

Government of Madras.

HOME DEPARTMENT

(EDUCATION)

G.O. No. 1400, 20th December 1916

NOTED

PRINTED

INDEXED

Endowment

Ordering the publication in the *Fort St. George Gazette* of the notifications for vesting the Rao Bahadur M. A. Singarachariyar Prize — in the Treasurer of Charitable Endowments and for settling a scheme for its administration.

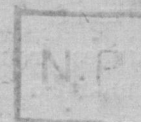
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Government of Madras.

HOME DEPARTMENT

(EDUCATION)

G.O. No. 1400, 20th December 1916



ORIGINAL

Endowment

Ordering the publication in the *Fort St. George Gazette* of the notifications for vesting the Rao Bahadur M. A. Singarachariyar Prize — in the Treasurer of Charitable Endowments and for settling a scheme for its administration.

GOVERNMENT OF MADRAS

HOME DEPARTMENT

(Education)

READ—the following papers:—

I

G.O. No. 401, Educational, dated the 5th July 1898.

ABSTRACT.—Sanctioning, with remarks, a half grant of Rs. 500 towards the prize endowment proposed to be created by M.R.Ry. M. A. Singarachariyar in connection with the Hindu high school, Triplicane, and stating that the Government warmly appreciates his liberality.

II

Letter—from M.R.Ry. V. S. SRINIVASA SASTRI, Manager, Hindu high school, Triplicane.
To—the Inspector of Schools, Fourth Circle, Madras.
Dated—the 27th February 1916.

I have the honour to address you on the subject of a prize endowment founded in connexion with this school in 1899 by the late Rao Bahadur M. A. Singarachariyar.

Under the trust deed the manager of this school and the Inspector of Schools of this circle are joint-trustees of the endowment.

It consisted at first of one thousand rupees from the donor and five hundred rupees granted in aid thereof by the Government of Madras.

Together with the income of the last six years during which it has not been utilised, its value now is somewhat more than Rs. 1,800.

Out of the annual income two prizes were given during several years to the two students of this school in the order of merit passing the Matriculation examination and possessing the qualifications described in the rules laid down in the trust deed. When the school ceased in 1910 to present candidates for the University Matriculation, the prizes could not be awarded.

According to the provisions of the deed, which is enclosed, the Government of Madras have now to frame rules for awarding fresh prizes in connexion with this school.

In requesting the Government to do so the trustees will probably be expected to suggest a body of fresh rules resembling as nearly as possible the original rules which had the sanction alike of the donor and the Government. I have the honour accordingly to request you, if you approve of the accompanying draft, to forward it for the consideration of Government through the Director of Public Instruction.

The secondary school-leaving certificate having taken the place of the University Matriculation, it is proposed that the prizes be given hereafter to the students of the school who do best in connexion with it. The most suitable test seems to be the combined result of the final public examination of each year and the school record of the students during the year. Only the record of one year, the last year necessarily, of the students could be taken, as otherwise marks obtained in schools of different standards might have to be compared, and to confine the prizes to students who had been in this school for two or three years would be to exclude from the benefit of the endowment some pupils of ability who for no fault of their own had been obliged to change school in the last years of the secondary course.

Three prizes are now suggested instead of two as in the deed of trust, because owing to the enhanced value of the endowment it is possible to give a third after providing for two prizes of the money value that the donor contemplated.

Rule 5, which in the trust deed is complicated, has been rendered simple; and the discretion which it vests in the trustees is not likely to be exercised frequently, as all three prizes are pretty sure to be gained each year, considering the size and efficiency of the school.

R.O. No. 141 M., dated 10th March 1916.

[Reference.—Letter dated 27th February 1916 from the correspondent, the Hindu high school, Triplicane, submitting draft rules for Singarachariyar's scholarships.]

Submitted to the Director of Public Instruction, Madras, for favour of submission to Government.

2. It is recommended that the draft rules proposed by the manager be accepted. The rules have been decided upon after the manager and I discussed the subject in person.

H. A. HART,
Inspector of Schools, Fourth Circle.

Reference on Cur. No. 2126/16, dated 22nd March 1916.

Submitted to Government.

2. The draft rules drawn up by the Inspector of Schools, Fourth Circle, and the Manager of the Hindu high school, Triplicane, may be approved.

J. H. STONE,
Director of Public Instruction.

III

Memorandum No. 1154-1, Educational, dated 5th April 1916.

With reference to his letter R.O.C. No. 2126/16, dated the 22nd March 1916, submitting the revised rules for the award of the Rao Bahadur M. A. Singarachariyar's prizes, the attention of the Director of Public Instruction is drawn to the opinion of the Advocate-General communicated to him with G.O. No. 148, Educational, dated the 13th March 1902, and he is informed that, before carrying out the proposed alterations, the Government consider it desirable to vest the fund formally in the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890. The Director is accordingly requested to obtain and submit two applications signed by the Inspector of Schools, Fourth Circle, and the Manager of the Hindu high school, Triplicane—one for vesting the fund in the Treasurer of Charitable Endowments, and the other for settling a scheme for the administration of the endowment. He should at the same time submit two separate draft notifications—one vesting the fund in the Treasurer of Charitable Endowments and the other settling a scheme of management embodying the modifications now proposed in the rules.

P. RAJAGOPALA ACHARIYAR,
Secretary to Government.

To the Director of Public Instruction.

IV

Letter—from the Hon'ble Mr. J. H. STONE, M.A., F.R.H.S., C.I.E., Director of Public Instruction.

To—the Secretary to Government, Educational Department.

Dated—Madras, the 14th June 1916.

No.—Ref. on Cur. 2126.

With reference to Memorandum No. 1154-1, Educational, dated 5th April 1916, I have the honour to state that the Inspector of Schools, Fourth Circle, has now submitted two applications signed by himself and the Manager of the Hindu high school, Triplicane—one for vesting the Rao Bahadur M. A. Singarachariyar's endowment in

the Treasurer of Charitable Endowments and the other for settling a scheme for the administration of the endowment. In regard to the scheme that should accompany the second of the applications referred to above the Inspector requests that the proposed revised rules which have been submitted to Government with my endorsement R.C. No. 2126, dated 22nd March 1916, may be attached to the application as no copy of these rules has been maintained either in his office or by the correspondent of the Hindu high school, Triplicane. As, however, the proposed revised rules will be required by the Government Solicitor in preparing the draft notifications required in your memorandum referred to above I request that you will be so good as to return the copy of the rules in question submitted with my endorsement R.C. No. 2126, dated 22nd March 1916.

V

Memorandum No. 2095-1, Educational, dated 24th June 1916.

The draft revised rules for the award of the Rao Bahadur M. A. Singarachariyar's prizes are returned to the Director of Public Instruction with reference to his letter read above.

(By Order)

E. A. HARVEY,
Under Secretary to Government.

To the Director of Public Instruction.

VI

Letter—from the Hon'ble Mr. J. H. STONE, M.A., F.R.H.S., C.I.E., Director of Public Instruction.

To—the Secretary to Government, Home (Education) Department.
Dated—Madras, the 31st August 1916.
No.—R.C. 2126.

With reference to memorandum No. 1154-1, Educational, dated 5th April 1916, and the reminder thereon dated 22nd August 1916 requesting me to obtain and submit the necessary applications and draft notifications for vesting the Rao Bahadur M. A. Singarachariyar endowment fund under the Charitable Endowments Act and for settling a scheme of management, I have the honour to state that the Government Solicitor was asked in my letter R.C. No. 2126, dated 3rd August 1916, to furnish me with the necessary draft notifications in question. This officer in reply states that as he entertained a doubt as to whether Government can legally in the circumstances of the case vest the fund formally without an application, he referred the matter to the Hon'ble the Advocate-General and that he understands from the opinion (copy enclosed) expressed by that officer that there should be an application from Messrs. E. Marsden and M. O. Parthasarathi Ayyangar to vest the fund in the Treasurer of Charitable Endowments and to settle the scheme.

2. As Mr. Marsden lives in England it will take some time to settle matters.

ENCLOSURE

Opinion No. 902.

[Reference—from the Director of Public Instruction to the Government Solicitor, dated Madras, the 3rd August 1916, No. Ref. on C. 2126.]

Apart from statute or custom, property cannot be conveyed in trust or otherwise to the holder of an office and his successors in the office in perpetual succession: the holder of an office for the time being cannot, unless he is a corporation sole, be a trustee (vide *Attorney-General v. Gilbert* 10 Beav. 517/50 E.R. 681, *Attorney-General v. Power*, 1 Ball and Beatty 145 at page 149, *Attorney-General v. Tancred* 1 Eden 10, 28 E.R. 587). Neither the Inspector of Schools nor the Manager of Triplicane Hindu high school is a corporation.

2. The Crown can be a trustee though the Government of Madras may not be a person or corporation capable of holding property in trust any more than the Government of India or the Secretary of State for India in Council (*Kinlock v. Secretary of State for India in Council*, 15 C.D. 1; *Doya Narain Tewary v. Secretary of State for India in Council*, 14 Calc. 256; *Secretary of State for India in Council v. Sakharom* 24 Bom. 23 at page 28; *Srinibash Prasad Singh v. Kesho Prasad Singh*, 38 Calc. 754 at page 768, 769).

3. Messrs. Marsden and Parthasarathi Ayyangar the first trustees will continue to be trustees notwithstanding that the trust has become incapable of execution—vide section 83 of the Indian Trusts Act. The present case, however, is not a case of resulting trust as the deed of trust directs that the funds are to be at the disposal of Government for other specified charitable purposes. The trustees will continue to hold the funds for the Government of Madras till they are discharged or new trustees are appointed.

4. Messrs. Marsden and Parthasarathi Ayyangar are persons acting in the administration of the trust within the meaning of section 6 of the Charitable Endowments Act, 1890. Under that section even when there are no trustees, persons who are in fact administering the trust are entitled to apply [vide *Encyclopædia of forms*, Volume 3, pages 331-32, 460, 461 note (a); page 464, note (g)].

5. An alternative course is indicated in section 15 of the Charitable Endowments Act, 1890, and provided for by section 92 of the Code of Civil Procedure.

S. SRINIVASA AYYANGAR,
Acting Advocate-General.

VII

Letter—from the Hon'ble Mr. J. H. STONE, M.A., F.R.H.S., C.I.E., Director of Public Instruction.

To—the Secretary to Government, Home (Education) Department.
Dated—Madras, the 8th December 1916.
No.—Ref. on Cur. 2126.

With reference to memorandum No. 1154-1, Educational, dated 5th April 1916, and in continuation of my letter R.C. No. 2126, dated 31st August 1916, I have the honour to submit herewith two applications from Messrs. E. Marsden and M. O. Parthasarathi Ayyangar, the first trustees of the Rao Bahadur M. A. Singarachariyar's endowment fund—one for vesting the fund in the Treasurer of Charitable Endowments and the other for settling a scheme for the administration of the endowment.

2. Two separate draft notifications prepared by the Government Solicitor, Madras, are also herewith submitted for favour of approval and publication in the *Fort St. George Gazette*. It is requested that the necessary dates may be entered in the draft notifications before they are published.

ENCLOSURES

(1)

Application—from Messrs. M. O. PARTHASARATHY AYYANGAR and E. MARSDEN.
To—the Secretary to Government, Home (Education) Department.
Dated—the 31st August 1916.

Under section 6 (i) of Act VI of 1890, we the undersigned being the first trustees of the fund relating to the Rao Bahadur M. A. Singarachariyar endowment do hereby make a joint application that the fund be vested in the Treasurer of Charitable Endowments.

(2)

Application—from Messrs. M. O. PARTHASARATHY AYYANGAR and E. MARSDEN.
To—the Secretary to Government, Home (Education) Department.
Dated—the 31st August 1916.

Under section 6 (i) of Act VI of 1890, we the undersigned being the first trustees of the fund relating to the Rao Bahadur M. A. Singarachariyar endowment do hereby make a joint application that the scheme for the administration of the fund be settled in accordance with the terms of the accompanying schedule.

Draft rules.

The annual income of the fund shall be devoted to the giving of three prizes to those three students of the sixth form each year who stand highest in the order of merit as judged by the combined marks of the school-record for the year and of the public examination held by the Secondary School Leaving Certificate Board.

2. The recipients of the prizes shall have been pupils of this school during the whole of the school-year for which the prizes are awarded.

3. The recipients of the prizes shall have obtained not less than 60 per cent of the combined total marks of the school-record and the public examination of the year.

4. The recipients of the prizes shall be of good moral conduct approved by the Trustees.

5. The prizes shall take the form of books to be selected by the Trustees after consulting the recipients.

6. The annual income shall be divided among the prizes as nearly as possible in the proportion of four-ninths, three-ninths, and two-ninths.

7. If in any year one or more of the prizes shall not have been gained, the amount or amounts so saved shall be devoted to the giving of an additional prize or prizes in any subsequent year, provided, however, the recipient in each such case fulfils the conditions specified in these rules.

The Trustees may, however, if they consider it desirable, add the amount or amounts of prizes not gained in any year to the trust fund.

8. The Trustees may, in consultation with the Director of Public Instruction of Madras for the time being, from time to time, as circumstances may require, alter or add to the preceding rules.

Order—No. 1400, Home (Education), dated the 20th December 1916.

The draft notifications submitted by the Director of Public Instruction are approved. They will be published in the *Fort St. George Gazette*.

NOTIFICATIONS.

I

In the matter of the Charitable Endowments Act, 1890, and in the matter of the "Rao Bahadur M. A. Singarachariyar Prize" Endowment at Madras.

It is hereby notified that the Governor of Fort St. George in Council, in exercise of the powers conferred by section 4 of the Charitable Endowments Act, 1890, doth hereby order and direct that the securities and money now in the hands of the Accountant-General of Madras and described in the schedule hereto shall, as from the date of publication of this notification, vest in the Treasurer of Charitable Endowments for the territories subject to the Government of Madras and be held by him and his successors (subject to the provisions of the said Charitable Endowments Act, 1890, and to any rules which may from time to time be framed thereunder by the Governor-General of India in Council) upon trust for the purposes and subject to the conditions set forth in a scheme under section 5 of the said Charitable Endowments Act, 1890, for the administration of the said "Rao Bahadur M. A. Singarachariyar Prize" Endowment at Madras.

Schedule.

	RS.	A.	P.
Number and value of the Government Promissory Notes Stock of 3½ per cent of 1865 of the face value of	1,500	0	0
MO. 24349 of 3½ per cent of 1865 of the face value of	300	0	0
Total	1,800	0	0
Cash	39	5	6

II

In the matter of the Charitable Endowments Act, 1890, and in the matter of the "Rao Bahadur M. A. Singarachariyar Prize" Endowment at Madras.

It is hereby notified that the Governor of Fort St. George in Council, in exercise of the powers conferred by section 5 of the Charitable Endowments Act, 1890, has settled the scheme set forth in the schedule hereto for the administration of the securities vested in the Treasurer of Charitable Endowments by Notification No. 4, dated the 20th day of December 1916, and that such scheme shall come into operation on the 15th day of January 1917.

The schedule above referred to.

1. The Inspector of Schools of the Fourth Circle, Madras, for the time being, and the Secretary to the Committee of the Hindu High School at Triplicane for the time being, shall be the administrators of the said "Rao Bahadur M. A. Singarachariyar Prize" Endowment and the securities and money which were vested in the Treasurer of Charitable Endowments by Notification No. 4, dated the 20th day of December 1916.

2. From and out of the interest accruing on the said "Rao Bahadur M. A. Singarachariyar Prize" Endowment shall be provided annually three prizes in the shape of books to be selected by the said administrators in consultation with the recipients of the prizes which shall be called the "Rao Bahadur M. A. Singarachariyar Prize."

3. The said prizes shall be awarded annually to those three students of the sixth form who during the whole of the school year shall have been pupils of the said Hindu high school at Triplicane and who shall be of good moral conduct approved by the said administrators and who obtain not less than 60 per cent of the combined total marks of the school record and the public examination held by the Secondary School Leaving Certificate Board for the year and stand highest in the order of merit as judged by the said combined marks.

4. The said prizes shall be in value as nearly as possible in the proportion of four-ninths, three-ninths and two-ninths of the said interest.

5. If in any year any one or more of the said prizes shall not have been gained, the amount or amounts so saved shall be devoted to the giving of an additional prize or prizes in any subsequent year, provided, however, that the recipient in each of such cases fulfils the conditions mentioned in these rules. The administrators may, if they consider it desirable, add the amount or amounts of prizes not gained in any year to the fund.

6. The said administrators may, in consultation with the Director of Public Instruction of Madras for the time being, from time to time, as circumstances may require, alter or add to the preceding rules.

(True Extract)

P. RAJAGOPALA ACHARIYAR,
Secretary to Government.

To the Director of Public Instruction.

.. Accountant-General.

.. Local and Municipal (Legislative) Department.

.. Superintendent, Government Press, with notification.

Editors' Table (Order only).

NOTES CONNECTED WITH G.O. No. 1400, HOME (EDUCATION),
DATED THE 20TH DECEMBER 1916.

[SUBJECT.—Amendment to the rules relating to the Rao Bahadur M. A. Singarachariyar's prizes in the Hindu High school, Triplicane.]

I

Previous papers :

G.O. 401, Educational, 5th July 1898
,, 148 ,, 13th Mar. 1902

II

From the Director of Public Instruction, dated the 22nd March 1916,
R.O.C. No. 2126.

Submitted that the revised rules now submitted to regulate the award of the Rao Bahadur Singarachariyar's prizes tenable at the Hindu high school, Triplicane, are in accordance with the original rules of the trust deed relating to the fund. Before, however, the revised rules are sanctioned, the endowment pertaining to the prizes should be formally vested in the Treasurer of Charitable Endowments—please see the Advocate-General's opinion on page 2 of G.O. No. 148, Educational, dated the 13th March 1902. For precedents in which the advice of the Advocate-General was followed, please see G.Os. No. 278, Educational, dated the 13th May 1911, No. 302, Educational, dated the 20th May 1911, No. 813, Educational, dated the 20th November 1911 and No. 1069, Educational, dated the 20th November 1913.

2. A draft memorandum to the Director of Public Instruction is accordingly submitted.

P.R.—31-3-16.

T.K.—31-3-16.

P. RAJAGOPALA ACHARIYAR—5-4-16.

[Memorandum No. 1154-1, Educational, dated 5th April 1916—III].

IV

From the Director of Public Instruction, dated the 14th June 1916,
No. 2126.

The Director of Public Instruction requests that the draft rules may be returned to him. A draft memorandum is submitted for approval.

S.V.—21-6-16.

T.K.—21-6-16.

E. A. HARVEY—23-6-16.

[Memorandum No. 2095-1, Educational, dated the 24th June 1916—V.]

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890,

** AND **

IN THE MATTER OF THE *RAO BAHADUR M.A. SINGARACHARIAR
PRIZE" ENDOWMENT AT MADRAS.

It is hereby notified that the Governor of Fort. St.
George in Council, in exercise of the powers conferred by
section 4 of the Charitable Endowments Act, 1890, doth hereby
order and direct that the securities and money now in the
hands of the Accountant-General of Madras and described in
the schedule hereto shall, as from the date of publication
of this Notification, vest in the Treasurer of Charitable -
Endowments for the territories subject to the Government
of Madras and be held by him and his successors (subject
to the provisions of the said Charitable Endowments Act,
1890, and to any rules which may from time to time be framed
thereunder by the Governor-General of India in Council) upon
trust for the purposes and subject to the conditions set ---
forth in a scheme under section 5 of the said Charitable -
Endowments Act, 1890, for the administration of the said "Rao
Bahadur M.A. Singarachariar Prize" Endowment at Madras.

SCHEDULE.

Number and value of the Government Premissary Notes	
Stock of 3½ per cent of 1865 of the face value of	Rs. 1500-0-0
MO. 24349 of 3½ per cent of 1865	-do- 300-0-0
C a s h.	Rs. 1800-0-0
	39-5-0

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890,

AND

IN THE MATTER OF THE "RAO BAHADUR M.A.SINGARACHARIAR
PRIZE" ENDOWMENT AT MADRAS.

It is hereby notified that the Governor of Fort.St.
George in Council in exercise of the powers conferred by
section 5 of the Charitable Endowments Act, 1890, has ----
settled the scheme set forth in the schedule hereto for
the administration of the securities vested in the Trea-
surer of Charitable Endowments by Notification No. ,
dated the day of *December* 1916, and that such
scheme shall come into operation on the *15th* ~~1st~~ day of *January*
1917.

THE SCHEDULE ABOVE REFERRED TO.

1. The Inspector of Schools of the Fourth Circle, Madras,
for the time being, and the Secretary to the Committee of the
Hindu High School at Triplicane for the time being, shall be -
the administrators of the said "Rao Bahadur M.A.Singarachariar
Prize" Endowment and the securities and money which ~~were~~ ^{were} ----
vested in the Treasurer of Charitable Endowments by Notifica-
tion No. , dated the day of *December* 1916.

2. From and out of the interest accruing on the said
"Rao Bahadur M.A.Singarachariar Prize" Endowment shall be pro-
vided annually three prizes in the shape of books to be select-
ed by the said administrators in consultation with the reci-
pients of the prizes which shall be called the "Rao Bahadur
M.A.Singarachariar Prize".

3. The said prizes shall be awarded annually to these
three students of the sixth form who during the whole of
the school year shall have been pupils of the said Hindu High
School at Triplicane and who shall be of good moral conduct
approved by the said administrators and who obtain not less
than 60 per cent of the combined total marks of the school
record and the public examination held by the Secondary --

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No date to be filled in
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School Leaving Certificate Board for the year and stand highest in the order of merit as judged by the said combined marks.

4. The said prizes shall be in value as nearly as possible in the proportion of four-ninths, three-ninths and two-ninths of the said interest.

5. If in any year any one or more of the said prizes shall not have been gained, the amount or amounts so saved shall be devoted to the giving of ^{an} additional prize or prizes in any subsequent year, provided, however, ^{that} the recipient in each of such cases fulfills the conditions mentioned in these rules. The administrators may, if they consider it desirable, add the amount or ~~the~~ amounts of prizes not gained in any year to the fund.

6. The said administrators may, in consultation with the Director of Public Instruction of Madras for the time being, from time to time, as circumstances may require, alter or add to the preceding rules.

To
The D.P.G.
The Acct. Genl.
The L.M. dept (legislative)
The Supdt. Govt. Prem.
with notis.
Editor's Table (over and)

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Notified P.6. of Part I B
of S.G. 2.1.17.

29

GOVERNMENT OF MADRAS
HOME DEPARTMENT
(Education)

READ—the following papers:—

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ABSTRACT.—Sanctioning, with remarks, a half grant of Rs. 500 towards the prize endowment proposed to be created by M.R.Ry. M. A. Singara Achariyar in connection with the Hindu High School, Triplicane, and stating that the Government warmly appreciates his liberality.

II

Letter—from M.R.Ry. V. S. SRINIVASA SASTRI, Manager, Hindu High School, Triplicane.

To—the Inspector of Schools, Fourth Circle, Madras.

Dated—the 27th February 1916.

I have the honour to address you on the subject of a prize endowment founded in connexion with this school in 1899 by the late Rao Bahadur M. A. Singara Achariyar.

Under the trust deed the manager of this school and the Inspector of Schools of this circle are joint-trustees of the endowment.

It consisted at first of one thousand rupees from the donor and five hundred rupees granted in aid thereof by the Government of Madras.

Together with the income of the last six years during which it has not been utilised, its value now is somewhat more than Rs. 1,800.

Out of the annual income two prizes were given during several years to the two students of this school in the order of merit passing the Matriculation examination and possessing the qualifications described in the rules laid down in the trust deed. When the school ceased in 1910 to present candidates for the University Matriculation, the prizes could not be awarded.

According to the provisions of the deed, which is enclosed, the Government of Madras have now to frame rules for awarding fresh prizes in connexion with this school.

In requesting the Government to do so the trustees will probably be expected to suggest a body of fresh rules resembling as nearly as possible the original rules which had the sanction alike of the donor and the Government. I have the honour accordingly to request you, if you approve of the accompanying draft, to forward it for the consideration of Government through the Director of Public Instruction.

The secondary school-leaving certificate having taken the place of the University Matriculation, it is proposed that the prizes be given hereafter to the students of the school who do best in connexion with it. The most suitable test seems to be the combined result of the final public examination of each year and the school record of the students during the year. Only the record of one year, the last year necessarily, of the students could be taken, as otherwise marks obtained in schools of different standards might have to be compared, and to confine the prizes to students who had been in this school for two or three years would be to exclude from the benefit of the endowment some pupils of ability who for no fault of their own had been obliged to change school in the last years of the secondary course.

For approval.

5717

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II
Letter—from M.R. V. G. Singara Achariyar, Manager, Hindu High School,
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According to the provisions of the deed, which is enclosed, the Government of
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In requesting the Government to do so the trustees will probably be expected
to suggest a body of trustees resembling as nearly as possible the original trustees
which the sanction of the Government and the Government. I have the honour
accordingly to request you to approve of the accompanying draft to forward it
for the consideration of Government through the Director of Public Instruction.

The Government are also desirous of settling a scheme for the administration of the
endowment, and the other for settling a scheme for the administration of the
endowment. He should at the same time submit two separate draft notifications—
one vesting the fund in the Treasurer of Charitable Endowments and the other settling
a scheme of management embodying the modifications now proposed in the rules.
P. RAJAGOPALA ACHARIYAR,
Secretary to Government.

No. 1400, HOME (EDUCATION), 20TH DECEMBER 1916

3

Three prizes are now suggested instead of two as in the deed of trust, because
owing to the enhanced value of the endowment it is possible to give a third after
providing for two prizes of the money value that the donor contemplated.

Rule 5, which in the trust deed is complicated, has been rendered simple; and the
discretion which it vests in the trustees is not likely to be exercised frequently, as
all three prizes are pretty sure to be gained each year, considering the size and
efficiency of the school.

G.O. No. 141 M., dated 10th March 1916.

[Reference.—Letter dated 27th February 1916 from the correspondent, the Hindu High School,
Triplicane, submitting draft rules for Singara Achariyar's scholarships.]

Submitting to the Director of Public Instruction, Madras, for favour of sub-
mission to Government.

2. It is recommended that the draft rules proposed by the manager be accepted.
The rules have been decided upon after the manager and I discussed the subject in
person.

H. A. HART,
Inspector of Schools, Fourth Circle.

Reference on Cur. No. 2126/16, dated 22nd March 1916.

Submitted to Government.

2. The draft rules drawn up by the Inspector of Schools, Fourth Circle, and the
Manager of the Hindu High school, Triplicane, may be approved.

J. H. STONE,
Director of Public Instruction.

III

Memorandum No. 1154-1, Educational, dated 5th April 1916.

With reference to his letter R.O.C. No. 2126/16, dated the 22nd March 1916,
submitting the revised rules for the award of the Rao Bahadur M. A. Singara
Achariyar's prizes, the attention of the Director of Public Instruction is drawn to
the opinion of the Advocate-General communicated to him with G.O. No. 148,
Educational, dated the 13th March 1902, and he is informed that, before carrying
out the proposed alterations, the Government consider it desirable to vest the fund
formally in the Treasurer of Charitable Endowments under the Charitable Endow-
ments Act, 1890. The Director is accordingly requested to obtain and submit two
applications signed by the Inspector of Schools, Fourth Circle, and the Manager of the
Hindu High School, Triplicane—one for vesting the fund in the Treasurer of Char-
itable Endowment, and the other for settling a scheme for the administration of the
endowment. He should at the same time submit two separate draft notifications—
one vesting the fund in the Treasurer of Charitable Endowments and the other settling
a scheme of management embodying the modifications now proposed in the rules.

P. RAJAGOPALA ACHARIYAR,
Secretary to Government.

To the Director of Public Instruction with the trust deed returned.

IV

Letter—from the Hon'ble Mr. J. H. STONE, M.A., F.R.H.S., C.I.E., Director of Public
Instruction.

To—the Secretary to Government, Educational Department.

Dated—Madras, the 14th June 1916.

No.—Ref. on Cur. 2126.

With reference to Memorandum No. 1154-1, Educational, dated 5th April 1916,
I have the honour to state that the Inspector of Schools, Fourth Circle, has now sub-
mitted two applications signed by himself and the Manager of the Hindu High School,
Triplicane—one for vesting the Rao Bahadur M. A. Singara Achariyar's endowment in

No. 1400, HOME (EDUCATION), 20TH DECEMBER 1916

Three prizes are now suggested instead of two as in the deed of trust, because owing to the enhanced value of the endowment it is possible to give a third prize providing for two prizes of the money value that the donor contemplated. This is, which in the deed is contemplated, has been rendered simple; and the distinction which it vests in the trustees is not likely to be exercised frequently, as all three prizes are pretty sure to be gained each year, considering the size and efficiency of the school.

O. No. 1414, dated 10th March 1916. Reference—Letter dated 27th February 1916 from the corresponding the Hindu High School, Triplicane, submitting draft rules for Singara Acharyar's endowment.

Submitted to the Director of Public Instruction, Madras, for favour of submission to Government.

It is recommended that the draft rules proposed by the manager be accepted. The rules have been decided upon after the manager and I discussed the subject in person.

H. A. HARVEY

Inspector of Schools, Fourth Circle

Reference on O. No. 2126/16, dated 22nd March 1916.

Submitted to Government.

2. The draft rules drawn up by the Inspector of Schools, Fourth Circle, and the Manager of the Hindu High School, Triplicane, may be approved.

J. H. STONE

Director of Public Instruction

Memorandum No. 1154-1, Educational, dated 5th April 1916.

With reference to his letter R.O. No. 2126/16, dated 22nd March 1916, submitting the revised rules for the award of the Rao Bahadur M. A. Singara Acharyar's prize, the attention of the Director of Public Instruction is drawn to the opinion of the Advocate-General communicated to him with G.O. No. 113, Educational, dated 13th March 1902, and he is informed that before carrying out the proposed alterations, the Government consider it desirable to vest the fund formally in the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890. The Director is accordingly requested to obtain and submit two applications signed by the Inspector of Schools, Fourth Circle, and the Manager of the Hindu High School, Triplicane—one for vesting the fund in the Treasurer of Charitable Endowments and the other for settling a scheme for the administration of the endowment. He should at the same time submit two separate draft notifications—one vesting the fund in the Treasurer of Charitable Endowments and the other settling a scheme of management embodying the modifications now proposed in the rules.

M. RAJAGOPALA ACHARYAR

Secretary to Government

To the Director of Public Instruction

Letter from the Hon'ble Mr. J. H. Stone, M.A., F.R.H.S., C.I.E., Director of Public Instruction.

To the Secretary to Government, Educational Department.

Madras, the 1st June 1916.

Y. H. S. on O. No. 2126.

With reference to Memorandum No. 1154-1, Educational, dated 5th April 1916, I have the honour to state that the Inspector of Schools, Fourth Circle, has now submitted two applications signed by himself and the Manager of the Hindu High School, Triplicane—one for vesting the Rao Bahadur M. A. Singara Acharyar's endowment in

4. No. 1400, HOME (EDUCATION), 20TH DECEMBER 1916

the Treasurer of Charitable Endowments and the other for settling a scheme for the administration of the endowment. In regard to the scheme that should accompany the second of the applications referred to above the Inspector requests that the proposed revised rules which have been submitted to Government with my endorsement R.C. No. 2126, dated 22nd March 1916, may be attached to the application as no copy of these rules has been maintained either in his office or by the correspondent of the Hindu High school, Triplicane. As, however, the proposed revised rules will be required by the Government Solicitor in preparing the draft notifications required in your memorandum referred to above I request that you will be so good as to return the copy of the rules in question submitted with my endorsement R.C. No. 2126, dated 22nd March 1916.

V

Memorandum No. 2095-1, Educational, dated 24th June 1916.

The draft revised rules for the award of the Rao Bahadur M. A. Singara Acharyar's prizes are returned to the Director of Public Instruction with reference to his letter read above.

(By Order)

E. A. HARVEY,

Under Secretary to Government.

To the Director of Public Instruction.

VI

Letter—from the Hon'ble Mr. J. H. Stone, M.A., F.R.H.S., C.I.E., Director of Public Instruction.

To—the Secretary to Government, Home (Education) Department.

Dated—Madras, the 31st August 1916.

No.—R.C. 2126.

With reference to memorandum No. 1154-1, Educational, dated 5th April 1916, and the reminder thereon dated 22nd August 1916 requesting me to obtain and submit the necessary applications and draft notifications for vesting the Rao Bahadur M. A. Singara Acharyar endowment fund under the Charitable Endowments Act and for settling a scheme of management, I have the honour to state that the Government Solicitor was asked in my letter R.C. No. 2126, dated 3rd August 1916, to furnish me with the necessary draft notifications in question. This officer in reply states that as he entertained a doubt as to whether Government can legally in the circumstances of the case vest the fund formally without an application, he referred the matter to the Hon'ble the Advocate-General and that he understands from the opinion (copy enclosed) expressed by that officer that there should be an application from Messrs. E. Marsden and M. O. Parthasarathi Ayyangar to vest the fund in the Treasurer of Charitable Endowments and to settle the scheme.

2. As Mr. Marsden lives in England it will take some time to settle matters.

ENCLOSURE

Opinion No. 902.

[Reference—from the Director of Public Instruction, to the Government Solicitor, dated Madras, the 3rd August 1916, No. Ref. on C. 2126.]

Apart from statute or custom, property cannot be conveyed in trust or otherwise to the holder of an office and his successors in the office in perpetual succession: the holder of an office for the time being cannot, unless he is a corporation sole, be a trustee (vide *Attorney-General v. Wilbert* 10 Beav. 517/50 E.R. 681. *Attorney-General v. Power*, 11 Ball and Beatty 145 at page 149, *Attorney-General v. Tancred* 10, 28 E.R. 587). Neither the Inspector of Schools nor the Manager of Triplicane Hindu High school is a corporation.

2. The Crown can be a trustee though the Government of Madras may not be a person or corporation capable of holding property in trust any more than the Government of India or the Secretary of State for India in Council (*Kinlock v. Secretary of State for India in Council*, 15 O.D. 1; *Doya Narain Tewary v. Secretary of State for India in Council*, 14 Calc. 256; *Secretary of State for India in Council v. Sakharan* 24 Bom. 23 at page 28; *Srinibash Prasad Singh v. Kesho Prasad Singh*, 38 Calc. 754 at page 768, 769).

3. Messrs Marsden and Parthasarathi Ayyangar the first trustees will continue to be trustees notwithstanding that the trust has become incapable of execution—vide section 83 of the Indian Trusts Act. The present case, however, is not a case of resulting trust as the deed of trust directs that the funds are to be at the disposal of Government for other specified charitable purposes. The trustees will continue to hold the funds for the Government of Madras till they are discharged or new trustees are appointed.

4. Messrs Marsden and Parthasarathi Ayyangar are persons acting in the administration of the trust within the meaning of section 6 of the Charitable Endowments Act, 1890. Under that section even when there are no trustees, persons who are in fact administering the trust are entitled to apply (vide Encyclopaedia of forms Volume 3, pages 331-32, 460, 461, note (a); page 464 note (g)).

5. An alternative course is indicated in section 15 of the Charitable Endowments Act, 1890, and provided for by section 92 of the Code of Civil Procedure.

S. SRINIVASA AYYANGAR,
Acting Advocate-General.

VII

Letter—from the Hon'ble Mr. J. H. STONE, M.A., F.R.H.S., C.I.E., Director of Public Instruction.

To—the Secretary to Government, Home (Education) Department.

Dated—Madras, the 8th December 1916.

No.—Ref. on Cur. 2126.

With reference to memorandum No. 1154-1, Educational, dated 5th April 1916, and in continuation of my letter R.C. No. 2126, dated 31st August 1916, I have the honour to submit herewith two applications from Messrs. E. Marsden and M. O. Parthasarathi Ayyangar, the first trustees of the Rao Bahadur M. A. Singarachariyar's endowment fund—one for vesting the fund in the Treasurer of Charitable Endowments and the other for settling a scheme for the administration of the endowment.

2. Two separate draft notifications prepared by the Government Solicitor, Madras, are also herewith submitted for favour of approval and publication in the Fort St. George Gazette. It is requested that the necessary dates may be entered in the draft notifications before they are published.

ENCLOSURE 5/

(1)

Application—from Messrs. M. O. PARTHASARATHY AYYANGAR and E. MARSDEN.

To—the Secretary to Government, Home (Education) Department.

Dated—the 31st August 1916.

Under section 6 (i) of Act VI of 1890, we the undersigned being the first trustees of the fund relating to the Rao Bahadur M. A. Singarachariyar endowment do hereby make a joint application that the fund be vested in the Treasurer of Charitable Endowments.

(2)

Application—from Messrs. M. O. PARTHASARATHY AYYANGAR and E. MARSDEN.

To—the Secretary to Government, Home (Education) Department.

Dated—the 31st August 1916.

Under section 6 (i) of Act VI of 1890, we the undersigned being the first trustees of the fund relating to the Rao Bahadur M. A. Singarachariyar endowment do hereby make a joint application that the scheme for the administration of the fund be settled in accordance with the terms of the accompanying schedule.

Draft rules.

The annual income of the fund shall be devoted to the giving of three prizes to those three students of the sixth form each year who stand highest in the order of merit as judged by the combined marks of the school-record for the year and of the public examination held by the Secondary School Leaving Certificate Board.

2. The recipients of the prizes shall have been pupils of this school during the whole of the school-year for which the prizes are awarded.

3. The recipients of the prizes shall have obtained not less than 60 per cent of the combined total marks of the school-record and the public examination of the year.

4. The recipients of the prizes shall be of good moral conduct approved by the Trustees.

5. The prizes shall take the form of books to be selected by the Trustees after consulting the recipients.

6. The annual income shall be divided among the prizes as nearly as possible in the proportion of four-ninths, three-ninths, and two-ninths.

7. If in any year one or more of the prizes shall not have been gained, the amount or amounts so saved shall be devoted to the giving of an additional prize or prizes in any subsequent year, provided, however, the recipient in each such case fulfils the conditions specified in these rules.

The Trustees may, however, if they consider it desirable, add the amount or amounts of prizes not gained in any year to the trust fund.

8. The Trustees may, in consultation with the Director of Public Instruction of Madras for the time being, from time to time, as circumstances may require, alter or add to the preceding rules.

Order—No. 1400, Home (Education), dated the 20th December 1916.

The draft notifications submitted by the Director of Public Instruction are approved. They will be published in the *Fort St. George Gazette*.

NOTIFICATIONS.

1

*In the matter of the Charitable Endowments Act, 1890, and in the matter of the
"Rao Bahadur M. A. Singarachariyar Prize" Endowment at Madras.*

It is hereby notified that the Governor of Fort St. George in Council, in exercise of the powers conferred by section 4 of the Charitable Endowments Act, 1890, doth hereby order and direct that the securities and money now in the hands of the Accountant-General of Madras and described in the schedule hereto shall, as from the date of publication of this notification, vest in the Treasurer of Charitable Endowments for the territories subject to the Government of Madras and be held by him and his successors (subject to the provisions of the said Charitable Endowments Act, 1890, and to any rules which may from time to time be framed thereunder by the Governor-General of India in Council) upon trust for the purposes and subject to the conditions set forth in a scheme under section 5 of the said Charitable Endowments Act, 1890, for the administration of the said "Rao Bahadur M. A. Singarachariyar Prize" Endowment at Madras.

Schedule.

										RS.	AS.	P.
Number and value of the Government Promissory Notes Stock												
of 3½ per cent of 1865 of the face value of										1,500	0	0
MO. 24349 of 3½ per cent of 1865 of the face value of ..										300	0	0
Total ...										1,800	0	0
Cash										39	5	6

II

*In the matter of the Charitable Endowments Act, 1890, and in the matter of the
"Rao Bahadur M. A. Singarachariyar Prize" Endowment at Madras.*

It is hereby notified that the Governor of Fort St. George in Council, in exercise of the powers conferred by section 5 of the Charitable Endowments Act, 1890, has settled the scheme set forth in the schedule hereto for the administration of the securities vested in the Treasurer of Charitable Endowments by Notification No. 1, dated the 1 day of December 1916, and that such scheme shall come into operation on the 15th day of January 1917.

The schedule above referred to.

1. The Inspector of Schools of the Fourth Circle, Madras, for the time being, and the Secretary to the Committee of the Hindu High School at Triplicane for the time being, shall be the administrators of the said "Rao Bahadur M. A. Singarachariyar Prize" Endowment and the securities and money which were vested in the Treasurer of Charitable Endowments by Notification No. 4, dated the 1st day of December 1916.

2. From and out of the interest accruing on the said "Rao Bahadur M. A. Singarachariyar Prize" Endowment shall be provided annually three prizes in the shape of books to be selected by the said administrators in consultation with the recipients of the prizes which shall be called the "Rao Bahadur M. A. Singarachariyar Prize."

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Connections
made in
the
Sagette
proof

6. The said administrators may, in consultation with the Director of Public Instruction of Madras for the time being, from time to time, as circumstances may require, alter or add to the preceding rules.

P. RAJAGOPALA ACHARIYAR,
Secretary to Government.

G.O. No. 1400, 20th December 1916

Ordering the publication in the *Fort St. George Gazette* of the notifications for vesting the Rao Bahadur M. A. Singarachariyar Prize — in the Treasurer of Charitable Endowments and for settling a scheme for its administration.

to the Hindu High School
Triplicane,

Previous papers.
fo. no 401, Encl., of the 5th July 1898
fo. no 148, Encl., of the 13th March 1902

NOTES CONNECTED WITH G.O. No. 1400, HOME (EDUCATION),
DATED THE 20TH DECEMBER 1916.

[SUBJECT.—Amendment to the rules relating to the Rao Bahadur M. A. Singarachariyar's
prizes in the Hindu High school, Triplicane.]

II

From the Director of Public Instruction, dated the 22nd March 1916,
R.O.C. No. 2126.

Submitted that the revised rules now submitted to regulate the award of the
Rao Bahadur Singarachariyar's prizes tenable at the Hindu High school, Triplicane,
are in accordance with the original rules of the trust deed relating to the fund.
Before, however, the revised rules are sanctioned, the endowment pertaining to the
prizes should be formally vested in the Treasurer of Charitable Endowments—please
see the Advocate-General's opinion on page 2 of G.O. No. 148, Educational, dated the
13th March 1902. For precedents in which the advice of the Advocate-General was
followed, please see G.Os. No. 278, Educational, dated the 13th May 1911, No. 302,
Educational, dated the 20th May 1911, No. 813, Educational, dated the 20th
November 1911 and No. 1069, Educational, dated the 20th November 1911.

2. A draft memorandum to the Director of Public Instruction is accordingly
submitted.

P.R.—31-3-16.
T.K.—31-3-16.

P. RAJAGOPALA ACHARIYAR—5-4-16.

[Memorandum No. 1154-1, Educational, dated 5th April 1916—III].

IV

From the Director of Public Instruction, dated the 14th June 1916,
No. 2126.

The Director of Public Instruction requests that the draft rules on pages 8 and 9
of the current file may be returned to him. A draft memorandum is submitted for
approval.

S.V.—21-6-16.
T.K.—21-6-16.

E. A. HARVEY—23-6-16.

[Memorandum No. 2095-1, Educational, dated the 24th June 1916—V.]

VI

From the Director of Public Instruction, dated the 31st August 1916,
R.O. No. 2126.

Under the circumstances now reported by the Director of Public Instruction it
is submitted the case may lie over for two months after which date the Director of
Public Instruction may again be reminded.

S.N.P.—11-9-16.
T.K.—11-9-16.

C. RAMANUJA ACHARIYAR—13-9-16.

VII

From the Director of Public Instruction, dated the 8th December 1916,
R.O. No. 2126.

The draft notifications submitted by the Director of Public Instruction may be
approved and published in the Fort St. George Gazette.

Yes.

P.R.—20-12-16.

2. The date entered in paragraph 1
of the notification relating to the scheme
is for approval.

3. A draft order is submitted.

S.N.P.—12-12-16.
T.K.—13-12-16.

C. RAMANUJA ACHARIYAR—16-12-16.
P. RAJAGOPALA ACHARIYAR—20-12-16.

[G.O. No. 1400, Home (Education), dated the 20th December 1916.]

For approval
5-7-17
SW

PRESS SLIP.

ORDINARY.

PREFERENCE.

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-38-3-14.

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Arrent No., dated 191 ..
 G.O. No. 1400, dated the 20th Dec. 1916.

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Chief subject... Endowment

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SPECIAL INSTRUCTIONS.

Press.

There are two notifications for publication in the next issue of Part I B of the Fort St. George Gazette.

2.2.16

TO BE FILLED IN BY THE PRESS.

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