M.R.O. 14—13,000—57-0-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 26 Press Mis.

69. 50

Dated 8 —1— ~~19~~ 1864

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 8th January 1864.

No. 49. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Madras, to J. D. SIM, Esq., Secretary to Government, Revenue Department, dated Madras, 31st December 1863 :—

SIR,

11th September 1863, No. 1,692, Revenue Department.

1. I have the honor to acknowledge the receipt of the Proceedings of Government under the date noted in the margin.

2. It is nowhere stated in the papers laid before me, when the endowments referred to were made by the Rajahs of Vizianagrum. If after the 30th of September 1817, I am of opinion the Regulation VII of 1817 is inapplicable.

3. Assuming the endowments were made prior to the 30th of September 1317, I am of opinion that unless a conveyance of the lands given in endowment were executed by the Rajahs, it was merely the "general superintendence of such lands that vested in the Board of Revenue" under the operation of that Regulation, and that the land itself did not pass to, or become vested in, the Board.

4. From the language used in Section 4 of Act No. XX of 1863, it may be inferred that the Legislature contemplated that in some cases lands given in endowment would or might be vested in the Local Government; for it is enacted that the Local Government shall transfer all the landed or other property which should be under the superintendence of the Board, &c.

5. In the case now under consideration, I infer that the Rajahs of Vizianagrum have never conveyed the lands to any person, but have retained the lands and the management thereof, in their own hands, and have themselves appropriated the rents and profits arising from such lands for charity purposes; assuming that the foregoing inference is correct, I am of opinion the Local Government could not transfer the lands; because the legal estate therein was never conveyed to, and never became vested in, the Government or any of its Officers; and if any Deed purporting to convey the lands were executed it would be totally inoperative.

6. Under the provisions of the Act No. XX of 1863, I do not consider any step is necessary with regard to the case now under consideration.

No. 50. ORDER THEREON, 8th January 1864, No. 26.

Communicated to the Board of Revenue.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

Lands were executed it would be totally inoperative.

6 Under the provisions of the Act No 20 of 1863 I do not consider any alteration necessary with regard to the Case now under Consideration

I have the honor to be
Sir
Your most obedt Servt
W. W. Lake

Lieut. Pilcher Bradley

Pro: 11th September/63 - 1464 - 1

18-1-11

29-1-14. B.1

No. 49 & 50

Pro: 1864 Oct.

Pro: of Govt for Jany/64

No. 17.

From Dale Esqr. the Govt. Solr. Madras.

Dated 31st. Decemr/63.

Recd 4th. Jany. 1864.

No. 26.

Communicated to the Board of Revenue.—

Fort St. George 8th. January/64.

A Cossitt Lt. & Bd of Revt. Capt. & Secy.

No. 26. 8th Jany.

Giving his opinion on the question of the Collr of Vizagapatam whether the General Statutory Superintendence exercised by the Board of Revenue over Religious endowments should be formally transferred to the present Managers according to the recent enactment.

William Rider

5 Jany/64 RC