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# MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.  
B.P. No.

495

Press  
Mis.

Dated 24. 4. 1874 196 .

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,  
24th April 1874.*

No. 182. Read the following letter from H. G. PRICHARD, Esq., Government Solicitor, Madras, to C. G. MASTER, Esq., Acting Secretary to Government, Revenue Department, Ootacamund, dated Madras, 15th April 1874, No. 204 :—

I HAVE the honour to acknowledge the receipt of the Order of Government, dated 18th March 1874, No. 362, Revenue Department, together with its enclosures, requesting the Advocate-General's opinion as to whether the endowment of certain Cazy Inam village in the Kistna District falls under the provisions of Act XX. of 1863.

2. I submitted the matter for the consideration of the Advocate-General, and I now forward herewith a copy of his opinion, and return the enclosures which accompanied the above order of Government.

OPINION.

THE subject of this reference is a village in the Kistna District granted as Inam for the service of Cazy ; and the question is whether it fell within the scope of Act XX. of 1863, so as to justify the transmission of its title-deeds to a Committee appointed under that Act.

2. The object of Act XX. of 1863 is stated in the preamble to be to relieve the Board of Revenue and local Agents of the duties imposed on them by Regulation VII. of 1817, so far as those duties embrace the superintendence of lands granted for the support of mosques or Hindu temples and for other religious uses, the appropriation of endowments made for the maintenance of such religious establishments, and the appointment of trustees or managers thereof ; or involve any connection with the management of such religious establishments. Section 1 then repeals so much of Regulation VII. of 1817 as "relates to endowments for the support of mosques, Hindu temples, or other religious purposes;" and Sections 3 and 7 provide that, in the case of every mosque, temple, or other religious establishment to which the provisions of Regulation VII. of 1817 were applicable and the nomination of the trustee, manager, or superintendent whereof was, at the time of the passing of the Act, vested in or subject to the control of Government or any Government official, the powers of the Board and local Agents should be re-placed by those of a local Committee.

3. It seems to me clear that a grant of land for the maintenance of Cazy was of such a nature as to fall within the scope of Regulation VII. of 1817, and that the superintendence of it would, by Section 2 of that Regulation, be vested in the Board of Revenue. The only doubt, in my opinion, is whether such a grant of land ought to be regarded as falling within the class of "endowments for the support of mosques, Hindu temples, or other religious purposes," and so within the scope of Act XX. of 1863.

4. The extent of the two enactments is different. Regulation VII. of 1817 extended to all public endowments, Act XX. of 1863 only to those of a religious nature, and Section 21 makes express provision for cases in which an endowment has been made for an establishment partly of religious and partly of a secular

*Proceedings of the Madras Government, Revenue Department,  
24th April 1874.*

character, and retains so much as refers to secular purposes under the control of the Board.

5. It does not appear to have been considered that Act XX. of 1863 had the effect of vesting the appointment of Cazies in Committees created under Section 7, inasmuch as Act XI. of 1864, reciting that it is inexpedient that the appointment of Cazy should be made by Government, proceeds to repeal the enactments under which such appointments had till then been made. From this, I think, it must be inferred that the Legislature in 1863 and 1864 did not consider the office of Cazy (notwithstanding that some of the Cazy's duties are of a religious nature) in the light of "a religious establishment," or an endowment for the support of that office as falling within the scope of Act XX. of 1863. From this it follows that endowments made for the support of the office are still vested in the Board as other endowments of a secular nature under Regulation VII. of 1817, and consequently ought not to be dealt with by a Committee created under Act XX. of 1863.

15th April 1874.

(Signed) H. S. CUNNINGHAM,  
*Advocate-General.*

No. 183.

ORDER THEREON, 24th April 1874, No. 495.

Miscellaneous.

UNDER the opinion expressed by the Advocate-General, the Right Honourable the Governor in Council resolves to direct that the title-deed be given to the persons who were actually in possession of the Inam when it was settled by the Inam Commissioner, as suggested in paragraph 8 of Mr. Hunter-Blair's letter, recorded in G. O., 18th March last, No. 362, Revenue Department.

(True Extract.)

(Signed) C. G. MASTER,  
*Acting Secretary to Government.*

To the Board of Revenue.  
,, the Inam Commissioner.  
,, the Government Solicitor.

Exd. F. R. Bantleman.

18327

Official Memorandum

Read Petition No 122 of 1872, presented by Pateha Sahel &c, sons and other relatives of late Mahomed Sahel, the Carg of Aganavil Jahajis, Kistna &c.

With reference to the letter from this office, dated 16 October 1871, 20755, and the Inam Commission's Proceeding which accompanied it, the undersigned observes that Act XX of 1863 does not apply to Endowments made for the services of Jain or Parsi Carges, that therefore the delivery of the Title Deed, issued for the Carg Inam to the Inland Committee subsisting under that Act, was an error. The Act chiefly applies only to those religious, or charitable institutions, as were governed by Regulation VII of 1817, and the services of a Carg were never superintended by the Board under that Regulation. Under these circumstances, the

24.4.1874

Govt. of 1874 Mysore.

REVENUE.

To

THE BOARD OF REVENUE,

Secy, Secy, Secy.

Dated April 24th.

Recd.

Encl.

G. O. 24th April 1874, No. 495.

APRIL.  
Nos. 182-183.

Certain Carg Inam Village in the Kistna District.—Directs delivery of the title-deed of — to the persons who were in actual possession of the Inam when it was settled by the Commissioner.

the undersigned intends to lay the matter  
before Government and obtain their  
orders for the disposal of the Inam.

In the meantime, the Collector is  
requested to receive the Title Deed  
delivered to the Brahmin Committee  
and forward it to this office.

2. The Collector is also requested  
to report who is, at this moment, in  
possession of the Inam, and whether  
any of the parties in possession of  
the Inam at the time of the Inam  
Settlement is rendering the services of  
Carg to any portion of the Brahmin  
Community; and if not, whether in  
the event of the Inam being continued  
to the descendants of the original parties,  
they are prepared to get services of Carg  
done hereafter in future.

Per. Mr. Officer.  
Inam Dept.  
Brahmin  
30 June 1873 } Signed W. Robinson.  
Inam Commissioner

To. The Collector of the  
District of Hissar  
(Per. Mr. Officer)  
J. H. H. H. H. H.

## Opinion.

The subject of this reference is a Village in the Krishna District granted as *Grant* for the service of *Cargy*; and the question is whether it fell within the scope of Act XX of 1863 so as to justify the transmission of its title deeds to a Committee appointed under that Act.

2. The object of Act XX of 1863 is stated in the preamble to be to relieve the Board of Revenue and Local Agents of the duties imposed on them by Regulation VII of 1817, so far as those duties embrace the superintendence of *Land* granted for the support of Mosques or Hindu Temples and for other religious uses, the appropriation of endowments made for the maintenance of such religious establishments, and the appointment of Trustees or Managers thereof; or involve any connection with the management of such religious establishments. Section 1 then repeals so much of Regulation VII of 1817 as "relates to endowments for the support of Mosques, Hindu Temples or other religious purposes": and sections 3 and 4 provide that, in the case of every Mosque, Temple or other religious establishment to which the provisions of Regulation VII of 1817 were applicable and the nomination of the Trustee, Manager or Superintendent whereof was at the time of the passing of the Act vested in or subject to the control of Government or any Government official, the powers of the Board and Local Agents should be replaced by those of a Local Committee.

3. It seems to me clear that a grant of land for the maintenance of *Cargy* was of such nature as to fall within the scope of Regulation VII of 1817 and that the superintendence of it would, by Section 2 of that Regulation, be vested in the Board of Revenue. The only doubt in my opinion

III

to be 66 of 1874  
from Act

Rev. 1203/74.

Capt. J. H. G. J.  
Revenue from the same  
Commissioner to the  
Collector of the Krishna  
Dist. of 30 June 1873.  
No. 327

is whether such a grant of land ought to be regarded as falling within the class of endowments for the support of Mosques, Hindu Temples or other religious purposes, and so within the scope of Act XX of 1863.

4. The extent of the two enactments is different. Regulation VII of 1817 extended to all public endowments, Act XX of 1863 only to those of a religious nature, and Section 21 makes express provision for cases in which an endowment has been made for an establishment partly of religious and partly of a secular character, and retains so much as refers to secular purposes under the control of the Board.

5. It does not appear to have been considered, that Act XX of 1863 had the effect of restricting the appointment of Razi in Committees created under Section 7, inasmuch as Act XI of 1861, reciting that it is inexpedient that the appointment of Raze should be made by Government, proceeds to repeal the enactments under which such appointments had till then been made. From this, I think, it must be inferred that the Legislature in 1863, and 1864 did not consider the office of Razi (notwithstanding that some of the Razi's duties are of a religious nature) in the light of "a religious establishment, or an endowment for the support of that office as falling within the scope of Act XX of 1863. From this it follows that endowments made for the support of the office are still vested in the Board, as other endowments of a secular nature under Regulation VII of 1817 and consequently ought not to be dealt with by a Committee created under Act XX of 1863.

Signed / J. S. Cunningham  
Adm. Genl.

15-4-74.

(True Copy)

H. S. Richard

No 204.

Madras 15<sup>th</sup> April 1874.

From  
H. G. Prichard  
Government Solicitor,  
Madras.

To  
A. G. Master Esq<sup>re</sup>  
Joint Secretary to Government,  
Revenue Department,  
Cotacaimund.

Sir,  
1. I have the honor to acknowledge the receipt of the Order of Government dated 18<sup>th</sup> March 1874, No. 362, Revenue Department, together with its enclosures, requesting the Advocate General's opinion as to whether the endowment of certain Cargy Guam Village in the Kistna District, falls under the provisions of Act XX of 1863.  
2. I submitted the matter for the consideration of the Advocate General and I now forward herewith a copy of his opinion and return the enclosures which accompanied the above Order of Government.

I have the honor to be,  
Sir,

Your most Obedient Servant,  
H. G. Prichard  
Government Solicitor.

Rev. 1205/74

Enclosure in letter from the Government Solicitor, Madras, to the Acting Revenue Secretary to Government, Cotacaimund, dated 15<sup>th</sup> April 1874, No. 204.

Sl. No. 10495-204-1874

C 222 2 April 1874 R 24 2

Revenue Department.

No. 495

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 24<sup>th</sup> April 1874.

READ the following letter from the Government Solicitor

Forwarding copy of the Advocate General's opinion regarding the endowment of certain Cazy Inam Village in the Kistna D., & returning the papers relating thereto.

H. E. 15 April 1874. No 254.

Under the opinion expressed by the Advocate General the Right Honorable the Governor in Council resolves to direct that the title deed be given to the persons who were actually in possession of the Inam when it was settled by the Inam Commissioner as suggested in paragraph 8 of Mr. Hunter Blair's letter recorded in G.O. 18 March last, N. 362, Rev. Dpt.

Handwritten signature

14 To the Rev Secy 15 May 74.  
4 To the Govt Secy  
4 To the Solicitor

Rev. Secy. 1874. April.  
The Government Solicitor for the Advocate General,  
Mr. W. A. Lee, Esq. to pay to  
Revenue Dept. Secy.  
Dated 15<sup>th</sup> April 1874  
H. E.

Adv. Genl.  
The Advocate General's opinion regarding the endowment of certain Cazy Inam Village in the Kistna D., & returning the papers relating thereto.

S.O. No 495-24 April 74.

90

On the General's office  
regarding the movement of  
the Army to the West  
in Boston 2<sup>nd</sup>

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