26-7-05 ✓
19-3-17 ✓
27-9-20 Block II ✓

[L. & M.
9,000-3-3-95.]

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1578 M x

DATED 30th September 1895.

x Vide G.O. 1579 M / 30-9-95
— 1220 M / 31-7-95

[Despatch Abstract.]

Leper Hospital.

Stating that it is open to the Municipal Council, Calicut, to make the payment of its annual contribution to the---under the Basel Mission, conditional, upon the conduct of the institution on non-sectarian lines.

C2822 Har
27/10

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cuo 3504 h/95							

806
1001
1629·8·2

NOTE FOR THE UNDER SECRETARY

Where's the opinion
of the A.G. called
for in the N.S.
20/6/95. It
does not seem to have
come yet. It
use making
[illegible] of a cha
Send a reminder

[illegible]
4/7/95

Office

Issue reminder as
directed and keep
this till the opinion
is received

5-VII

Please see C.N. 2
contains the Adv.

To

His Excellency The Right Honourable

LORD WENLOCK, G.C.I.E.

GOVERNOR OF MADRAS,

The humble Memorial of the undersigned
inhabitants of Calicut Town,

SHEWETH,

That by a resolution of the Municipal Council the Leper Hospital has been handed over to the management of the Basel German Mission.

2. That since its transfer to the Mission the Clergymen in charge of the institution has made it a rule that all its inmates should, both morning and evening, take part in prayers and attend the religious instructions conducted by one of the German Mission Catechists.

3. That three Roman Catholics who are treated at the Hospital having complained to the Vicar of the Roman Catholic Church, Calicut, of the interference with their religious convictions, the Vicar complained to the Chairman of the Municipality of the matter.

4. That his complaint was forwarded for remarks by the Chairman to Revd. E. Liebendorfer, the clergyman in charge of the Hospital, who, in reply, claims, that the hospital having entirely been given up by the Municipality "it is a private institution" and that "any interference with its management is therefore out of question."

5. That the Municipal Council apparently acquiescing in the contention put forward by Revd. Liebendorfer as to the private character of the Leper Hospital, passed a resolution expressing its inability to interfere in the matter of the complaint of the Vicar, notwithstanding the fact that in Revd. Liebendorfer's letter quoted above, it is admitted that morning and evening prayers are said in which the inmates of the Hospital are required to join.

6. That although Revd. Liebendorfer endeavours to treat such prayers as part of the diciplinary routine of every institution under christian management, yet considering that these prayers held by a Catechist are invariably accompanied by religious instructions, and considering also that the inmates of the Hospital consist of Hindus, Moppillas, and Roman Catholics there can be no doubt that the prayers and instructions are intended as means of proselytism.

7. That even if it were not so, yet in view of the stringent law of the Catholic Church forbidding its members from taking any part whatever in the religious rites, observances, or acts of worship of any body not in communion with it, to require Roman Catholics to join in the prayers of a Protestant sect is a grievous violation of the rights of conscience.

8. That under the circumstances set forth in paras 6 and 7 of this Memorial if the course objected to by the Memorialists is persisted in by the clergyman in charge of the Leper Hospital it can only have the effect of turning into the streets the three poor Catholic lepers who are now its inmates and for the future of shutting the door of the institution against all others of the Catholic persuasion.

9. That, further, the extravagant and quite unwarranted claim made by Revd. Liebendorfer as to the private character of the Leper Hospital and as to its being under the absolute control of the German Mission, will, if unquestioned, leave in the

hands of the Mission authorities the power to prevent Catholic priests from having access to such Roman Catholic patients of the Hospital as may need his ministration.

10. That in sanctioning the transfer of the Leper Hospital to the management of the German Mission the Government could never have contemplated that such transfer should operate prejudicially to the interests of an important section of the community of Calicut. The hospital was built a long time ago with public funds and has hitherto been solely maintained by the Government and the Municipality; and, even now, after the transfer to the German Mission, the Municipality contribute Rs. 200 annually towards its maintenance.

11. That Your Memorialists therefore humbly pray that the Government will pass the necessary orders to ensure the hospital being maintained as a public institution and that no rule be enforced therein which militates against the religious convictions of its inmates and prevents the public from applying for admission therein.

For which act of kindness, Your Memorialists shall, as in duty bound,

EVER PRAY,

R. Sani S.J.
Vicar Rom. Cath. Chaplain

J. S. a' Lomentat
C. Ivena
A. C. Kundasawmy
S. Jaganatthan Moodly
Wm. D'Lemos
M. C. D'Rosario
H. W. Rosario
John D'Conceicao
L. D'Rozario
Barboza
M. Rosario
Pascaud Netto
James Merrendez
Mathew Rozario
George Rozario
Simon Pereira

Antony D'Rozario
G. D'Rosario
D. D'souza
A. C. Lopez
H. Augustine
B. M. Peter
J. Simon
Barnabeu
Bastain Dsouza
Joseph P. Dsouza
Y. D'Silva
John Edward Dias
F. J. d'Cruz
F. Lopez
Thomas Monteiro
Arthur Monsurrate
H. C. Lopez
Frank Saldanha
E. Martins
L. D'Conceicao
F. Gonsalves
J. P. Meyers
A. D'Rozario

P. A. V. Barboza

Ign. Barboza

A. Rodrigues

N. P. Barboza

D. C. Barboza

J. P. Zaluy

P. V. D. Conceição

A. J. D. Conceição

Robr. Barboza

Th. Lacqueo

Juvence Rogerio

1/2808 M of 94

5

1

Father Sanis' complaint

On my return from Cannanore I was informed that 3 patients in the Leper Hospital are being compelled to attend prayers and religious instructions of the German mission, although such patients belong to the Catholic persuasion. The Padree told them that he will throw them out of the hospital, if they do not abide by the rules and that they will not receive any more Catholics unless they conform to their rules. If this be true, it is against law and consequently the Catholic community — myself at the head — will be compelled to resort to Government for redress. I can ascertain and send the names of the men tomorrow.

(Sd) L. Sani. S.J.
Vicar and Chaplain

16th July 94

Before me
(Sd) I. Varada Rao
Chairman

(True copy)

I. Varadarao
Chairman

6/

Calicut
17th July 94

Dear Sir,

With reference to my complaint of yesterday against the German missionaries in charge of the Lepers Hospital, I beg to add that some leprous moplas too are ready to complain before Government on the same subject and we shall avail ourselves of this. The names of our 3 catholic people are Antonee, Lorem and Catarina. When the Padre reproached them for having reported the matter to me through fear of being sent away from the Hospital they denied of having reported such a thing. So much for yours and their information.

With due regards.

Truly Yours
(Sd) Sami S.J.
Vicar & Chaplain

(True copy)

T. Varadan
Chairman

2/2506 M of 94

To,

The Chairman, Municipality
Calicut

From, E. Leibendoerfer. M. D.

Calicut, 17-7-94

Sir,

In answering the letter of Father Sami to you which you have forwarded to me yesterday, I wish to make the following remarks!

Father Sami seems to be absolutely ignorant of the following facts:

(1) that since May last the leper asylum had for want of funds and with the sanction of Government entirely been given up by the municipality.

(2) that considering the pitiful state into which these lepers were likely to come on account of this resolution, the mission stepped forward to take charge of the asylum

3) that this asylum has therefore ceased, to have any connection with Government, it being a private institution which almost totally is carried on with mission funds (Rs 1500); any interference with its management is therefore out of question.

The charges in complainants' letter as to compelling the Roman Catholics to change their religion &c are so utterly unfounded, that I don't think it worth while to answer them. The truth is, that Swami morning and evening prayers are carried on in the asylum, at which I insist that all inmates have to be present if possible a practice in an asylum under christian superintendence against which Father Sani will find it extremely difficult to show any valid grounds. This is the only Rule regarding religion on which I insist. The other rules, of which that letter speaks simply refer to toddy drinking, to wandering about in the streets at night, and other things, which most certainly will not be allowed any longer.

Should Father Sani not be satisfied with the above remarks, then he has full liberty to remove his 3 inmates from my asylum any time, he likes.

I have &c

(Sd) E. Liebendörfer M.D.
in charge of the Leper asylum

(True copy)

T. Varadarao
Chairman

Extract from the Proceedings of the Municipal Council Calicut at a meeting held on the 19th July 1894

x x x x x x

13) Read complaint dated 16th July 94 of Revd. Father Sani stating that 3 patients of the Catholic Persuasion in the Leper Hospital are being compelled to attend the prayers of the German Mission by the Missionaries in charge of the Hospital.

The municipality regrets its inability to interfere in the matter.

(Sd) T. Varada Rao
Chairman

No 96

True Extract forwarded to Revd. Fr. Sani for information with reference to his complaint dated 16th July 94.

T. Varadarao
Chairman

Municipal Office
Calicut 29-7-94

No. 1019/1894

MUNICIPAL OFFICE,
Calicut, 3-5 August 1894.

From
THE CHAIRMAN,
MUNICIPAL COUNCIL,
CALICUT.

To

Revd. Father L. Sani
Vicar and Chaplain, Calicut

Sir,

With reference to your letter dated 30th July 94, I have the honor to forward for your information copies of the two letters sent by you to me together with the other papers bearing on the subject of the 3 Roman Catholics patients in the Leper Hospital.

I have the honor to be,
Sir,
Your most obedient servant,
T. Varadaraj
Chairman, M.C.

5/2806

11/ Malabar Collector's Office.
Calicut November 7 - 1894.

f on Cu. 229/m of 94

Local & Municipal D
RENT No. 2806 M

From
H. Moberly Esq
ag Collector of Malabar

To,
The Hon'ble Mr J. F. Price
Chief Secretary to Govt.
Madras

Sir,

I have the honor to forward a memorial signed by certain Roman Catholic inhabitants of Calicut protesting against the way in which the Leper Hospital in Calicut is managed by Doctor Leibendorfer. I have made enquiries and found that it is not true that all inmates of the Hospital are requested to attend the religious instructions conducted by a Basel Mission catechist.

but are they required to take part in prayers?

2. In its order dated 21st March 1894, No. 370 M. Local and Municipal Government approved of the proposal to hand over the Leper Hospital to the Basel German Mission

with an annual Contribution of Rs 200 from municipal funds. I do not think that in these Circumstances, Government should interfere with the management of the Hospital. The Contribution from municipal funds is small, and the Basel German mission has to spend a large sum out of its own funds for the upkeep of the Hospital.

This makes no diffe
The Basel German m
either [illegible] the small
which it now receiv
from interfering with
circumstances of a
[illegible] of the

3. If Roman Catholic Lepers object to to go to the Basel mission Leper Hospital, they are at liberty to go to any other Hospital. They Contribute nothing towards the upkeep of the Basel mission Leper Hospital and have therefore no right to object to the way it is managed.

But there are no leper hospitals anywhere near.

I have the honor to be,

Sir,

your most obdt Servant

for ag Collector

Local & Municipal Dept
P.R. CURRENT No. 2806 M

From
The Colr of Malabar

To,
The Chief Secretary to Govt
L & Mul Depw
Madras

Dated Nov 6/1894
Desp d
Recd

CHIEF SECRETARY
10 NOV. 1894
GOVERNMENT OF MADRAS

Enclosures

Forwarding a memorial from certain Roman Catholic inhabitants of Calicut protesting against the way in which the Leper Hospital in Calicut is managed by the Basel Mission at Calicut

| For orders |

---

370 L 21-3-94

1250 L

Hon For orders

The Leper hospital was trans
Basel German mission with the appr
conveyed in para 4 (4) of G.O. 21st March
and the municipality contributes Rs
for its upkeep. It is submitted that as
contribution is paid from public funds,
authorities should not be permitted
with the religious convictions of any of th
The municipality may be required
a condition of the transfer and the conti
of its annual grant.

V.R
20/11/94

This seems a case where the Mission
is in the wrong and if he will
listen to reason the Munly
it is submitted to interfere. The
conditions if any on which the
leper hospital was handed over
to the Basel Mission are not
stated: possibly there were none,
but ~~[illegible]~~ if any action towards
resuming it is to be taken remains
to be seen. However it is a well
understood thing that in medical
institutions where buildings have
been made over and a grant
in aid is given, compulsory attendance
at prayers or attendance at them
as a condition of receiving medical
aid should not be allowed.
The Revd Mr Liebendörfer's letter
appears to be a narrow minded
overbearing production.
Again if the Munl Council cannot
resume the building a proceeding
which would doubtless throw the
hospital on their hands then
it can withdraw the aid which
it gives: this may possibly bring
the Mission to its senses

14/11 19/11 A 19/11 23/11

14

LOCAL AND MUNICIPAL DEPARTMENT.

Current No. 2806 M.

From

FOR ORDERS.

This seems to me a very doubtful case — I should like to know the conditions on which the building (and furniture?) were handed over; the value of the buildings & who paid that value & when — In short, a short history of the hospital shd be sent up.

27/11/94

With reference to H.M's note above, a statement of the case is appended:—

Note for Hon

Please see G.O. 1001 M from the Collector of Malabar which furnishes the information required by Hon. The records of the Govt office have also been examined and no additional information on the subject could be obtained.

V.R
23/3/95

Leper hospital – Calicut

2806 M

FOR ORDERS.

Hm

---

[28]

N.B.—The reply to this communication should be addressed to the Chief Secretary.

15

LOCAL AND MUNICIPAL DEPARTMENT.

CHIEF SECRETARIAT, MADRAS.

Ch. 2806 M

Memorandum.

Dated the 7th December 1894.

No. 1414

Reference:

The Collector is requested to furnish information on the following points:—

(1) ~~The~~ On what Conditions ~~on which~~ were the hospital buildings and their furniture ~~[illegible]~~ ~~were~~ handed over to the Municipal Council by the Govt. in 1872?

(2) ~~The~~ What was the value of the buildings & furniture ~~&c.~~ at that time? If

(3) ~~By whom was the value paid and when~~ Was any sum paid by the Council on account of them at that time or subsequently?

(4) ~~The~~ On what terms ~~on which~~ was the institution ~~was~~ transferred to the Basel Mission?

W. [illegible] (from Orders.)

To

The Collector of Malabar.

V.R. 7/12/94

Despd. 7/12

Leper Hospital Calicut

16/2806 M

exemption
ENO 3644 dt 7 9 85

Dept
20/2

Refee 1416/94

|pro memoria|

Office.

Issue this, & have a further search made in the office for any papers that may be available relating to the transfer of the two hospitals to the Council in 1872. Put up the original of G.O. 370 M / 21 3 94

W 6 12 94

Copy & despatch & return the papers done. Wy 6/12

Refee 7/12 Recd

Record dispatch 7/12

Please [illegible] 1646 [illegible]
9/28/10/91 ...

13/12

No. 78.

17

Calicut 26th July /72.

To

The Civil Surgeon
Calicut.

Sir,

As Government has directed the Calicut Municipality to take charge of the Civil Dispensary, Leper and Small pox hospitals, I am directed by the President to ask you to send me all accounts and other papers connected with the Dispensary and Hospitals.

I have &c.

Sd/. P. A. Cole
Honorary Secretary
M.C. Commission

(True copy).

Calicut Municipal Office. 4th March 95.

T. Varadachar
Chairman. M.C.

Wm

No. 36.

196

Calicut 30th July 1872.

From

The Civil Surgeon
Malabar.

To

The Honorary Secretary
Municipal Commission
Calicut.

Sir,

- 1. Account current.
- 1. Cash Book.
- 1. Letter File.
- 1. Cheque Book.
- 5. Receipts of Interests.
- 1. Subscription Book.

With reference to your No. 78 of the 26th Instant, I have the honour to forward herewith Certain Books (as per margin) in Connection with the Civil Dispensary.

2. There are properly speaking, no account Books or papers Connected with the Leper and Small Pox Hospitals. The monthly Expenditure Bill is made, and Submitted every Month.

(~~True extract~~)

I have &c.
(Sd) W. H. Roberts.
Civil Surgeon Malr.

(True copy)

T. Varadachar
Chairman

Kn

No. 184

Municipal Office
Calicut 4th March 1895

To,

H. Moberly Esqr
Collector of Malabar

Sir,

With reference to your Endorsement No. $\frac{348}{M}$ dated 28th February 1895 communicating Government memorandum dated 7th December 1894 No. 1414 on the subject of the Leper Hospital, I have the honor to furnish the information available in the Municipal Office

1. On what conditions, the Hospital buildings and their furniture were handed over to the Municipal Council by the Government in 1872?	No special conditions seem to have been laid down when the Leper Hospital was handed over to the Council in reference to G.O dated 19th August 1872 No. 1100. The Enclosed Copies of letter No. 78 dated 26th July 1872 from the Honorary Secretary

4

4

	Secretary Calicut Municipality to the Civil Surgeon Calicut and his reply thereto bears out my statement.
2 - What was the value of the buildings and furniture at that time?	No information is available.
3. Was any sum paid by the Council on account of them at that time or subsequently?	Nothing seems to have been paid by the Council on account of the building when the institution was vested in the Council. (vide Administration report of the Calicut Municipality for '72-'73 paras 16 and 17 embodied in G.O. No. 1896 dated 27th December 1873)
4 On what terms was the institution transferred to the Basel mission?	The building was handed over to the German medical mission with an annual contribution of Rs 200/ for the upkeep of the asylum. The Government in its order dated 21st March 1894 No. 270-M (Local and municipal) approved of the Council's proposals. So long as the Leper Hospital is maintained therein the Council has resolved not to disturb the possession of the mission.

I have the honor to be &c

Sir

Sd/. T. Varada Rao.

Chairman.

(True Copy)

Calicut
18-3-'95

for Collector

Refer Cir. 86/M of '95

Malabar Collector's office
Calicut 18th March '95.

Local & Municipal Dept.
CURRENT No. 1001 M

From,

H. Moberly Esq
Ag Collector of Malabar

To,

The Hon'ble Mr. J. F. Price
Chief Secretary to Government
Local & Municipal Depts
Madras.

Sir,

With reference to the official Memorandum from Government dated 7th December 1894 No. 1414, I have the honor to furnish the information therein called for as far as it is available in this office and in the Municipal office at Calicut.

1. On what Conditions were the Hospital buildings and their furniture handed over to the Municipal Council by the Government in 1872?	G.O. No. 1100 dated 19th August 1872 under which the Leper Hospital was transferred to the Calicut Municipality does not show that the buildings were handed over on any special Conditions.

2. What was the value of the buildings and furniture at that time?	Detailed particulars of the value of the buildings and furniture are not available. G.O. No. 1452 dated 20th September 1859 shows that the Leper and the small-pox hospitals were to be constructed at a cost of Rs 14600. The progress report of the P.W. Department for 62-63 shows that the estimated cost of the Leper Hospital was Rs. 7686-2-0 which I think may be adopted as the value of the building. No information is available as to the value of furniture given to the municipality.
3 Was any sum paid by the Council on account of them at that time or subsequently?	The Chairman's letter dated 4th March 1895 No. 184 (Copy herewith submitted) shows that the municipality did not pay any amount on account of the building, and furniture.
4. On what terms was the institution transferred to the Basel mission?	The Chairman's letter of 4th Inst referred to above shows that the institution was transferred to the Basel mission with an annual contribution of Rs 200, and with the building in which the Leper Hospital was located. These Conditions are specified in para 68 of the Chairman's letter embodied in G.O. No. 570 M / 21.3.94, and the terms were approved of by Government in para 4 (4) of the above G.O.

I have the honor to be 4
Sir,
your most obdt Servant

for Collector

Local & Municipal Dept.
CURRENT No. 1001 M.

Endorse 1414/94

25/

From

The Collector of Malabar

To

The Chief Secretary to Govt
L & Mcl Dept

Dated 18-3-95
Despd
Recd

CHIEF SECRETARY'S
20 MAR 1895
GOVERNMENT OF MADRAS

Encls

Subject—

Furnishing the information called for in Govt official Memorandum dated 7-12-94 No. 1414 regarding the Leper Hospital, Calicut.

22/3 A48/3

26/

L & M DEPARTMENT.

Currents Nos 2806 M
and 1001. M.

From

Dated 189

FOR ORDERS.

I have no copy of the Act of 1871, but I suppose it ~~contained a provision~~ ~~[illegible]~~ was to the same effect as S. 25 of Act IV of 1884, under which we could hardly resume the property — If there were an endowment which had been misused

x

740/1.7.64 Public.

1104/30.9.64 Public.

xx 365/22.3.69 Public

984/16.7.69 Public

we could probably recover it by civil suit — But in this case I can make out that there was no endowment — I don't see what can be done but reject the petition on the ground that we have no power to interfere — At the same time, I must say that I don't consider the action of the Municipality, in handing over this necessarily unsectarian hospital to missionary management, at all justifiable. Let the Hon. Mr. Grose see — Perhaps he may have some suggestion to offer

3/4/95

I don't think we could resume it.

Please see H.M.'s note dated 27.11.94 the first of the currents read above.

The Collector of Malabar was applied to for certain of the information asked for by H.M., & his answer is the 2nd current.

An estimate for Rs. 14.600 was sanctioned in 1859 for the Leper and the small pox hospitals. The marginal^x noted orders show that furniture & bedding & supplies were also provided for them from Provincial funds, & cost some Rs. 400.

The other^xx G.Os noted in the margin show that Rs. 4885 were spent in fencing the compound & removing huts that were too near the building.

The Collector says that the progress report of the D.P.W. for 62-63 shows that the Leper Hospital by itself cost Rs. 7686 & thinks that this may be taken as its value in 1872 when it was transferred to the Council. This seems sufficiently low, considering the facts above.

The Collector reports, & he seems to be right, that no conditions were attached to the transfer in 1872 of the Hospital to the Municipality.

G.O. dated 28.10.71. No. 1646 shows that Govt's chief idea was to ~~in~~ transfer~~ring~~ ~~it and other~~ all endowed institutions to the Council

hat could be so transferred, & to
make full use of the powers to the
in the new Municipal Act (Towns
provement Act. 1871.)

The Commissioners do not appear to
e paid anything to Govt. for the
ilding and furniture. The Collector
nds copies of the correspondence that
curred about the transfer, & these do
allude to any payment of the kind
de also G.O. dated 27.12.72. No. 1896.

Apparently the only condition
which the building etc. was transferred
the Basel Mission was that a
per Hospital should be maintained in

The small-pox Hospital which was
et at the same time as this Leper
spital is still in the hands of the
ouncil.

Orders are solicited on the first
the above currents

W. 25.3.95 29/3/95

D/1001 h

Basel Mission Leper Hospital at Calicut

Hm.

(for orders).

Submitted to the Hon Mr. Grose as directed in Hon. Mr. Bliss' letter.

Even this is not stated
WS

Could not the Municipality make conditions about continuing its annual grant?

JG 6/4

No. 26/

DEPARTMENT.

From

Dated

189 .

FOR ORDERS.

I don't know if it will suffice to invite the Munl. Comrs. to make the continuance of their grant conditional as proposed. Under the recent resn. of the G. of I. about Lepers, we shall have, I take it, to start Leper Hospitals at various places, of which this one at Calicut wd. no doubt be one. I think the best way will be to suggest to the Munl. Council that, in view of the orders of the G. of I., it should take steps to resume the possession of the Hospital from such date as may be convenient to the Mission — or, perhaps, first call for copies of the correspondence which took place between the Cr. & the Mission in regard to handing over the Hospital — we must be sure of our ground.

I haven't my books as yet, but if in the Munl. Act of '84, or in the Bill for amending that Act, there is no provision enabling Govt. to resume such buildings as these, at will, one must be inserted.

WS
17/4/95

Resubmitted to H.M. with reference to Hon. Mr. Grose's note dated 6.4.94.

May not the Municipality be advised to make the continuance of its annual grant conditional upon the institution being maintained on strictly non sectarian lines?

A copy of the Towns Improvement Act 1871 is put up

W. 8.4.95 9/4/95

1001 M

Dy/ E

Basel Mission Leper Hospital

at Calicut

AM ✓

(for orders)

C 17/4
R 18/4

30/

Memorandum. 560 / 26/4/95

Reference

The Collector of Malabar is requested to submit at as early a date as possible copies

all correspondence that took

place between the Calicut Munici-

pal Council and the authorities

the Basel Mission in regard to

the transfer of the Leper Hospital

by the former body to the latter.

(from orders)

CGT 18.4

19/4/95

Office

In returning the file please send up the orders of the Govt. of India referred to in the Hon: Mr. Bliss's note.

To

The Collector

of Malabar

Despd. 26/4/95

Note

The letter from the Govt. of India (C. No. 1274 M) was sent up to Ooty for disposal on the 30th April last. A spare copy is however now put up.

MR

connections, if any,

Leper Hospital Calicut

Copy of despatch — put up papers together. 22/4

[G. / 25.]
600—7-5-95.

31

Land &c. DEPARTMENT.

C. No.

FOR ORDERS.

The Leper Hospital at Calicut was handed over by Government to the Municipality and later by the Municipality to the Basel Mission. On the latter attempting to use it for proselytising purposes a difficulty arose about its resumption.

2. In his note dated 17.iv.95 on this subject (C. No. 1001 M.) H. M. says "I haven't any books as yet but if in the Municipal Act of 1884, or in the Bill for amending that Act, there is no provision enabling Government to resume such buildings as these at will, one ought to be inserted"

3. Sec 25 of Act IV of 1884 provides that "any hospital - - - - may by notification of the Governor in Council be vested in the Municipal Council.ˣ" And sec 15 of Act I of 1891 (General Clauses Madras) states that "where an Act confers a power to make any rules or bye-laws, or to issue orders, the power shall be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend

ˣ no alteration in this part of the section has been made by the amending Bill.

But Act I of '91 is of subsequent date to Act IV of '84 and under S. 12 — Chapter III which includes S. 15 cannot apply to anything done before Act I of 1891 under any previous Act. I think we must amend Act IV of 1884, but the Adv. Genl. may be asked whether my view is correct —
8/6/95

or vary the rules, bye-laws or orders."

4. If therefore the term 'order' can be held to include a notification of the kind contemplated in sec 25 of Act IV of 1884 no further legislation is necessary. But perhaps it would be well to have the Advocate General's opinion on this point before a final decision is arrived at.

1.VI.

I don't think that there can be any doubt as to the meaning of the term "order".
A reference to the A.G. seems unnecessary

7/6.

32

Necessity for amendment of sec 25 of Act IV of 1884 so as to enable Government to resume buildings etc vested in Municipalities

FOR ORDERS.

Note for H.M.

8/6
R10/6

Circn Clerk
Nevasin
10/6

Show to me please after return from the [illegible]

33

DEPARTMENT.

CHIEF SECRETARIAT, MADRAS.

Memorandum. No 830
20/6/95

~~Read the following~~

Section 25 of Act IV of 1884 gives the Governor in Council power to vest hospitals and certain other institutions by notification in a Municipal Council but says nothing about their resumption. The Government having decided that it is expedient for the power of resuming these buildings at will to be retained, the Advocate General will be requested to state his opinion whether, under the existing law, that power is included in the power to vest, or whether an amendment of the Act is necessary to confer it.

(Issue orders)

10.VI.

13/6/95.

To.

The Advocate General
thro' the Government Solicitor.

Despd 20/6/95

78-94
95

The

Amendment of sec 25 Act IV of 1884.

~~Amendment of sec~~.

C.S.

(from orders)

830
20.6.95

Extract from the Proceedings of the Municipal Council, Calicut at a Meeting held on the 17th January 1894

Present

T. Varada Rao Esquire – I.C.S. Chairman
A. W. Brown Esquire
[illegible] de Rozario Esquire
J. W. Barboza Esquire
G. Zachariah Esquire
M.R.Ry. R. Ramachandra Rao Avl. Rao Bahadur
" V. A. Krishna Menon Avergal
Revd. Dr. Leibendoerfer
M.R.Ry. M. A. Subramania Iyer Avergal
" O. Krishna Menon "
" Ookamachand Ramachand Sett "
" C. Perunooppan "
" T. Koyotti Hajee Avl. Khan Sahib
" M. O. Shankara Menon Avergal
" K. M. Gopala Panikkar "
" A. Chandu Nambiar "
" B. Ramunni Menon "

x x x x x x

2) Read revised estimate for 93-94 and Budget estimate for 94-95

x x x x

The Leper Hospital will be handed to the German medical mission who are willing to accept the management with an annual contribution of Rs 200/ and the building. x x x x x x x

(Sd) T. Varada Rao
Chairman

(True Extract)

T. Varadarao
Chairman

Municipal Office
Calicut 29th March 1894

To
The District Medical and Sanitary Officer Malabar

Sir,

The Council at its meeting held on the 17th January 1894 having resolved to hand over the management of the Leper Hospital to the German medical mission, I have the honor to request you will be good enough to hand over the institution to Revd Dr Leibendoerfer now in charge of the German medical mission.

A receipt of all the furniture bedding, utensils &c that will be handed to Dr Leibendoerfer may be obtained and forwarded to this Office.

I have &c

(Sd) T. Varada Rao

No 454
31-3-94

True copy forwarded to
Revd

Revd Dr Leibendoerfer with a request that he will arrange with the District Medical and Sanitary Officer to receive charge of the Leper Hospital.

(Sd) T. Varada Rao
Chairman

(True copy)
T. Varadarao
Chairman

Kn

No 498
13-4-94

Municipal Office
Calicut 11th April 1894

To

The Revd Dr Leibendoerfer
Calicut

Sir,

In continuation of this office no 454 dated 31st March 1894, I have the honor to inform you that Government in its order no 370 dated 21st March 1894, has approved of the Council's proposal to hand over the Leper Hospital to the Basel German Mission with an annual contribution of Rs 200/ and to request that you will be good enough to take charge of the hospital from the District Medical and Sanitary Officer as already intimated to you.

I have &c
(Sd) T. Varada Rao
Chairman

True copy
T. Varadarao
Chairman

Kn

48/ Calicut 16th April 1894

To,

The Chairman

Municipal Council

Calicut

From,

Revd E. Liebendorfer M.D.

Calicut

Sir

I have the honor to acknowledge the receipt of No 498 and copy of your letter ~~of your letter~~ to the District Medical & Sanitary Officer Malabar on the subject of handing over the charge of the Leper asylum to the German Medical Mission.

As it is however absolutely necessary, to effect many repairs and improvements on the building, which is in a rather decayed state, I request you to be good enough to let me know, whether this building may be considered as the property of the mission, as long as the mission maintains it as a

Leper asylum –

According to a rough estimation, I see that there will be an expense of over Rs 1000/ per annum for diets alone excluding repairs, medicines, establishment, beddings &c. &c. In consideration of this large expense, I request you kindly to order a municipal scavenger to conserve the premises free.

As there was no medical officer in the Station, and as I in the course of this week shall have to go away to the Hills on account of failing health, I am sorry to say I shall only be able to take charge of the institution on or about the 20th of May.

I have &c
(Sd) E. Leibendoerfer
(True copy)
T Varada Rao
Chairman

— 442 / Municipal Office
Calicut 16th April 1874

To
The District Medical & Sanitary Officer Malabar

Sir

In continuation of this office No. 496 dated 13th instant, I have the honor to inform you that Dr. Leibendoerfer informs me that he will not be able to take charge of the Leper asylum till the 20th of May next. I request therefore you will be good enough to continue the present establishment till the asylum is formally handed over to him –

I have &c
(Sd) T. Varada Rao
Chairman

True copy forwarded to Revd. Dr. Leibendoerfer for information with reference to his letter

Dated 16th April 1894—

(Sd.) T. Varada Rao

Chairman

(True copy)

T. Varadarao.

Chairman

44

Extract from the Proceedings of the Municipal Council, Calicut at a Meeting held on the 21st April 1894

Present

T. Varada Rao Esquire. I.C.S. Chairman

A. W. Brown Esquire

M.R.Ry. T. M. Appu Nedungadi Avargal

B. de Rozario Esquire

M.R.Ry. O. Krishna Menon Avargal

" K. M. Gopala Panikkar "

" " P. Sankara Menon "

Loothamachund Ramachund Sait Avl.

" M. A. Subramania Iyer ——— "

" B. Ramunni Menon "

" A. Chandu Nambiar "

× × × × ×

4) Read letter dated 16th April 1894 from Revd. Dr. E. Leibendoerfer stating that he shall be able to take charge of the Leper Hospital only on the 20th of May next and requesting to be informed whether the building may be considered as the property of the mission as the mission maintains it as a Leper asylum and whether a

municipal scavenger be ordered to conserve the premises free in consideration of a large expense that will have to be incurred for the upkeep of the institution.

The building in which the Leper Hospital is ~~[illegible]~~ located will be handed to the Mission. So long as the Leper Hospital is maintained therein, the Council will not disturb the possession of the Mission –

(Sd) T. Varada Rao
Chairman

(True Extract)

T. Varadarao
Chairman

1629

Jk

46/

List showing the articles belonging to Municipal Leper Hospital Calicut –

Consecutive No	Articles	Nos
1	Almirah wooden	1
2	Chair	1
3	Table	1
4	Cots wooden	24
5	Tubs wooden for bathing	4
6	Tubs wooden small for water	2
7	Do —— for latrine	2
8	Pestle and mortar Brass	1
9	Copper pots for cooking	2
10	Do for boiling water	1
11	Copper water pots. (totally spoiled & useless)	2
12	Copper bucket	1
13	Tin plates	25
14	Tin pots	26
15	Tin spoons.	25
16	wooden Nulleys large	3
17	Do small ——	10
18	Scales & weights large.	1
19	Lanterns (spoiled)	5
20	mammutty (useless)	1
21	Grinding stone	1
22	Female mundoos } worn	3
23	male mundoos } worn	18
24	Cumblies (worn out)	25
25	mats (useless)	23.

Calicut }
28-5-94 }

(Sd) J. J. Srinivasa Pillay
Ag Asstt Surgeon in charge

(Sd) E. Liebendorfer M.D.
Medical Mission

Remarks. All the above articles are more or less broken and spoiled –

(Initialled) E.L.

(True Copy)

T. Varadarao
Chairman.

Jk

162 of [illegible] 96

47

Office of the District Medical and
Sanitary Officer Malabar
Calicut 28th May 1894

No. 162

From,

The Assistant Surgeon in charge
of Office of District Medical and
Sanitary Officer Malabar

To,

The Chairman
Municipal Council
Calicut

Sir,

With reference to your letter No. 454 dated 31st March 1894, I have the honor to inform you that I have this day handed over charge of the Leper Hospital Calicut to Revd. Dr. Leibendoerfer.

2 List of articles belonging to the Hospital and handed over to him is herewith forwarded.

I have &c
(Sd) T. G. Srinivasayan Pillay
Ag Assistant Surgeon in charge

(True copy)

T. Varadarar
Chairman

No. 112

[illegible]

Calicut 28th [illegible] 1894

From

The Assistant Surgeon in charge [illegible]

To

The Chairman
Municipal Council
Calicut

With reference to your Letter no. 447 dated 31st [illegible] 1894 I have the honor to inform you that I have this day taken over charge of the Leper Hospital [illegible]

48

Malabar Collector's Office

Reforml. $\frac{146}{m}$ 895 Calicut 14th May 1895

From,

H. Moberly Esq
Ag Collector of
Malabar

To,

The Chief Secretary to Government
Local and Municipal Depts
Madras.

Sir,

With reference to Official memorandum from Government dated 26th April 1895 No. 560 I have the honor to forward herewith for the information of Government copies of all correspondence that took place between the Calicut Municipal Council and the authorities of the Basel Medical Mission regarding the transfer of the Leper Hospital by the former body to the latter.

I have the honor to be
Sir,
Your most obdt Servant
T. Varadarao
For Collector.

E.H.
O.O.

Local & Municipal Dept.
No. CURRENT No. 1129 M. PR.

From,

The Collector
of Malabar

To,

The Chief Secretary
to Govt. L. & Mul. Depts.
Madras

Dated 14/5/95
Despd 15/5/95

Recd 17 MAY. 95

No. 9

Enclo - 8

Forwarding for the information of Govt. copies of all correspondence that took place between the Calicut Mul. Council & the German Mission regarding the Leper Hospital at Calicut.

2216.

$\left[\frac{G}{25}\right]$
600—23-7-95.

50/

L & M Department.

C. No.

FOR ORDERS.

It is submitted that orders require to be passed on current 2806. M. in G.O. $\frac{1220 M.}{31.7.95}$ — Govt. cannot resume the institution as the law now stands, but it may either

① decline to interfere with the conduct of the hospital by the mission, or

② the Munl. Council may be advised to make the payment of its annual contribution of Rs. 200 conditional upon the conduct of the institution upon non-sectarian lines.

JS
2/9/95

W.C.W. 2.9.95

JS
20/9/95

CS/ Read Corrt. 2806.M.

again O.M. 1414 / 7.12.94

Current 1001.M.

again O.M. 560 / 26.4.95 + 830 / 20.6.95

Currents 2203 M. + 1629/M

again G.O. 1220 M. / 31.7.95

(shortest purports possible of these to be copied. No need to show what A. Genl. said, but merely that references to him were made.)

Order. 30-9-95. No. 1578 M.

If the Council disapproves of the religious instruction given to the lepers at the Leper Hospital which has now been transferred to the Basel Mission, it is open to it to make the payment of its annual contribution to the institution conditional upon the conduct of matters therein upon non-sectarian lines.

(for orders)

P.S.O. 25/9/95

To Collector of Malabar
- C.M.C. Calicut. P.S.O.

Desp. 5/10/95

2715

Leper Hospital
at Calicut

FOR ORDERS.

C 26/9
23/9

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given for copying
copied
examined
signed
189 .

again G.O., No. 189 . DATED

ent No.

Enclosures to C. No.

Order of Government .. .. .. A A A A A A A

Letter of Government.

Statement with ditto.

Papers not filed up, being meant for despatch in original.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.