M.R.O. 14—13,000-27-6-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1944 Press ~~Mis~~

260 . 261

Dated 22—10. 1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 22nd October 1864.

No. 260. Read the following letter from H. G. PRICHARD, Esq., for Government Solicitor, Madras, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 10th October 1864, No. 539:—

SIR,

Dated 27th September 1864, No. 6,311.

1. The Board of Revenue having by their Proceedings noted in the margin, furnished me with the further information asked for in my letter of the 9th of July last, No. 392, relative to the legality of the proposed transfer of the Tanjore Pagodas to H. H. Kamakshi Bayi Sahiba, and the operation of Act XX of 1863 upon certain institutions founded for the purpose of teaching Vedas to Brahmin boys, I have submitted it together with the former papers relating to the matter for the further consideration of the Advocate General, and

2. I now forward a copy of his opinion.

COPY OPINION.

1. After perusing the further information afforded by the Collector of Tanjore in his letter to the Board of Revenue, dated 6th August 1864, No. 263, I am of opinion that the Tanjore Pagodas referred to in paragraph 14 of the Proceedings of Government of 29th June 1864, No. 1,104, ought not to be transferred to H. H. Kamakshi Bayi Sahiba. I agree with the Collector of Tanjore in his 2nd paragraph as to the proper and legal mode of disposing of them under Act XX of 1863.

2. I do not think that the Padakasalais are necessarily to be treated as schools instituted for an exclusive religious education. It is true that they appear to have been originally founded for the benefit of Brahmins, and that only the Vedas should be taught in them. But at the date of their foundation probably the education of other classes than that of Brahmins was very little thought of, and little else than the Vedas was imparted to them. But it does not appear that those taught there had any obligation to devote themselves to the priestly office. They are at liberty, if I understand the Collector correctly, to choose any secular calling, at the end of their curriculum. Further, the term Padakasali, as I learn from the Proceedings of the Board of Revenue, is applicable to any education of a superior class.

3. I fully agree with the Board as to the expediency of applying these funds to more general educational purposes if it could be done legally. But upon the best consideration I can give the matter, I have come to the conclusion that it would not be safe so to deal with these funds.

4. It appears from paragraph 11 of the Collector's letter of 20th August 1863, No. 5,181, that one of these schools was founded so far back as 170 years ago by the Rajah Sahagi, and the other 70 years ago by a private individual, Govinda Dikshit, "for the express purpose of teaching "the Vedas to Brahmin boys."

5. Those institutions thus founded, he goes on to say, are managed by the Government *in trust* for the original founders.

6. The Government then holds these funds with a trust impressed upon them; and so long as the original objects of the trust can be carried out, I am of opinion that the funds cannot be appropriated to any other object than that to which the founders expressly dedicated them.

7. If the Government were to divert these funds from their specific object, and seek to apply them to general educational purposes, or rather to alter the character of these schools, by introducing into them a general in lieu of a special description of education, the representatives of the founders or the community interested in maintaining the original character of the charities would, in my opinion, have a good cause of action against the Government, and might obtain an injunction restraining the application of the charity funds from other than the express objects of the trusts.

Proceedings of the Madras Government, Revenue Department, 22nd October 1864.

8. Under these circumstances I advise that the Padakasali funds be handed over to the Committee appointed under the Act. Such Committee will of course be responsible for the due administration of the charities.

6th October 1864.

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

(True Copy.)

(Signed) H. G. PRICHARD,
For Government Solicitor.

No. 261.

ORDER THEREON, 22nd October 1864, No. 1,944.

Miscellaneous.

Ordered to be communicated to the Board of Revenue for their information and guidance, with reference to paragraphs 14, 16 and 17 of the Proceedings of Government, dated 29th June 1864, No. 1,104.

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

To the Board of Revenue.
„ the Government Solicitor.

Exd. S. T. Augustin.

No. 1944. ✓

Ordered to be communicated to the Board of Revenue for their information and guidance with reference to paras. 14, 16 and 17 of the Proc: of Govt. dated 29th June 1864 No. 1104.

Fort St. George
22d. Octr. 64

14 Bd. of Revr. Dispd. 25 Octr.
4 Govt. Solicitor ✓ 31/4

Pro 29. June/86. 1346-47
" July — 233-233
Mis. 3 October — 3.

27-8-86

18/11 ✓

8/2/12

Rev. 3 Oct 1886 Delt
N. 2672.

From The Govt Sol. Madras.

To The Secy to Govt. Madras.

Dated 10th } October
Recd 11th }

No. 539.

one enclosure

No.

Forwards Copy Advocate Generals opinion relative to the legality of the proposed transfer of the Tanjore Pagodas to H. H. Ramakshi Bayi Sahiba, and the operation of Act XX of 1863 upon certain institutions founded for the purpose of teaching Vedas to Brahmin Boys.

I have &c

Secretary

No. 260 & 261.

C 15 Oct/86 Rep.