

ACT No. I OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 31st
January, 1902.)*

An Act to confirm and validate certain indentures made between the Agricultural and Horticultural Society of India and the Calcutta Public Library, respectively, and the Secretary of State for India in Council.

WHEREAS an indenture, a copy whereof is set forth in the first schedule, was expressed to be made, on the tenth day of April, 1901, between the Agricultural and Horticultural Society of India, of the first part, the president and members for the time being of the said Agricultural and Horticultural Society, of the second part, and the Secretary of State for India in Council, of the third part;

And whereas an indenture, a copy whereof is set forth in the second schedule, was expressed to be made, on the twentieth day of December, 1901, between the Calcutta Public Library, of the first part, the vice-president for the time being of the said Calcutta Public Library, of the second part, the members for the time being of the council of the said Calcutta Public Library, of the third part, and the said Secretary of State in Council, of the fourth part;

And whereas the said indentures respectively purport to grant and transfer, for consideration, unto the said Secretary of State in Council absolutely the land described therein, or in the schedules thereto, respectively, and the building, with out-buildings,
known

2 *Imperial Library (Indentures Validation)*. [ACT I
(Sections 1-2.)

known as the Metcalfe Hall, situate in the town of Calcutta in the territories administered by the Lieutenant-Governor of Bengal;

And whereas the said Agricultural and Horticultural Society and Calcutta Public Library have been registered as societies under the Societies Registration Act, 1860;

XXI of 18

And whereas it is expedient that any doubt as to the legal effect of the said indentures should be removed, and that the said indentures should be confirmed and declared to be valid and binding in law for all the intents and purposes expressed therein respectively, and especially for the purpose of vesting the said property in His Majesty absolutely so as to be made available for the purposes of an Imperial Library to be established in the said town of Calcutta, or for any other use or purpose to or for which the same may be, or may be intended to be, hereafter applied;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Imperial Library (Indentures Validation) Act, 1902.

Validation of indentures set forth in schedules.

2. (1) Notwithstanding anything contained in the Societies Registration Act, 1860, or in any other enactment or rule of law for the time being in force, the property expressed or intended to be transferred to the Secretary of State for India in Council by the indentures, whereof copies are set forth in the first and second schedules, respectively, to this Act, shall be deemed and taken to have been so transferred absolutely as and from the dates of the said indentures respectively; and the said several indentures are hereby declared valid and operative as from the said dates respectively.

XXI of 18

(2) The said indentures shall be, and from the dates thereof respectively shall be deemed to have been, valid and binding for all purposes whatsoever, and as against all persons whomsoever claiming any right

1902.] *Imperial Library (Indentures Validation)*. 3
(Sections 3-4.)

right to, or any interest in, or any relief respecting the property, or any portion thereof, expressed or intended to be transferred thereby respectively, either as members of the Agricultural and Horticultural Society of India or of the Calcutta Public Library, or otherwise howsoever.

3. Notwithstanding anything herein contained, the property expressed or intended to be transferred to the Secretary of State for India in Council by the said indentures respectively shall be, and from the dates thereof respectively shall be deemed to have been, vested in His Majesty absolutely and free from all incumbrances, trusts, powers, equities or obligations of any kind or nature whatsoever.

Property to vest absolutely in His Majesty.

4. (1) A receipt signed by the person acting for the time being as the president of the said Agricultural and Horticultural Society of India for any money payable by the Secretary of State for India in Council to the said Agricultural and Horticultural Society under the indenture set forth in the first schedule, shall effectually discharge the said Secretary of State in Council as regards the money therein expressed to be received, and from all liability in respect thereof; and the said Secretary of State in Council shall not be concerned to see to the application, or be responsible for any loss or misapplication, of the same.

Certain receipts to discharge the Secretary of State in Council from liability.

(2) A receipt signed by the person acting for the time being as the vice-president of the said Calcutta Public Library for any money payable by the Secretary of State for India in Council to the said Calcutta Public Library under the indenture set forth in the second schedule, shall effectually discharge the said Secretary of State in Council as regards the money therein expressed to be received, and from all liability in respect thereof; and the said Secretary of State in Council shall not be concerned to see to the application, or be responsible for any loss or misapplication, of the same.

THE FIRST SCHEDULE.

A. Imperial Library (Indentures Validation). [ACT I

THE FIRST SCHEDULE.

THIS INDENTURE made the tenth day of April one thousand nine hundred and one *Between the Agricultural and Horticultural Society of India* a Society registered under the provisions of Act XXI of 1860 of the Legislative Council of India (hereinafter called the said Society) of the first part, *Henry Cooper Eggar* of 1 Alipore Lane in the Suburbs of Calcutta Solicitor President of the said Society *David Prain M.A. M.B. F.R.S.C.* Superintendent of the Royal Botanic Garden Sibpur in the District of Howrah and a Major in the Indian Medical Service the Honourable *Francis Alexander Slacke B.A. J.P.* Member of the Indian Civil Service Secretary to the Government of Bengal in the General Revenue and Statistical Departments *Robert George Girard* of Ghosery in the District of Howrah Collector of Income Tax Bengal and *Jyogbind Law C.I.E.* of 24 Sukeas Street Calcutta Zemindar the four Vice-Presidents of the said Society, *His Grace the Most Reverend Doctor Paul Count Goethals S.J.* Archbishop of Calcutta the Palace 12. Park Street Calcutta *Protapa Chundra Ghosha* of 26 Baranasi Ghose's Street Calcutta Zemindar *Francis Granville Clarke* of 4 Alipore Lane Calcutta Agent *Rajah Peary Mohan Mookerjee C.S.I.* of Utterpara in the District of Hooghly Zemindar *Edward Jeremiah King* of 9 Victoria Terrace Calcutta Broker *William Graham* of Garden Reach in the Suburbs of Calcutta Barrister-at-Law *Prosonno Coomar Banerjee Rai Bahadur* of Ariadah in the District of the Twenty-four-Pergunnahs Zemindar *John Ross Bertram* of 101 Clive Street Calcutta Merchant *William Dickson Cruickshank* of 2 Esplanade West Calcutta Banker *Owen Brochwel Griffiths* of 3 Mangoe Lane Calcutta Broker *Kailas Chundra Basu Rai Bahadur C.I.E.* of 72 Sookeas Street Calcutta Doctor of Medicine and *George Burgh McNair* of 1 Hastings Street Calcutta Solicitor, all Members of the said Society of the second part, and *The Secretary of State for India in Council* (hereinafter called the Secretary of State) of the third part.

Whereas in the year one thousand eight hundred and forty at meetings of a Committee of subscribers to a fund raised with the object of perpetuating the name and administration of Sir Charles Theophilus Metcalfe Baronet (afterwards created Baron Metcalfe) Governor General of India to which fund the Agricultural and Horticultural Society of India as then constituted and the Society known as the Calcutta Public Library were contributors, it was resolved to erect a building in Calcutta of two storeys which should be devoted as to the lower storey thereof to the purposes of the said Agricultural and Horticultural Society of India and as to the upper storey thereof to the purposes of the Calcutta Public Library *And whereas* applica-
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THE FIRST SCHEDULE—*contd.*

tion having been made by the said Committee of subscribers to the Government of India for a suitable site for the building to be erected as aforesaid the piece or parcel of land in the schedule hereto particularly described was in the year one thousand eight hundred and forty made over by the Government of India to the said Agricultural and Horticultural Society of India and the said Calcutta Public Library subject only to the conditions following namely that the building to be erected thereon with the object and for the purposes aforesaid should be ornamental and substantial and that on failure on the part of the said Agricultural and Horticultural Society of India and the Calcutta Public Library to keep the said building in repair the said piece or parcel of land should revert to the Government of India or at least that the said building should not without the consent of the Government of India be alienable to other purposes than for the use of the said Agricultural and Horticultural Society of India and the said Calcutta Public Library *And whereas* thereafter by application of the balance of the said fund in the hands of the said Committee of subscribers augmented by further substantial contributions by the said Agricultural and Horticultural Society of India and the said Calcutta Public Library an ornamental and substantial building suitable for the purposes of the said Agricultural and Horticultural Society of India and the said Calcutta Public Library was erected on the said piece or parcel of land which building on the completion thereof was designated and has ever since been known as the Metcalfe Hall *And whereas* so far as is known no conveyance or other assurance of the said piece or parcel of land was at any time executed to or in favour of the said Agricultural and Horticultural Society of India and the said Calcutta Public Library *And whereas* on the ninth day of September one thousand eight hundred and sixty-one the said Agricultural and Horticultural Society of India was registered under the provisions of Act XXI of 1860 of the Legislative Council of India and the said Society so registered is the said Society party hereto of the first part *And whereas* the said Society and the said Calcutta Public Library as at present constituted are possessed of and entitled in perpetuity to the said piece or parcel of land and the aforesaid building known as the Metcalfe Hall and other the out-buildings erected and being thereon as tenants in common in equal shares *And whereas* the said persons parties hereto of the second part are the present Council and governing body of the said Society *And whereas* the Secretary of State being desirous of acquiring the said Metcalfe Hall and other the land and buildings aforesaid an offer was recently made by the President of the said Society to and accepted by the

Government

6 *Imperial Library (Indentures Validation)*. [ACT I

THE FIRST SCHEDULE—*contd.*

Government of Bengal on behalf of the Secretary of State for the sale and transfer of the undivided moiety or half part or share of the said Society of and in the said Metcalfe Hall and land and buildings aforesaid to the Secretary of State for the price or sum of Rupees twenty-five thousand in cash and a permanent annuity of Rupees six thousand per annum such offer and acceptance being made subject to the approval and confirmation thereof by the said Society in general meeting *And whereas* at general meetings of the said Society duly convened and held in accordance with the bye-laws and regulations of the said Society on the fourteenth day of March one thousand and nine hundred and the twenty-seventh day of April one thousand and nine hundred the following resolution was passed namely that the conditional offer made by the President to and accepted by the Government of Bengal for the transfer to the Government of India of the right title and interest of this Society in the Metcalfe Hall property in consideration of a permanent annuity of Rupees six thousand unfettered by any conditions affecting its enjoyment and a sum of Rupees twenty-five thousand in cash be and is hereby adopted and confirmed and that the President be and is hereby authorized to carry such transfer into effect *Now this indenture witnesseth* that in consideration of the sum of Rupees twenty-five thousand on or before the execution of these presents paid by the Secretary of State to the said Society (the receipt whereof the said Society and the said persons parties hereto of the second part hereinafter called the said governing body do hereby respectively acknowledge and therefrom do hereby respectively release the Secretary of State his successors in office and assigns) and also in consideration of the permanent annuity or clear yearly sum of Rupees six thousand to be henceforth paid by the Secretary of State his successors in office and assigns to the said Society or its assigns at the times and in the manner hereinafter mentioned the said Society and the said governing body respectively do hereby grant and transfer unto the Secretary of State *All* that the one equal undivided moiety or half part or share of the said Society of and in all that piece or parcel of land more particularly described in the schedule hereunder written and the building known as the Metcalfe Hall and all the other out-buildings erected and being thereon *And also* of and in all ways passages drains rights privileges easements and appurtenances whatsoever to the said piece or parcel of land and buildings or any of them or any part thereof belonging or with the same now or heretofore held and enjoyed or reputed or known to be part or parcel thereof or appurtenant thereto *And* all the estate right title and interest claim and demand of the said Society into or upon the said premises

THE FIRST SCHEDULE—*contd.*

premises or any part thereof *To have and to hold* the said one equal undivided moiety or half part or share and all other the estate right title and interest of the said Society of and in the said piece or parcel of land and buildings and all other the premises hereinbefore expressed to be hereby granted and transferred unto and to the use of the Secretary of State his successors in office and assigns for ever *And* the said Society and the said governing body for and on behalf of the said Society (but not so as to bind themselves personally) do hereby respectively covenant with the Secretary of State his successors in office and assigns that notwithstanding anything by the said Society at any time done or knowingly suffered the said Society now have full power in manner aforesaid to grant and transfer the said one equal undivided moiety or half part or share of and in the said piece or parcel of land buildings and premises hereinbefore expressed to be hereby granted and transferred unto and to the use of the Secretary of State his successors in office and assigns *And* that the said one equal undivided moiety or half part or share of and in the said piece or parcel of land buildings and premises and every part thereof shall remain and be to the use of the Secretary of State his successors in office and assigns in the manner aforesaid and shall be quietly entered into and upon and held and enjoyed without any interruption claim or demand by the said Society or any person or persons claiming under or in trust for them *And* that discharged from or otherwise by the said Society sufficiently indemnified against all incumbrances claims and demands created by the said Society or any person or persons claiming or to claim through under or in trust for the said Society *And* that the said Society and every person claiming through under or in trust for them will at all times at the cost of the Secretary of State his successors in office or assigns execute and do all such assurances and things for further or more effectually assuring the said one equal undivided moiety or half part or share of and in the said piece or parcel of land buildings and premises to the use of the Secretary of State his successors in office and assigns as shall be reasonably required *And* the Secretary of State doth hereby for himself and his successors in office covenant with the said Society and their assigns that he the said Secretary of State and his successors in office will henceforth and for ever pay to the said Society or their assigns an annuity or yearly sum of Rupees six thousand on the first day of April in every year and will make the first of such payments on the first day of April one thousand nine hundred and one and will make all the said payments without any deduction.

The schedule

8 *Imperial Library (Indentures Validation)*. [ACT I
THE FIRST SCHEDULE—*contd.*

The schedule above referred to.

All that piece or parcel of land containing an area of 1 biggah 2 cottahs and $2\frac{3}{4}$ chittacks or thereabouts situate and being No. 12 Strand Road in the Town of Calcutta and forming a portion of Holding No. 20 Block No. 23 in the South Division of the said Town and on which said piece or parcel of land or on some part thereof a building known as the Metcalfe Hall has been erected and which said piece or parcel of land and premises are bounded on the North by Hare Street on the East by the messuage godowns and premises known as No. 2 Church Lane belonging to Doorga Churn Law and Chundy Churn Law in the occupation of Messrs. Ralli Brothers on the South partly by the premises No. 11 Strand Road occupied by the Government Stationery Office and partly by the premises Nos. 3, 4 and 5 Church Lane in the occupation of the Government Jail Depot and Stationery Office and on the West by the Strand Road.

In witness whereof the said society have subscribed their name by their President and Secretary and the said persons hereto of the second part have hereunto set their hands and seals and the Secretary to the Government of India in the Home Department acting for and on behalf of the Secretary of State hath hereunto set his hand and seal the day and year first above written.

The name of the Agricultural and Horticultural Society of India has been subscribed by Henry Cooper Egggar the President for the time being of the said society and P. Lancaster the present Secretary of the said society in the presence of

The Agricultural and Horticultural Society of India by

H. C. EGGAR,
President.
P. LANCASTER,
Secretary.

M. ABBOTT.

Signed sealed and delivered by }
the abovenamed Henry Cooper } H. C. EGGAR.
Egggar in the presence of

M. ABBOTT,
Solicitor, Calcutta.

Signed sealed and delivered by }
the abovenamed David Prain } DAVID PRAIN.
M.A. M.B. F.R.S.C. in the presence of

E. J. BUTLER,
Botanist,
Royal Botanic Garden, Sibpur.

Signed

THE FIRST SCHEDULE—*contd.*

Signed sealed and delivered by }
the abovenamed The Honour- }
able Francis Alexander Slacke, } F. A. SLACKE.
B.A. J.P. in the presence of

M. ABBOTT.

Signed sealed and delivered by }
the abovenamed Robert George } GEO. GIRARD.
Girard in the presence of

OPENDRA CH. MOZOOMDAR,
Deputy Magistrate and Deputy Collector,
Income Tax Office.

Signed sealed and delivered by }
the abovenamed Joy Gobind Law } JOY GOBIND LAW.
C.I.E. in the presence of

M. ABBOTT.

Signed sealed and delivered by }
the abovenamed His Grace The } † P. GOETHALS, S.J.,
Most Reverend Doctor Paul } ARCHBISHOP OF CALCUTTA.
Count Goethals S.J. Archbishop
of Calcutta in the presence of

L. PHILIPPART, S. J.,

Secretary to the Archbishop of Calcutta.
12 Park Street.

Signed sealed and delivered by } PROTAPA CHANDRA GHOSHA
the abovenamed Protapa Chan- } *by his attorney*
dra Ghosha in the presence of } BHUPENDRA CH. GHOSHA.

M. ABBOTT.

Signed sealed and delivered by }
the abovenamed Francis Gran- } F. G. CLARKE.
ville Clarke in the presence of

GEORGE L. SIDEY,
Merchant.

Signed sealed and delivered by }
the abovenamed Bajah Peary } PEARY MOHUN MOOKERJEE.
Mohun Mookerjee C.S.I. in the }
presence of

M. ABBOTT.

Signed

10 *Imperial Library (Indentures Validation)*. [ACT I

THE FIRST SCHEDULE--*contd.*

Signed sealed and delivered by }
the abovenamed Edward Jere- } E. J. KING.
miah King in the presence of }

THOS. NICOLI,
Broker, Calcutta.

Signed sealed and delivered by }
the abovenamed William Gra- } WILLIAM GRAHAM.
ham in the presence of }

M. ABBOTT.

Signed sealed and delivered by }
the abovenamed Prosonno } PROSONNO COOMAR
Coomar Bannerjee Rai Baha- } BANNERJEE.
dur in the presence of }

M. ABBOTT.

Signed sealed and delivered by }
the abovenamed John Ross Ber- } J. R. BERTRAM.
tram in the presence of }

M. ABBOTT.

Signed sealed and delivered by }
the abovenamed William Dick- } W. D. CRUICKSHANK.
son Cruickshank in the presence }
of }

M. ABBOTT.

Signed sealed and delivered by }
the abovenamed Owen Brochwel } O. B. GRIFFITHS.
Griffiths in the presence of }

M. ABBOTT.

Signed sealed and delivered by }
the abovenamed Kailas Chundra } KAILAS CHUNDRAS BASU.
Basu Rai Bahadur C.I.E. in }
the presence of }

M. ABBOTT.

Signed sealed and delivered by }
the abovenamed George Burgh } GEO. B. McNAIR.
McNair in the presence of }

M. ABBOTT.

Signed

THE FIRST SCHEDULE—*contd.*

Signed sealed and delivered by
John Prescott Hewett Secretary
to the Government of India in
the Home Department for and
on behalf of His Excellency the
Governor General of India in
Council acting in the premises
for and on behalf of the Secretary
of State for India in Council
in the presence of

J. P. HEWETT,
*Secretary to the Govern-
ment of India in the
Home Department.*

H. ST. CLAIR FREITAS,
*Cosy Nook,
Simla.*

Received the day and year first
above written of and from the
abovenamed The Secretary of
State for India in Council the
sum of rupees twenty-five
thousand being the amount
above expressed to be paid by
him in cash to the said society.

Rs.
25,000.

Witness—

M. ABBOTT,

The Agricultural and Horti-
cultural Society of India
by

H. C. EGGAR,
President.

P. LANCASTER,
Secretary.

H. C. EGGAR.

Witness to the signatures of John
Ross Bertram, Francis Alex-
ander Slacke, Owen Brochwel
Griffiths, William Graham,
George Burgh McNair and
William Dickson Cruickshank.

J. R. BERTRAM.
F. A. SLACKE.
O. B. GRIFFITHS.
WILLIAM GRAHAM.
GEO. B. MCNAIR.
W. D. CRUICKSHANK.

M. ABBOTT,
Solicitor, Calcutta.

THOS. NICOLL,
Broker, Calcutta.

E. J. KING.

GEORGE L. SIDNEY,

KAILAS CH.
BASU.
PEARY
MOHUN
MOOKER-
JEE.
PROTAPA
CHANDRA
GHOSHA
by his
Attorney
BHUPEN-
DRA CH.
GHOSHA.
JOY GOBIND
LAW.

12 *Imperial Library (Indentures Validation)*. [ACT I

THE FIRST SCHEDULE—*concl'd.*

GEORGE L. SIDBY,

Merchant.

F. G. CLARKE.

OPENDRA CH. MOZOOMDAR,

Dy. Magistrate and Dy. Collector.

GEO. GIRARD.

E. J. BUTLER,

Botanist, Sibpur.

DAVID PRAIN.

L. PHILIPPART, S. J.,

*Secretary to the Archbishop
of Calcutta.*

† P. GOETHALS, S.J.,

*Archbishop of
Calcutta.*

12 Park Street.

THE SECOND SCHEDULE.

THIS INDENTURE made the twentieth day of December one thousand nine hundred and one *Between the Calcutta Public Library* a Society registered under the provisions of Act XXI of 1860 of the Legislative Council of India (hereinafter called the said Society) of the first part, *Maharajah Bahadur Sir Narendra Krishna K.C.I.E.* of No. 2 Raja Nubokissen Street Calcutta Zemindar the Vice-President of the said Society and as such the continuing trustee of the property of the said Society under the said Act and the Rules of the said Society of the second part, the said *Maharajah Bahadur Sir Narendra Krishna K.C.I.E.* as such Vice-President as aforesaid *Charles Elvin Dissent* of 61 Wellesley Street Calcutta Government Pensioner *Jogen Chunder Dutt* of 171 Manicktollah Street Calcutta Attorney-at-law and *Kali Churn Pabit* of No. 2 Jagadish Nath Roy's Lane Calcutta Vakil who collectively constitute the present Council of the said Society of the third part and *the Secretary of State for India in Council* (hereinafter called the Secretary of State) of the fourth part *Whereas* in the year one thousand eight hundred and forty at meetings of a Committee of subscribers to a fund raised with the object of perpetuating the name and administration of Sir Charles Theophilus Metcalfe Baronet (afterwards created Baron Metcalfe) Governor General of India to which fund the Calcutta Public Library as then constituted and a Society known as the Agricultural and Horticultural Society of India were contributors it was resolved to erect a building in Calcutta of two stories which should be devoted

THE SECOND SCHEDULE—*contd.*

as to the lower story thereof to the purposes of the said Agricultural and Horticultural Society of India and as to the upper story thereof to the purposes of the Calcutta Public Library *And whereas* application having been made by the said committee of subscribers to the Government of India for a suitable site for the building to be erected as aforesaid the piece or parcel of land in the second Schedule hereto particularly described was in the year one thousand eight hundred and forty made over by the Government of India to the said Calcutta Public Library and the said Agricultural and Horticultural Society of India subject only to the conditions following namely that the building to be erected thereon with the object and for the purposes aforesaid should be ornamental and substantial and that on failure on the part of the said Calcutta Public Library and Agricultural and Horticultural Society of India to keep the said building in repair the said piece or parcel of land should revert to the Government of India or at least that the said building should not without the consent of the Government of India be alienable to other purposes than for the use of the said Calcutta Public Library and the said Agricultural and Horticultural Society of India *And whereas* thereafter by the application of the balance of the said fund in the hands of the said committee of subscribers augmented by further substantial contributions by the said Calcutta Public Library and the said Agricultural and Horticultural Society of India an ornamental and substantial building suitable for the purposes of the said Calcutta Public Library and the said Agricultural and Horticultural Society of India was erected on the said piece or parcel of land which building on the completion thereof was called and has ever since been known as "The Metcalfe Hall" *And whereas* so far as is known no conveyance or other assurance of the said piece or parcel of land was at any time executed to or in favour of the said Calcutta Public Library and the said Agricultural and Horticultural Society of India *And whereas* on the twenty-third day of August one thousand eight hundred and seventy-one the said Calcutta Public Library was registered under the provisions of Act XXI of 1860 of the Governor General in Council *And whereas* the said Secretary of State recently purchased from the Agricultural and Horticultural Society of India the interest of that Society in the said piece or parcel of land and the aforesaid building known as the Metcalfe Hall *And whereas* the said Society party hereto and the said Agricultural and Horticultural Society of India until the said purchase by the Secretary of State were possessed of and entitled in perpetuity to the said piece or parcel of land and the aforesaid building known as The Metcalfe Hall and other the out-

buildings

14 *Imperial Library (Indentures Validation)*. [ACT I

THE SECOND SCHEDULE—*contd.*

buildings erected and being thereon as tenants in common in equal shares *And whereas* by the Rules of the said Society party hereto it was in effect provided that any person who at the date of the making of the said Rules should be possessed of one or more Original shares in the Society (shares which came into existence prior to the end of the year one thousand eight hundred and forty-nine) or who at the date of making the said Rules might have become or should thereafter become possessed of any share or shares in the said Society should be deemed a proprietor of the said Society *And whereas* the several persons named and described in the first Schedule to these presents are the present proprietors of the said Society *And whereas* by the said Rules it was also provided that the property of the said Society should be vested in Trustees for the benefit of the proprietors and the rate-payers of Calcutta represented by the Corporation of Calcutta as subscribers to the said Society and that the President and Vice-President for the time being should be such Trustees *And whereas* in accordance with the Rules of the said Society and until such time as the said Corporation of Calcutta withdrew their subscription to the said Society (as sometime since happened) the President of the said Society was nominated by the said Corporation and the Vice-President of the said Society was from time to time nominated by the said proprietors and on such nomination the said Officers were elected by the Council of the said Society in annual general meeting *And whereas* since the withdrawal by the said Corporation of Calcutta of their subscription to the said Society there has been no nomination and election of President of the said Society and the office of President has been and is now still vacant and the present Vice-President of the said Society party hereto of the second part is now the sole continuing trustee of the property of the said Society *And whereas* it was by the said Rules further provided that the management of the said Society should be entrusted to a Council consisting of twelve members of whom six should be elected by the said Corporation of Calcutta and the remaining six should be elected from amongst the said proprietors and the subscribers to the said Society any three of such members of Council to form a quorum *And whereas* since the withdrawal of the said Corporation of Calcutta of their subscription to the said Society as aforesaid the full number of members of the Council of the said Society has not been maintained and the persons parties hereto of the third part are the present members of the said Council *And whereas* the Government of India being desirous of forming an Imperial Library and for the purposes thereof of acquiring the said undivided moiety or half part or share of the said Society in the said Metcalfe Hall and land
and

THE SECOND SCHEDULE—*contd.*

and buildings and also the books and library shelves belonging to the said Society in the said Metcalfe Hall the Government of Bengal on behalf of the Government of India a short time since accepted an offer made by the said parties hereto of the third part on behalf of the said Society for the sale and transfer to the Secretary of State of the said immoveable and moveable property of the said Society in consideration of the payment by the Government of India to the parties hereto of the third part of the sum of Rupees twenty-eight thousand and five hundred (being at the rate of Rupees five hundred for each of the fifty-seven proprietors shares in the said Society) for distribution amongst the several persons proprietors of the said Society named and described in the First Schedule to these presents or the heirs executors administrators or assigns of such of the said persons as are named and described in the first and second parts of the said schedule in the proportions in the said Schedule mentioned.

Now this Indenture witnesseth that in consideration of the sum of Rupees twenty-eight thousand and five hundred on or before the execution of these presents paid by the Government of India to the said persons parties hereto of the third part the payment and receipt whereof in manner aforesaid the said parties do hereby respectively acknowledge and therefrom do hereby respectively release the Secretary of State his successors in Office and Assigns the said Society and the said parties hereto of the second and third parts do hereby grant and transfer unto the Secretary of State his Successors in Office and Assigns ALL that the one equal undivided moiety or half part or share of the said Society of and in all that piece or parcel of land more particularly described in the second Schedule hereunder written and the building standing and being thereon or on some part thereof and known as the Metcalfe Hall and all other the out-buildings erected and being thereon And also of and in all ways paths passages drains rights privileges easements and appurtenances whatsoever to the said piece or parcel of land and buildings or any of them or any part thereof belonging or with the same now or heretofore held and enjoyed or reputed or known to be part or parcel thereof or appurtenant thereto *And* all the estate right title interest claim and demand of the said Society and the said parties hereto of the second and third parts into or upon the said premises or any part thereof *To have and to hold* the said one equal undivided moiety or half part or share and all other the estate right title and interest of the said Society of and in the said piece or parcel of land and buildings and all other the premises hereinbefore expressed to be hereby granted and transferred unto and to the use of the Secretary of

State

16 *Imperial Library (Indentures Validation)*. [ACT I

THE SECOND SCHEDULE—*contd.*

State his Successors in Office and Assigns forever *And this Indenture further witnesseth* that for the consideration aforesaid the said Society and the said parties hereto of the second and third parts do hereby assign and transfer unto the Secretary of State his Successors in Office and Assigns ALL and singular the books and library shelves belonging to the said Society in and upon the premises hereinbefore expressed to be granted and transferred *And* all the right title and interest of the said Society to and in the same *To have hold* receive and take the said premises hereby assigned and transferred or expressed so to be unto the Secretary of State his Successors in Office and Assigns absolutely *And* the said Society and the said parties hereto of the second and third parts for and on behalf of the said Society (but not so as to bind themselves personally) do hereby respectively covenant with the Secretary of State his Successors in Office and Assigns that notwithstanding anything by the said Society at any time done or knowingly suffered the said Society now have full power in manner aforesaid to grant and transfer the said one equal undivided moiety or half part or share of and in the said piece or parcel of land hereditaments and premises hereinbefore expressed to be hereby granted and transferred unto and to the use of the Secretary of State his Successors in Office and Assigns and to assign and transfer the said books and premises hereinbefore expressed to be hereby assigned and transferred unto the Secretary of State his Successors in Office and Assigns *And* that the Secretary of State his Successors in Office and Assigns shall and may at all times hereafter peaceably and quietly possess and enjoy the said equal undivided moiety or half part or share of and in the said piece or parcel of land hereditaments and premises and every part thereof and the said books shelves and premises and receive the rents issues and profits thereof respectively without any lawful eviction interruption claim or demand whatsoever from or by the said Society or any person or persons lawfully or equitably claiming under or in trust for them *And* that discharged from or otherwise by the said Society sufficiently indemnified against all incumbrances claims and demands created by the said Society or any person or persons lawfully or equitably claiming as aforesaid *And* that the said Society and every person claiming through under or in trust for them will at all times at the cost of the Secretary of State his Successors in Office or Assigns execute and do all such assurances and things for further or more effectually assuring the said one equal undivided moiety or half part or share of and in the said piece or parcel of land hereditaments and premises and the said books and premises unto and to the use of the Secretary of State his Successors in Office and Assigns respectively in manner afore-

said

THE SECOND SCHEDULE—*contd.*

said as shall be reasonably required *And this Indenture further witnesseth* that for the consideration aforesaid it is hereby agreed by and between the said Society and the said parties hereto of the second and third parts for and on behalf of the several persons named and described in the said First Schedule to these presents and the Secretary of State for himself and his Successors in Office and Assigns as follows :—

1. From and after the formation of the said Imperial Library each of the said several persons proprietors of the said Society named and described in the said First Schedule to these presents shall during his life-time and while he shall be in Calcutta have the privilege of taking out of the said Imperial Library for perusal at his place of residence such of the books hereinbefore expressed to be hereby assigned and transferred as he may from time to time require provided always that the books so taken at any one time shall not exceed six books or twelve volumes in number that all books so taken out shall be returned to the said Imperial Library within one calendar month and that the person or persons taking out any book or books in exercise of the aforesaid privilege shall be responsible for and shall make good to the Secretary of State all loss that may be sustained by reason of the non-return of any book or books or the return of any book or books in a damaged condition.

2. If after the formation of the said Imperial Library any of the books hereinbefore expressed to be hereby assigned and transferred shall not be required by or for the purposes of the said Imperial Library notice thereof together with a list of such books as shall not be required shall be given or sent to the parties hereto of the third part and if within such time as the Government of India shall deem reasonable a majority of the persons named and described in the said First Schedule to these presents shall create and open a Library in Calcutta for the reception there of the books mentioned in the said list together with the shelves containing the same shall be made over and delivered by the Government of India free of cost to a Committee of the said persons appointed to receive the same for the purposes of the said Library subject to the express condition that the said books shall not be sold given away parted with or used for any purpose other than those of the said Library.

3. Should no library such as is referred to in the last preceding clause hereof be opened by the persons and within the time aforesaid or should such a library be opened and thereafter be disused or closed the books included in the list hereinbefore referred to but not the shelves containing the same may be distributed amongst or made over to such libraries or library in

Calcutta

18 *Imperial Library (Indentures Validation)*. [ACT I
THE SECOND SCHEDULE—*contd.*

Calcutta as either upon the recommendation of the majority of the persons named and described in the said First Schedule to these presents or in their own discretion the Government of India may select and as may be willing to receive the same.

The First Schedule referred to in the foregoing Indenture.

PART I.

List of Proprietors holding transferable shares.

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|---|---|---|---|
| 1. Apear, J. G., Esq. | . | . | { Clerk of the Crown, High Court, Calcutta. |
| 2. Biswas, Kaliprasana, Babu | . | . | Banian, Calcutta. |
| 3. Chatterjee, Amarendro Nath, Babu. | . | . | Vakil, High Court, Calcutta. |
| 4. Deb, Satya Priya, Babu | . | . | { Asst., Board of Revenue, Calcutta. |
| 5. DePenning, G. A., Esq. | . | . | Gentleman, Calcutta. |
| 6. Dey, Nilmoney, Babu | . | . | Gentleman, Cossipore. |
| 7. Dhur, Ashutosh, Babu | . | . | { Attorney-at-law, Calcutta. |
| 8. Dutt, J. C., Esq., M.A., B.L. | . | . | —do. —do. |
| 9. „ Jogesh Chandra, Babu | . | . | Gentleman, Calcutta. |
| 10. „ Kader Nath, Babu | . | . | —do. —do. |
| 11. „ Khetra Mohan, Babu | . | . | Banian, Calcutta. |
| 12. „ Mano Mohan, Babu, M.A., B.L. | . | . | Vakil, High Court, Calcutta. |
| 13. „ Satis Chandra, Babu | . | . | Gentleman, Calcutta. |
| 14. Ghosh, Jogendra Chandra, Babu. | } | . | Zemindar, Garden Reach. |
| 15. „ Munindra Chandra, Babu. | } | . | Gentleman, Calcutta. |
| 16. „ Nabu Krishna, Babu | { | . | Gentleman, Salkeah, Howrah. |
| 17. Ghosha, Pratapa Chandra, Babu, B.A. | } | . | Gentleman, Calcutta. |
| 18. Howe, Rivers T. L., Esq. | . | . | { Asst. Controller Genl. in charge of Paper Currency Dept., Calcutta. |
| 19. Law, Jaygobind, Babu, C.I.E. | . | . | Zemindar, Calcutta. |
| | | | 20. Martin, |

1902.] *Imperial Library (Indentures Validation)*. 19

THE SECOND SCHEDULE—*contd.*

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|--|---|---|---|---|--|
| 20. Martin, John, Esq. | . | . | . | { | Of the firm of Messrs.
John Davies & Co.,
Calcutta. |
| 21. Mitra, Prakas Chunder, Babu,
L.M.S. | . | . | . | { | Medical Profession, Cal-
cutta. |
| 22. Mullick, Binod Behari, Babu | . | . | . | { | Zemindar, Calcutta. |
| 23. Narendra Krishna, Maharajah
Bahadur, Sir, K.C.I.E. | . | . | . | { | Zemindar, Calcutta. |
| 24. Palit, Kali Churn, Babu, B.L. | . | . | . | { | Pleader, Police Court,
Calcutta. |
| 25. Pandit, Ram Chundra, Babu | . | . | . | { | Gentleman, Bhowanipore. |
| 26. Ray, Ananda Mohan, Babu | . | . | . | { | Zemindar, -- do.— |
| 27. „, Gobinlal, Babu | . | . | . | { | Gentleman, Calcutta. |
| 28. Rowland, Mrs. Geo. Henry | . | . | . | { | Calcutta. |
| 29. Sen, Narayan Kissen, Babu | . | . | . | { | Store-Keeper, Stamp
Office, Calcutta. |
| 30. Set, Balailal, Babu | . | . | . | { | Gentleman, Calcutta. |
| 31. „, Giris Chandra, Babu,
M.A., B.L. | . | . | . | { | Attorney-at-law, Cal-
cutta. |
| 32. & 33. Sircar, Mohendrolal, Dr.
M.D., D.L., C.I.E.,
(holds 2 shares). | . | . | . | { | Medical Profession,
Calcutta. |
| 34. Sturmer, Miss Anne | . | . | . | { | Zemindar, Calcutta. |
| 35. Tagore, Debendra Nath, Babu | . | . | . | { | —do. —do. |
| 36. „, Jagadindra Nath, Babu | . | . | . | { | —do. —do. |
| 37. „, Jotendra Mohun, Maha-
rajah Bahadoor, Sir,
K.C.S.I. | . | . | . | { | —do. —do. |
| 38. Thomson, Walter Alex. John,
Esq. | . | . | . | { | Chandmari Tea Estate,
Nagra Kata P. O., via
Jalpaiguri, West
Doars. |
| 39. Woodburn, Hon'ble Sir John,
K.C.S.I. | . | . | . | { | Lieutenant-Governor of
Bengal. |
| 40. Robinson, C. C., Esq. | . | . | . | { | Barrister-at-law, Cal-
cutta. |
| 41. Stuart, J. N., Esq. | . | . | . | { | Of the firm of Messrs.
Balmer, Lawrie & Co. |
| 42. Westland, Sir James, K.C.S.I. | . | . | . | { | Late Finance Minister,
India. |

PART II

20 *Imperial Library (Indentures Validation)*. [ACT I

THE SECOND SCHEDULE—*contd.*

PART II.

Transferable shares in abeyance.

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| 43. Basu, Dwarkanath, Babu | { | Gentleman, Calcutta, |
| | | died in 1898. |
| 44. Hollingberry, Robert Heatly, Esq. | . — do. — do. | died in 1896. |
| 45. Mitra, Gopi Kissen, Babu | { | — do. — do. |
| | | died in 1896. |
| 46. „ Romes Chundra, Sir, Kt. | . — do. — do. | died in 1899. |
| 47. Sen, Beni Madhab, Babu | { | Gentleman, Calcutta, |
| | | died in 1899. |
| 48. Mitra, Jagganath, Babu | { | Assistant, Appellate Side,
High Court, Calcutta,
died in 1901. |

PART III.

List of Proprietors holding non-transferable shares.

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| 49. Baker, J. W., Esq. | . . . | { | Of the firm of Messrs.
Barry & Co., Calcutta. |
| 50. Bonnaud, A., Esq. | . . . | . . . | Merchant, Calcutta. |
| 51. Dissent, C. E., Esq. | . . . | . . . | Gentleman, Calcutta. |
| 52. Duncan, W. N., Esq. | . . . | { | Of the firm of Messrs.
Stewart, Mackenzie &
Co., Calcutta. |
| 53. Ghosh, Kali Krishna, Babu | . . . | . . . | Gentleman, Bankipore,
Patna. |
| 54. Manuk, Mrs. M. | . . . | . . . | Calcutta. |
| 55. Robertson, J. A., Esq. | . . . | { | Gentleman, Chanderna-
gore. |
| 56. Tagore, Kali Kissen, Babu | . . . | . . . | Zemindar, Calcutta. |
| 57. Mitter, Jotendranath, Babu | . . . | . . . | Gentleman, Calcutta. |

The Second Schedule referred to in the foregoing Indenture.

All that piece or parcel of land situate and being No. 12 Strand Road in the Town of Calcutta and a portion of Holding No. 20 Block No. 23 in the Southern Division containing an area of 1 bigha 2 cottahs and 2 $\frac{3}{4}$ chittacks or thereabouts whereon or on some part whereof has been erected a building known as the Metcalfe Hall and which said piece or parcel of land and premises are bounded on the North by Hare Street on

THE SECOND SCHEDULE—*contd.*

the East by the message and godowns belonging to Doorga Churn Law and Chundy Churn Law in the occupation of Messrs. Ralli Brothers on the South by the premises occupied by the Government Stationery Office and on the West by Strand Road.

In Witness whereof the said Society have subscribed their name by their Vice-President and Secretary and the said persons hereto of the second and third parts have hereunto set their hands and seals and the Secretary to the Government of India in the Home Department acting for and on behalf of the Secretary of State has hereunto set his hand and seal the day and year first above written.

The name of the Calcutta Public Library has been subscribed by Maharaja Bahadur Sir Norendra Krishna K.C.I.E. the Vice-President for the time being of the said Society and Surat Chunder De the present Secretary of the said Society in the presence of

The Calcutta Public Library by NORENDR
KRISHNA, *Vice-President*.
S. C. DE,
Honorary Secretary,
C. P. Library.

M. ABBOTT,
Solicitor, Calcutta.

Signed sealed and delivered by the abovenamed Maharaja Bahadur Sir Norendra Krishna K.C.I.E. as party hereto of the second and third parts in the presence of

NARENDR KRISHNA.

M. ABBOTT.

Signed sealed and delivered by the abovenamed Charles Elwin Dissent in the presence of

C. E. DISSERT.

A. BOOTH, *Spinster*,
61 Wellesley Street.

Signed sealed and delivered by the abovenamed Jogen Chunder Dutt in the presence of

J. C. DUTT.

M. ABBOTT.

Signed sealed and delivered by the abovenamed Kali Churn Palit in the presence of

KALI CHARAN PALIT.

M. ABBOTT.

Signed

THE SECOND SCHEDULE—*concl'd.*

Signed sealed and delivered by
John Prescott Hewett Secretary to
the Government of India in the
Home Department for and on
behalf of His Excellency the
Governor General of India in
Council acting in the premises for
and on behalf of the Secretary of
State for India in Council in the
presence of

JOHN PRESCOTT HEWETT,
*Secretary to the Govern-
ment of India, Home
Department.*

H. C. EGGAR,

*Solicitor to the Government
of India.*

Received the day and year first above written of
and from the Government of India the sum of
Rupees Twenty-eight thousand and five hun-
dred being the full consideration money above
expressed to be paid by him to us for distribu-
tion amongst the several persons proprietors
of the said Society named and described in the
First Schedule to these presents or the heirs
executors administrators or assigns of such of
the said persons as are named and described
in the first and second parts of the said Sched-
ule in the proportions in the said Schedule
mentioned

28,500

Witness—

M. ABBOTT.

The Calcutta Public
Library by

NARENDRA KRISHNA,
Vice-President.

S. C. DE,
*Honorary Secretary,
C. P. L.*

NARENDRA KRISHNA.
C. E. DISSERT.
J. C. DUTT.
KALI CHARAN PALIT.