

ACT NO. IX OF 1921.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 27th March, 1921.)

An Act to validate certain indentures transferring properties formerly held by certain Enemy Missions in Trustees, and for the incorporation of such Trustees and for other purposes.

1918. **W**HEREAS the Governor General in Council, in exercise of the powers conferred by sections 7 and 12 of the Enemy Trading Act, 1916, vested the properties both moveable and immoveable in British India of the Leipzig Evangelical Lutheran Mission, Madras and Burma, the Schleswig Holstein Evangelical Lutheran Mission, Madras, the Hermannsburg Evangelical Lutheran Mission, Madras, the Basel Mission, Madras, Bombay and Coorg, the Gossner Evangelical Lutheran Mission, United Provinces and Bihar and Orissa, the German Evangelical Lutheran Mission, Bihar and Orissa and Assam, and a religious association in Assam styled the Sisters of the Divine Saviour, in certain Custodians of Enemy Property, and by order directed the said Custodians to transfer the properties thereby respectively vested in them to Boards of Trustees on certain trusts which the said Custodians accordingly purported to do by the several indentures, particulars of which are given in the Schedule hereto annexed ; and

WHEREAS the properties comprised in the several indentures have by diverse mesne appointments become vested in the present Trustees of those indentures ; and

WHEREAS

WHEREAS doubts have risen and may arise as to the validity of certain matters in connection with the above-mentioned transfers ; and

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

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Enemy Missions Act, 1921.

Incorporation of Trustees.

2. (1) Each body of persons whose names are set out in the fourth column of the Schedule, and the predecessors in office of those persons shall be deemed to have been validly appointed the trustees of the indenture or indentures, as the case may be, described in the Schedule opposite the names of the persons comprising that body, and each such body of persons, together with the successors in office of those persons, is hereby constituted a body corporate with perpetual succession and a common seal, and may sue and be sued by the corporate name given to it in the fifth column of the Schedule.

(2) For the purposes of the appointment of the successors of the persons named in the fourth column of the 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.

Validation of indentures, etc.

3. Notwithstanding anything contained in any enactment or rule of law to the contrary, the indentures described in the Schedule are hereby declared to have been validly made and the properties respectively transferred, or purporting to be transferred, thereby shall be deemed to have been duly transferred by the said indentures, and all acts or things heretofore done under the said indentures are hereby validated and confirmed, and every obligation imposed or purporting to be imposed on any person mentioned in any of the

said

said indentures shall be binding in law on the person named therein whether such person is or is not a party to such indenture, and the Trustees referred to in subsection (1) of section 2 shall have power, in conformity with the indentures of which they are respectively trustees, to transfer or otherwise deal with the properties comprised in those indentures.

THE SCHEDULE.

(See section 2.)

Particulars of Indenture and present Trustees thereof.

1	2	3	4	5
Date.	Parties.	Short effect.	Name and description of the Trustees of each Indenture at the date of the passing of this Act.	Corporate name of the Trustees for the time being of each Indenture from the date of the passing of this Act.
26th January 1920. Registered at Madras on 28th June 1920, being Serial No. 2086 of 1920 in Registration Book 1 of the office of the Registrar of Madras, Chingleput.	Daniel Chamier, Custodian of Enemy Property, Madras and Coorg (therein referred to as the Custodian) of the first part and Henry Reginald Pate, Arthur Davis, the Reverend William Meston, the Hon'ble Mr. Muthiah David Devadoss Avergal and the Reverend Duncan Gordon MacNaughtan Leith (therein referred to as the Trustees) of the second part.	Being a transfer by the Custodian to the Trustees on the Trusts therein mentioned of all property moveable or immoveable in the Madras Presidency and Coorg, formerly belonging to or held in Trust for the Basel Mission, the Leipzig Evangelical Lutheran Mission, the Schleswig Holstein Evangelical Lutheran Mission and the Hermannsburg Evangelical Lutheran Mission.	John Anderson Thorne, I.C.S., 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.	The Mission Trust of Southern India.

31st March 1920. Registered at Madras on 5th August 1920, being Serial No. 2197 of 1920 in Registration Book 1 of the office of the Registrar of Madras, Chingleput.

Harold Charles Barnes Mitchell, Custodian of Enemy Property, Bombay (therein referred to as the Custodian) of the first part and John Anderson Thorne, Arthur Davies, the Reverend William Mestor, the Hon'ble Mr. Muthiah David Devadoss and the Reverend Duncan Gordon MacNaughton Leith (therein referred to as the Trustees) of the second part.

Being a transfer by the Custodian to the Trustees on the Trusts therein mentioned of all property moveable or immoveable in the Bombay Presidency, formerly belonging to or held in Trust for the Basel Mission.

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

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

13th October 1919. Registered at Ghazipur on 23rd January 1920, being Serial No. 2 of 1920 in Registration Book 1 of the office of the Registrar of Ghazipur.

Shaikh Makbul Hosain, Custodian of Enemy Property, United Provinces (therein referred to as the Custodian) of the first part and the Hon'ble Mr. B. Foley, W. B. Heycock, the Reverend J. Z. Hodge, Professor S. C. Mukerji, the Reverend G. J. Dann (therein referred to as the Trustees) of the second part.

Being a transfer by the Custodian to the Trustees on the Trusts therein mentioned of all property moveable or immoveable in the United Provinces, formerly belonging to or held in Trust for the Gossner Evangelical Lutheran Mission.

Frank Frederick Lyall, Commissioner of Chota Nagpur.

John Tarlton Whitty, Deputy Commissioner of Ranchi.

13th October 1919. Registered at Ranchi on 4th December 1919, being Serial No. 4390 of 1919 in Registration Book 1 of the office of the District Sub-Registrar, Ranchi.

Patrick William Murphy, Custodian of Enemy Property, Bihar and Orissa (therein referred to as the Custodian) of the one part and Blanchard Foley, William Bissil Heycock, the Reverend John Zimmerman Hodge, Professor S. C. Mukerji and the Reverend George James Dann (therein referred to as the Trustees) of the other part.

Being a transfer by the Custodian to the Trustees on the Trusts therein mentioned of all property moveable or immoveable in the Province of Bihar and Orissa, formerly belonging to or held in Trust for the German Evangelical Lutheran Mission.

Herbert Anderson, Secretary, National Missionary Council.

George James Dann, Missionary, Patna.

Satish Chandra Mukerji, Professor, Serampore College.

The Mission Trust of Northern India.

Particulars of Indenture and present Trustees thereof—conold.

1	2	3	4	5
Date.	Parties.	Short effect.	Name and description of the Trustees of each Indenture at the date of the passing of this Act.	Corporate name of the Trustees for the time being of each Indenture from the date of the passing of this Act.
<p>1st October 1919. Registered at Dibrugarh on 29th January 1920, being Serial No. 42 of 1920 in Registration Book 1 of the office of the Sub-Registrar, Dibrugarh.</p>	<p>Stephen Nairne Mackenzie, Custodian of Enemy Property, Assam (therein referred to as the Custodian) of the first part and the Hon'ble Mr. Blanchard Foley, William Bissil Heycock, the Reverend John Zimmerman Hodge, Professor S. C. Mukerji and the Reverend G. J. Dann (therein referred to as the Trustees) of the second part.</p>	<p>Being a transfer by the Custodian to the Trustees on the Trusts therein mentioned of all property moveable or immovable in Assam, formerly belonging to or held in Trust for the German Evangelical Lutheran Mission.</p>	<p>Frank Frederick Lyall, Commissioner of Chota Nagpur.</p> <p>John Tarlton Whitty, Deputy Commissioner of Ranchi.</p> <p>Herbert Anderson, Secretary, National Missionary Council.</p> <p>George James Dann, Missionary, Patna.</p> <p>Satish Chandra Mukerji, Professor, Serampore College.</p>	<p>The Mission Trust of Northern India.</p>

27th November 1919. Registered at Rangoon on 13th February 1920, being Serial No. 206 of 1920 in Registration Book 1 of the office of the Sub-Registrar, Rangoon.

John Cormack Mackenzie, Custodian of Enemy Property, Burma (therein referred to as the Custodian) of the first part and John Cormack Mackenzie, Herbert Hoddy Mackney, Frank Dennison Phinney, the Reverend Clarence Eugene Olmstead, the Reverend Vickerman Nicholson Kemp (therein referred to as the Trustees) of the second part.

Being a transfer by the Custodian to the Trustees on the Trusts therein-mentioned of all property moveable or immoveable in Burma, formerly belonging to or held in Trust for the Leipzig Evangelical Lutheran Mission.

John Cormack Mackenzie, Collector of Rangoon.

Ernest Godfrey Pattle, District Magistrate of Rangoon.

Frank Dennison Phinney, Superintendent, American Baptist Mission Press, Rangoon.

D. P. Durai Raj, Saint Gabriels, S. P. G. Mission, Rangoon.

C. H. Riggs, Principal, Methodist Boys' High School, Rangoon.

The Burma Mission Trust.

30th April 1920. Registered at Dibrugarh on 23rd June 1920, being Serial No. 453 of 1920 in Registration Book 1 of the office of the Sub-Registrar, Dibrugarh.

Gerald Courtenay Kerwood, Custodian of Enemy Property, Assam (therein referred to as the Custodian) of the first part and the Very Reverend Paul Lefebvre, John McSwiney, Robert Eustace Witham (therein referred to as the Trustees) of the second part.

Being a transfer by the Custodian to the Trustees on the Trust therein mentioned of all property moveable or immoveable in Assam, formerly belonging to or held in Trust for the religious association or covenanted order called the Sisters of the Divine Saviour.

The Very Reverend Paul Lefebvre, Vice-Administrator of the Prefecture Apostolic of Assam.

John McSwiney, Director of Land Records and Agriculture, Assam.

Robert Eustace Witham, Manager, Budla Tea Estate, Lakhimpur, Assam.

The Assam Roman Catholic Mission Trust.