M.R.O. 1—30,000—16-10-29.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Judicial DEPARTMENT.

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|---|---|---|
| G.O. No. | 1537 | Press ~~Mis.~~ |
| 187-188 Dated | 24-10-~~12~~/1864 | |

3/3

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

## *Proceedings of the Madras Government, Judicial Department, 24th October* 1864.

No. 187. Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated 14th October 1864, No. 550.

I have the honor to acknowledge the Proceedings of Government noted in the margin, requesting the Advocate General's opinion as to the expediency or otherwise of Government's taking steps for securing the due appropriation by the Trustees of a Mosque at Tanjore of the consideration to be paid by Government for land belonging to the Mosque, and proposed to be taken for public purposes under Act VI of 1857.

Dated 3rd October 1864, No. 1443 A, Judicial Department.

2. I have submitted them for the consideration of the Advocate General; and

3. I now forward a copy of his opinion.

COPY—OPINION.

I do not think that Government ought to take any steps to secure the due appropriation of the money about to be paid for the purchase of the Mosque lands of Tanjore.

2. By Section 38 of Act VI of 1857, Trustees are expresly recognized as parties able to contract with the Government. The Government is not bound to see to the application of the purchase money. That is a matter purely between the Trustees and those whom they represent. If the purchase money is not duly appropriated, the *cestui qui trustent* have their legal remedy over against their trustees; Government incurs no liability: and it might establish an unfortunate precedent if Government, on the present occasion, were to seek to enforce the rights of those whom the Trustees represent.

(Signed) J. B. NORTON,
*Advocate General.*

*10th October* 1864.

(True Copy.)

(Signed) J. R. BOYSON,
*Government Solicitor.*

No. 188. ORDER THEREON, 24th October 1864, No. 1537.

Communicated to the Collector of Tanjore, who is requested to fill up the accompanying form of declaration to be issued under Section 9, Act VI of 1857.

(True Extract.)

*Chief Secretary.*

To the Collector of Tanjore, with Form.

Exd. T. Cartledge.

24 October 1864 Nr. 1537.
Communicated to the
Collector of Tanjore, who is
requested to fill up the
accompanying form of
declaration to be issued
under section IX. Act VI.
of 1857.

No. 546
3/10/64.
Nr. 1110. 1949

The Collector of Tanjore } 3 Letters 28 Nov
with forms. }