland, for opinion; letter from the Secy &
forwarding copies of a bill to provide for the
Incorporation of Kirk Sessions of the
Church of Scotland in British India, &
directing the publication of the bill, with
the statement of objects & reasons, in the F.S. &
gazette in English.

17/7/99

<i>Recd.</i>	}	1899.	<i>Enclosures</i>
<i>Regd.</i>			<i>Spare copies</i>

G.O., No. 85, 25th July 1899.

JULY.

Bills—Legislative.

Communicating to the High Court, the Advocate-General and the Senior Chaplain, Church of Scotland, for opinion, letter from the Government of India forwarding copies of a Bill to provide for the incorporation of Kirk Sessions of the Church of Scotland in British India, and directing the publication of the Bill, with the Statement of Objects and Reasons, in the *Fort St. George Gazette* in English.

GOVERNMENT OF MADRAS.

ECCLESIASTICAL DEPARTMENT.

READ—the following paper:—

From J. M. MACPHERSON, Esq., c.s.i., Secretary to the Government of India, Legislative Department, to the Chief Secretary to the Government of Madras, dated Simla, 15th July 1899, No. 1391.

I am directed to forward herewith forty copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this department with an expression of his opinion on the provisions of the Bill, and with the opinions of the Honourable Governor in Council may think fit to consult on the subject.

2. I am also to request that the Bill and Statement may be published in the Fort St. George Gazette in English, and that the date of publication may be communicated in your reply.

3. The reply to this letter should be sent in by the 15th September next.

ORDER—No. 85, Ecclesiastical, dated 25th July 1899.

Communicated to the Honourable the Judges of the High Court, the Honourable the Advocate-General and the Senior Chaplain, Church of Scotland, for favour of early opinion.

2. The Bill, with the Statement of Objects and Reasons, will be published in the Fort St. George Gazette in English.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Honourable the Judges of the High Court (with C.L.).
" Government Solicitor.
" Senior Chaplain, Church of Scotland.
" Superintendent, Government Press.

Ecclesiastical (1899) Department.

CURRENT No. 254.

From

The Govt of India,
Leg. Dept.

No. 1391

Order No. 85 of 25-7-99.

P.S.

Communicated to

The Hon. the Judges of the
High Court, the Hon. the
Advocate Genl. & the
Senior Chaplain Church
of Scotland. for favour
of early opinion.

2. The Bill, with the
Statement of Objects &
Reasons, will be published
in the Fort St. George
Gazette in English.

Dated 15

Received

Registered

Enclosures 2

Spare copies.

SUBJECT.

Forwarding copies of certain
papers as a bill to provide for
the Incorporation of Kirk
Sessions of the Church of
Scotland in British India,
with Stat. of Objects & Reasons.

Cd.
23.7.99.

24/7/99.

To the Hon. the Judges of
the H. Ct. with C.L.

Govt. Solicitor
Senior Chaplain Ch.
of Scotland
Superintendent, Press

Attd.

despatched
21/8/99

BACK PAPERS.

G.O.	No.	Department.	Date.
	86-7	Revenue	15.11.97 (abn)
	73	"	28.9.97 (abn)

FURTHER PAPERS.

G.O.	No.	Department.	Date.

A BILL TO

Provide for the Incorporation of Kirk Sessions of the Church of Scotland in British India.

Whereas there are in British India Kirk Sessions of the Church of Scotland which have been duly constituted to be Church Courts for ecclesiastical purposes in pursuance of Acts of the General Assembly of the Church of Scotland;

And whereas it is expedient that such Kirk Sessions and any others which may hereafter be so constituted, should be incorporated with the powers hereinafter provided; It is hereby enacted as follows:—

1. (1) This Act may be called the Church of Scotland Kirk Sessions Act, 1899.
Short title, extent and commencement.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. Every Kirk Session which has been, or may hereafter be, duly constituted to be a Church Court for ecclesiastical purposes in pursuance of an Act of the General Assembly of the Church of Scotland, is hereby declared to be, and the same shall be, a body corporate having perpetual succession and a common seal.
Scotch Kirk Sessions to be bodies corporate.

3. (1) Every Kirk Session constituted as aforesaid shall, as a body corporate, have power to acquire and hold any property which has been, or may hereafter be, vested in it for the purposes of the Congregation for which it has been, or may hereafter be, constituted, or of any trust which may have been or may hereafter be accepted by it, to transfer the same, to contract and to do all other things necessary for, or incidental to, the purposes of its constitution or of any such trust as aforesaid.
Power to hold and dispose of property.

(2) The signature of the Moderator and Treasurer for the time being of a Kirk Session constituted as aforesaid shall, if affixed on behalf and by order of the Kirk Session, be sufficient for all purposes for which the signature of the Kirk Session is required.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

A
BILL
TO

Provide for the Incorporation of Kirk Sessions of the Church of Scotland in British India.

(Mr. Raleigh.)

STATEMENT OF OBJECTS AND REASONS.

IN 1897 the Government of India were approached, through the Government of Bombay, by the members of the local Kirk Session with a memorial praying (1) that every duly constituted Kirk Session of the Church of Scotland in India should be declared (by legislation, if necessary) to be a corporate body with full powers as trustees to deal with all funds and other property vested in them, and (2) that an Act should be passed constituting the Senior Minister for the time being of the Presidency Church in each of the Presidency-towns a corporation sole for the purposes of the Church of Scotland in India.

2. The Government of India are advised that legislation is required to incorporate Kirk Sessions of the Church of Scotland, and they agree with the various Local Governments concerned and the Presbytery of Edinburgh and the Committee on Indian Churches, which have been consulted in the matter, in thinking that such legislation should be undertaken. There does not, however, seem to be sufficient reason for declaring Senior Chaplains of the Church of Scotland to be corporations sole. The Anglican Bishops in India are such, no doubt, by their Letters Patent; but the position of the Senior Chaplains of the Church of Scotland is essentially different, and neither Roman Catholic Bishops nor the dignitaries of other denominations are corporations sole. The present Bill, therefore, is confined to giving effect to the first part only of the memorial above referred to.

The 22nd June, 1899.

T. RALEIGH.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

ANNEXURE
TO

Bill to provide for the Incorporation of
Kirk Sessions of the Church of Scotland.
in British India.

(Statement of Objects and Reasons.)

CURRENT NO 254

No. 1391.

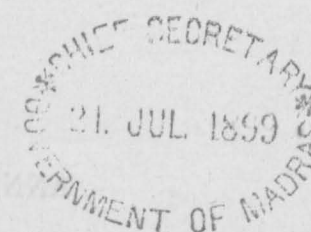
FROM

J. M. MACPHERSON, Esq., C. S. I.,

Secretary to the Government of India,
Legislative Department,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF Madras.



Dated Simla, the 15th July, 1899.

SIR,

I AM directed to forward herewith *forty* copies of the

A Bill to provide for the Incorporation of Kirk Sessions of the Church of Scotland in British India, with Statement of Objects and Reasons. papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this Department with an expression of his opinion on

the provisions of the Bill, and with the opinions of the Hon'ble the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

2. I am also to request that the Bill and Statement may be published in the *Port. St. George* Gazette in English, and in such other languages as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 15th September next.

I have the honour to be,

SIR

Your obedient Servant,

J. M. Macpherson
Secretary to the Government of India.

at to Press.

turned for signature.

spatched in print.

AD AGIN G.O., No.
190

DATED

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70

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Print in full.
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Q = Print heading only.