Recette Department

N° 19

Dates 5 — 1 — 1859

KK

No. 9. Read the following letter from C. F. CHAMIER, Esq., Acting Register to the Court of Sudder Udalut; to W. H. BAYLEY, Esq., Acting Secretary to Government; dated Madras, 11th December 1858, No. 124.

SIR,

1. In reply to Extract from the Minutes of Consultation under date the 18th Ultimo, forwarding for the Court's opinion copy of a petition presented by certain Protestant Missionaries to the Legislative Council, praying for the repeal of such laws as place endowments for the support of Mosques, Hindu temples, and Colleges, under the superintendence of Government Officers, I am directed by the Judges to state that they consider the prayer of the Petitioners a reasonable and proper one.

2. The Judges observe that the repeal of Regulation VII. of 1817, of the Madras Code has been more than once contemplated; the Sudder Udawlut having at the requisition of the Government laid before them a draft Act for the purpose on the 22nd September 1842, and reported favorably on the 24th September 1846, upon another draft of the same description prepared in Bengal.

3. The protection of the ordinary tribunals is, in the opinion of the Judges, all that is needed in the case of the trusts in question; and they see no reason for the special interposition of the Officers of Government for the safeguard of the interests involved therein. Such, indeed, is the position in which they have already been placed by the effect of the Revenue Board's Circular of the 24th June 1841, and the decree of the Sudder Udalut in the matter of Kassyvassy Kristna Putter versus Vangala Shangaranat Josser, published at page 39 of the Sudder Decisions for 1858.

4. The Judges consider that, if an act be now passed for the repeal of Regulation VII. of 1817, measures should be supplied to the communities interested in the trusts, for appointing Managers thereof, and exercising the needful supervision over them. They feel they cannot do better than recommend the adoption of the rules, towards these ends, provided in the draft Act from Bengal, to which they have above alluded. It was then proposed that the Government might appoint committees of natives, with authority to supervise the affairs of the trusts and fill up vacancies in their own bodies; that these committees might appoint Managers wherever the Government might have hitherto made such appointment, or where no one had a title by inheritance or custom to succeed, or where there might be no patron with power to nominate; that the trustees (however nominated) should be held accountable to the committees; and that where the committees might have to take legal measures against the trustees, or for recovery of property due to the trusts, such suits might be carried on, in the first instance, free of charge to the committee.

5. The Sudder Udalut, at the time of reporting on this Act, proposed that the committees should be appointed only on applicatio to be made to the Government. It might, the Judges think, be left to the Government to determine whether any who might make such application sufficiently represented the interests of the trust to justify their proceeding to interpose in the manner contemplated at their in ce.

No. 10. ORDER THEREON, No. 19; dated 5th January 1859.

Ordered to lie over until the receipt of the report of the Board of Revenue on the same subject.

(Signed) W. H. BAYLEY,
Acting Secretary to Government.

Cont: 23d Nov/58 N: 21 & 22.
" 28th June/50 " 3 to 7.

Copy in a Letter to England
of 25th January/61 No. 17.

13/3/61

From the Secy. to the Bd. of Rev.
of 16th April/59 & No. 579 in
Rev. 13 Sept/60 - Rec. 1586

12-12-18

12-2-19

Copy to the Govt.
of India
13 Sept/60.
No. 9 & 10. Rec. 1587.

C21 Dec. 23 Jany.

Revenue
Judicial / Separate Departt.
Dated 11th Jany: 59.
No. 1937.

From
The Acting Registrar of
the Sudder Dewanee Adawlut

To
The Acting Secretary
to Government

Dated 11th December 1858.
Rec'd 14th
No. 19. 5th January 1859

Submitting the opinion of the Sudder Dewanee Adawlut on the Petition presented by certain Protestant Missionaries praying for the repeal of such laws as place Endowments for the support of Mosques, Hindoo temples & Colleges, under the superintendence of Govt. officers with an order

No. 19.

Ordered to lie over until the receipt of the Report of the Board of Revenue on the same subject.

W H S

Fort St. Geo. -
5th January 1859.