

ACT No. XXXV OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

*(Received the assent of the Governor General on the 5th
September, 1920.)*

An Act to validate certain Indentures relating to property formerly held by the Basel Mission Trading Company, and to provide for the incorporation of Trustees and for other purposes.

WHEREAS, by an order made by the Governor General in Council in exercise of the powers conferred by section 7 of the Enemy Trading Act ^{X of 1916.} 1916, and bearing date the twenty-second day of May, 1919, certain property was vested in the Custodian of Enemy Property for Madras and Coorg; and

Whereas in pursuance of an order made by the Governor General in Council, dated the twenty-fifth day of August, 1919, the said Custodian, by an indenture, dated the twenty-sixth day of January, 1920, and referred to in the Second Schedule as Indenture A, transferred the said property to certain trustees on trusts therein declared; and

Whereas by divers mesne appointments the said property became vested upon the said trusts in the persons named in the First Schedule; and

Whereas the persons named in the First Schedule (hereinafter referred to as the said trustees) have, with the approval of the Governor General in Council, by an indenture, dated the twenty-first day of August, 1920, and referred to in the said Schedule as Indenture B, transferred the said property to the Commonwealth Trust, Limited, a corporation incorporated in England, for the purposes and upon the terms and conditions in the said indenture set out; and

Whereas doubts have arisen and may arise as to the validity of certain matters in connection with the above mentioned transfers; and

Whereas

Whereas it is expedient to terminate such doubts and to constitute the said Trustees a body corporate in order that the intention of the said transfers may be fully carried out;

It is hereby enacted as follows:—

1. This Act may be called the *Basel Mission Trading Company Act, 1920.* Short title

2. (1) The persons named in the First Schedule and their predecessors in office shall be deemed to have been validly appointed trustees of the indenture referred to in the Second Schedule as Indenture A, and together with their successors in office, are hereby constituted a body corporate with perpetual succession and a common seal and may sue and be sued by the corporate name of the Mission Trust of Madras. Incorporation of Trustees.

(2) For the purposes of the appointment of the successors to the persons named in the first Schedule in their office as such trustees, the provisions of the Indian Trusts Act, 1882, shall be deemed to apply, and appointments of any trustees which are required to be made by the National Missionary Council of India shall be sufficiently made if made by writing under the hand of the Chairman of that body.

3. Notwithstanding anything contained in any enactment or rule of law to the contrary, the indentures described in the Second Schedule are hereby declared to be validly made and the property transferred or purporting to be transferred therein shall be deemed to have been duly transferred by the said indentures, and all acts or things heretofore done under either of the said indentures are validated and confirmed, and every obligation imposed or purporting to be imposed on any person mentioned in either of the said indentures shall be binding in law on the person named therein, whether such person is or is not a party to such indenture. Validation of deeds, etc

4. No suit or other legal proceeding shall be brought against the said trustees or the Commonwealth Trust, Limited, by or on behalf of any creditor, shareholder or bondholder of the Basel Mission Trading Company or any other person whatsoever Restriction of suits against the trustees and the Commonwealth Trust, Limited.

for

for the payment of any sum due or alleged to be due by the said Company, unless the consent of the Governor General in Council has first been obtained.

THE FIRST SCHEDULE.

(See section 2.)

John Anderson Thorne, Secretary to the Board of Revenue (Land Revenue), Madras.

Paul Appaswami, Judge of the Court of Small Causes, Madras.

Muthiah David Devadoss, Barrister-at-Law, Madras.

Duncan Gordon MacNaughton Leith, Secretary, German Missions Committee of the National Missionary Council.

Anthony Watson Brough of the London Mission, Erode, Madras.

THE SECOND SCHEDULE.

(See sections 2 and 3.)

INDENTURE A.

Date.	Parties.	Short effect.
26th January, 1920 . Registered at Madras, on 25th June, 1920, being Serial No. 2036 of 1920 in Registration Book No. 1 of the office of the Registrar of Madras, Chingleput.	Daniel Chamler, Custodian of Enemy Property, Madras and Coorg, (therein referred to as the Custodian) of the first part and Henry Reginald Pate, Secretary to the Board of Revenue (Land Revenue), Madras, Arthur Davies, the Reverend William Meston, the Hon'ble Mr. Muthiah David Devadoss and the Reverend Duncan Gordon MacNaughton Leith of the other part. E3	Being a transfer by the Custodian to the Trustees on the trusts therein mentioned of the undertaking and of all property moveable or immoveable in the Madras Presidency and Coorg formerly belonging to or held in trust for, the Company or Society commonly known in India as the Basel Mission Trading Company and which became vested in the Custodian by Order of the Governor General in Council, dated 22nd May, 1919.

INDENTURE B.

Date.	Parties.	Short effect.
21st August, 1920 . Registered at Madras on 21st August, 1920 being Serial No. 2825 of 1920 in Registration Book No. 1 of the office of the Registrar of Madras, Chingleput.	John Anderson Thorne, Secretary to the Board of Revenue, Madras, Paul Appaswami, the Hon'ble Mr. Muthiah David Devadoss, the Reverend Duncan Gordon MacNaughton Leith and the Reverend Anthony Watson Brough, (therein referred to as the Trustees) of the one part and the Commonwealth Trust, Limited, a company registered under the English Companies Acts, (therein referred to as the Company) of the other part.	Being a transfer on the terms and conditions and subject to the reservations therein mentioned by the Trustees to the Company of the undertaking and property comprised in the deed, dated 26th January, 1920 and referred to above as Indenture A.