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G.O., No. 445

DATED 2-8-02



INDEXED.

ORIGINAL

[Despatch Abstract.]

Lawrence Asylum, Ootacamund.

*Recording with remarks letter from
the Vice Chairman of the Ootacamund
Lawrence Asylum ^{Committee} intimating the decision
of the Committee on the several points
noted in audit report on the accounts
of the asylum for 1900-1901.*

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Government {1902} of Madras.

EDUCATIONAL.

G.O., No. 445, 2nd August 1902.

Accounts of the Ootacamund Lawrence Asylum.

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NOTES CONNECTED WITH G.O., No. 445, EDUCATIONAL, DATED
2ND AUGUST 1901.

[SUBJECT.—*Accounts of the Lawrence Asylum, Ootacamund.*]

From the Director of Public Instruction, No. 8575, dated 23rd November 1901.

In the report on the audit of the accounts of the Ootacamund Lawrence Asylum for the year 1900-1901, the auditor made certain suggestions for the consideration of the committee and pointed out that the committee had not passed any orders on certain of the suggestions contained in his previous report (G.O., No. 529, Educational, dated 18th September 1901.)

2. The committee have now considered these suggestions and submit a copy of their decision for the information of Government. Of the committee's decisions the following call for remarks:—

(1) In paragraph 10 (a) of the report on the accounts of 1899-1900 (G.O., No. 424, Educational, dated 5th September 1900), the auditor remarked that the sergeants and servants of the asylum were annually allowed dress and blankets, but that the charges incurred on that account were included under the head "Children's clothing". He therefore suggested that they should be shown under a separate minor head—"Sergeants' dress"—for facilitating comparison, and that as in all public offices **A** there should be a money limit as regards the supplies. The committee's decision on these suggestions is that the Principal should endeavour to show the approximate cost of sergeants' and servants' clothing in the accounts as separate items. The committee do not make any reference to the suggestion about the money limit, but the fixing of such a limit seems to be more important than the separate exhibition of the charges concerned. Should the attention of the committee be drawn to this matter?

(2) In paragraph 12 (c) of the previous report, the auditor pointed out that the accounts of the female branch constantly showed a debit balance representing the extent to which the funds of the male branch were temporarily drawn upon and remarked that it was not equitable that the female branch should benefit by these funds in this unauthorised way when it had got its surplus money invested in fixed deposits and was earning interest on it. He said that the question was therefore **B** whether the expenditure of the female branch could not be cut down so as to keep it within the income, or whether the male branch might be authorized to make a contribution to the female branch to the extent to which the latter was indebted to the former at the close of the year. The committee now approve the latter suggestion, viz., that the male branch should make a contribution to the female branch to cover whatever deficit there may be in the accounts of the latter. This decision disposes of the longstanding question of making the female branch self-supporting. Towards the solution of this question the committee made three alternative proposals when submitting the budget estimates for 1899-1900 (page 15 of G.O., No. 276, Educational, dated 16th May 1899), viz.—

- (i) To reduce the number of girls from 65 to 60; or
- (ii) to relieve the female branch of the general charges amounting to Rs. 2,040 a year; or
- (iii) to divide the annual donation from the Lawrence Asylum Press between the male and female branches in the same proportion as the Government grant-in-aid is divided.

The Government thought that the difficulty might be got over by assigning to the female branch a larger proportion of the Government grant and asked the Director to fully report on all the four proposals. The Director reported in favour of the

proposal to reduce the number of girls from 65 to 60, but as the budget estimates of the female branch for 1899-1900 were expected to close with a surplus, Government decided to await the result of another year before passing any orders on the subject (G.O., No. 727, dated 30th October 1899). The budget estimates of 1900-1901 also showed a surplus, and the consideration of the question was again postponed for another year (paragraph 8 of G.O., No. 138, Educational, dated 19th March 1900). The estimates of 1901-1902 showed a deficit, and the committee were requested to formulate proposals for permanently curtailing the charges of the female branch (paragraph 2 of G.O., No. 158, Educational, dated 19th March 1901). The committee then said that the adjustment of the accounts of the female branch should stand over till the end of the year—*vide* Proceedings of the Lawrence Asylum Committee, dated 19th July 1901 in G.O., No. 567, dated 8th October 1901. Orders are solicited as to whether the proposal that the male branch should contribute annually a sum equal to the deficit of the female branch may be approved. There is one danger in this settlement; there will be no inducement whatever to keep down the expenditure of the female branch.

(3) In paragraph 16 (c) of his report the auditor pointed out that there was always a large balance in hand and that on the date of his report it amounted to nearly Rs. 30,000. He therefore suggested that Rs. 15,000 of this balance should be invested in Government securities for the benefit of the asylum. The committee approve of the auditor's suggestion, but in view of the fact that the balance will be reduced by large payments for improvements, have decided to invest only Rs. 10,000 at present. They say that this will be placed as a fixed deposit in the Bank. The proposal to place the surplus balance as a fixed deposit is opposed to rule 62 of the asylum rules, which requires that all surplus income, after providing a sufficient cash balance, shall be invested in Government securities. The attention of the committee may perhaps be drawn to this.

T. KANAKASUNDARAM PILLAI—6-12-01.

P. T. THARYAN—6-12-01.

Mr. Bryning was travelling, it seems to me, beyond his province in making the recommendations specified at **A** and **B**. There is certainly a "money limit" in public offices in regard to liveries, and it is a good thing not to spend too much on liveries, but the connection between these facts, which appears to be drawn by the auditor, is non-existent. The limit is a standard or maximum fixed by Government itself for obvious reasons: there must be some system; one Collector should not be allowed to dress his peons more expensively than another: nor should the Educational Secretariat have a duffadar whose clothes cost twice as much as the Revenue duffadar's. But in the case of the Lawrence Asylum, a particular standard is no more necessary than in one's own house; some "limit" should of course be observed and no doubt one is observed, but there is no obligation on the committee to specify it; and so long as the auditor finds the charges on this account placed under the appropriate head, he may rest content. Again, the cutting down of the expenses of the female branch—in other words, the reduction of the strength of the girls at Lovedale—is a question to be raised by Government or by the committee. At times auditors do of course travel beyond the boundaries of their duties as laid down by the Government of India, and nothing need be said. But in regard to the Lawrence Asylum and the minor institutions connected with that charity there are certain matters which it is not desirable to let irresponsible persons raise, and this is not the first time the auditors and stock-takers, generally non-gazetted officers in the Accountant-General's department, by stating their personal views on purely executive points have precipitated action. I think it is not desirable to encourage this kind of thing in regard to a charity in which Government have only a limited control. Only yesterday one of the agents of the Lawrence Asylum committee told me that he believed the more-or-less-spurious but still troublesome agitation of the Madras trades association in regard to the Asylum Press in the Mount Road was originally attributable in some measure to the habit Government had of reviewing the budgets and reports, thus emphasising their powers of control.

2. I submit that there are only two points on which an opinion might be pronounced by Government, and that no opinion need be expressed on either of them—

(i) Should the plan of debiting the male branch of the asylum with the equivalent of any excess payments in the female branch be adopted?

This is a desirable plan from an account point of view: it was suggested by the auditor, and the committee approve of the idea. In the note above it is observed that under such an arrangement, there will be no inducement to restrict the expenditure on the girls' school. This is only partly true. If the committee hold that it is desirable to make each of the branches of the asylum self-supporting, the fact that for a time one of them is not so will not prevent endeavours in that direction. I am not sure that there is much in the doctrine that each branch should pay its own way. One may grant that it would be a pity to make either branch suffer on account of the other, but, so long as the existing ratios of strength are preserved and there is such an income to credit of the institution as a whole as will cover all demands and will enable the asylum to flourish and to do thoroughly good work, carrying out the wishes of the founders, there is no occasion to be doctrinaire. There are reasons which will for many years to come make the education of girls more costly than that of boys, and I submit that the position may be accepted, and that there is no occasion to keep harping on this point.

(ii) Should Rs. 10,000 only of the credit balance of, say, Rs. 30,000 be invested and should the investment be on fixed deposit in the Bank [of Madras]?

The office note contends that under the rules the investment should be in Government paper. I think the committee may be allowed to do as proposed. Considerable charges will have to be incurred in connection with the improvement of the water-supply, and it is doubtful to say what cash payments will have to be made. The maintenance of a "sufficient cash balance" is permitted by the rules and the Collector and Colonel Liardet and other officers on the committee are likely to know better than the Secretariat office what will be "sufficient"; it would be stupid to invest in Government paper and then have to sell out again.

3. The conclusion is that no orders are required on any point and that the proceedings of the committee may simply be recorded.

A. T. PRINGLE—14-12-01.

I don't think it is wise to muzzle auditors too closely. If they are kept merely to seeing that the accounts are right, their reports are of little value.

We may, however, I think leave the suggestion that there should be a limit for expenditure on "sergeant's dress" to the Committee to deal with.

The sergeants' and servants' dress item cannot be inconsiderable and should be duly budgeted for.

I do not know the reasons for keeping the male and female sides of the asylum separate under funds and administration. Apparently the one can come to the aid of the other, and so long as the whole can be run solvently why limit one branch?

But I require instructions before I should speak.

J. T. [HOMSON].

may be allowed to meet it in the manner proposed at all events for one year.

As regards the proposal to place money on deposit, the attention of the Committee may be drawn to rule 62. The deposit may be only for a short period and then could hardly be called an investment, but they should not be allowed to violate the rule by keeping money which there is no immediate need for on deposit for long periods.

Agreed.

J. T.—26-12-01.

Government paper is cheap now and the Committee are not likely to lose by investing in it.

C. J. WEIR—24-12-01.

When the Lawrence Asylum was established at Ootacamund in 1858 it had two branches—the male and female branches. Subsequently in 1871 the Military Male Orphan Asylum at Madras with its funds

Paragraph 17 of the précis in the book file. (Rs. 4,98,049 in Government securities and treasury notes and the proceeds of the Asylum Press) was amalgamated with the male branch of the Lawrence Asylum. The assets of the original Lawrence Asylum amounted to only Rs. 87,402 and were absorbed in the buildings at Lovedale, the cost of which was estimated at 11½ lakhs. In paragraph 21 of the order sanctioning the amalgamation (No. 272, Educational, dated 22nd September 1871) it was stated that the accounts of the male branch would be kept separate from those of the female branch. The administration of the two branches is not kept separate.

Sixty-six per cent. of the Government grant of Rs. 48,000 per annum was assigned to the amalgamated male branch and 34 per cent. to the female branch, and in paragraph 23 of the order just quoted it was stated that if the funds of the female branch required augmentation at any time the Governor in Council would be prepared to sanction the assignment to that branch of a larger proportion than 34 per cent. of the total grant, provided the amalgamated male branch could spare a portion of its share of 66 per cent. If therefore the male branch has to make any contribution to the female branch, the proper course seems to be to readjust the Government grant and not leave the matter in the indefinite way suggested by the auditor.

P. T. THARYAN—30-12-01.

After carefully considering the question and making enquiries about several points I remain of the same opinion and cannot see the profit in an artificial division.

It has to be remembered that the Government have spent lakhs of rupees in building and that the Military orphan asylums have had the benefit of this. For all practical purposes there is now one institution with two divisions, and the Governor in Council is free to proceed as at the passage C in the Honourable Member's marginal note.

A. T. PRINGLE—25-2-02.

I think we should first have a look at the deed of trust referred to in paragraph 24 of Government order, dated 22nd September 1871.

C. J. WEIR—1-3-02.

No trust-deed was ever executed. Please see last line of the footnote at flag E in the book file—also paragraphs 3 and 7 of the Advocate-General's opinion in G.O., No. 446, Educational, dated 11th June 1892. The draft reference to the Advocate-General placed below may issue.

P. T. THARYAN—12-3-02.

I propose this reference to the Advocate-General to remove some doubts Mr. Weir had. I explained in conversation on the 1st instant, some points about which he was under a slight misapprehension, and he then suggested that the Advocate-General should advise; at the same time he asked me to try and discover what the orders of the 22nd September 1871 were based on as he thought that legal advice must at that time have been obtained and that there must be notes leading up to those orders.

It is however pretty certain that there is nothing of the kind on record; the draft seems to have been drawn up by Chief Secretary R. S. Ellis, possibly after a series of discussions in council or elsewhere.

A. T. PRINGLE—24-3-02.

M. HAMMICK—25-3-02.

From the Government Solicitor, dated 14th April 1902.

The Advocate-General's meaning appears to be that there is no objection to the maintenance of a consolidated account in case a separate account is kept for the male branch. This will necessitate a separate account for the female branch also and there will be three accounts instead of two as at present. It is submitted that there is no advantage in such a course.

2. Even at present there is only one set of rules and one banking account for both the male and female branches. Whatever deficit there is in the funds of the female branch is met for the time being from the funds of the male branch, but in the annual accounts of the female branch the deficit is shown as such.

3. Under G.O., No. 272, Educational, dated 22nd September 1871, 66 per cent. of the Government grant of Rs. 48,000 is to be credited to the male branch. When once this is done the 66 per cent. becomes part of the income of the male branch and under the Advocate-General's opinion no portion of that income can be devoted to the maintenance of the female branch. The best course to be now done seems to be to reduce the percentage to, say, 60. This will give the female branch an additional Rs. 2,880 a year. This course has been in contemplation for a very long time—vide paragraph 8 of G.O., No. 276, Educational, dated 16th May 1899.

P. T. THARYAN—1-5-02.

I have found it difficult to make time for examining this case.

2. The Advocate-General's opinion confirms in general the view which was taken previously in this office. The trustees are bound to apply to the objects of their trust—that is to say on the education of male children—"the trust property of the Military Male Orphan Asylum of Madras" which is "now vested in the committee of the Lawrence Asylum," but subject to the due application of that trust property to the said objects, and the keeping of accounts to exhibit that application, there is no objection to the amalgamation of the general accounts of the male and female branches. A like obligation applies to the case of the property which is held in trust on account of the Lawrence charity, the objects in that case being the education of male and female children alike. Part of the property in the latter trust comprises the buildings constructed for the charity by Government at a cost of some 11.50 lakhs of rupees.

3. What I think has been an error in the past is the recognition of the trust-nature of the property of the old Military Male Orphan Asylum on the one hand and the non-recognition of the trust-nature of the property of the Lawrence Asylum on the other. Proper accounts of the latter property, as apart from the former, showing the method of its application, can hardly be said to have been maintained.

4. I venture to recommend the issue of the draft order below in order to close the long-pending auditor's report, and if Honourable Member agrees, the question of ascertaining the true position of the two trusts will be taken up in consultation with the Government Solicitor. If they work out as I am disposed to think they may, the matter will be simple enough; no multiplication of accounts will be necessary after the first, but the two separate accounts now kept up—one for the male, the other for the female, branch of the asylum—will be combined, much labour being saved by this, and there will be a short statement, corrected up to date year by year, showing that the expenditure was in due accordance with each of the two trusts. Advances from one to the other trust to preserve equilibrium may or may not be necessary, but if Government have to authorise them, it will be shown by a single entry in the accounts, varying each year; such advances, if necessary, and if sanctioned by Government, need not, I think, be held to constitute any misapplication of the trust properties.

5. If this plan proves unworkable, Government will at any rate have ascertained the actual position: and it could then be considered whether the High Court should not be moved under section 539 of the Code of Civil Procedure to sanction the amalgamation of the two trust properties, once for all.

A. T. PRINGLE—20-5-02.

This note had to be detained to ascertain the total cost of the asylum buildings for which papers were called from the Public Works department. After several reminders the papers were received on the 25th June last. On examination they were found to be incomplete and further papers had to be obtained from Madras. They were received on the 7th instant. The total cost has been entered and the note may now be submitted for orders.

T. KANAKASUNDARAM PILLAI—10-7-02.

Please speak before the case goes on to Secretary.

A. T. PRINGLE—15-7-02.

I have spoken to the Assistant Secretary on this case. If the accounts of the male and female branches are amalgamated all that is necessary is to see that no portion of the income proper of the male branch is diverted to the female branch. This can be done by the maintenance of a separate account for the male branch and there will then be only two accounts—the same number that now exists. By "income proper" is meant "items II to V of the statement on page 11 of G.O., No. 158, Educational, dated 19th March 1901".

P. T. THARYAN—16-7-02.

I agree. As said before, one of the two accounts will be a very short one.

A. T. PRINGLE—18-7-02.

Z It seems to me that the simplest plan will be to give the female branch 40 per cent. of the Government grant and to keep the accounts as at present. Both branches should then be solvent and the trust funds will be properly applied.

H. A. STUART—20-7-02.

I agree.

J. T. [HOMSON]—31-7-02.

The draft* which the Honourable Member had passed may issue, and a supplementary order as at **Z** will follow.

* I have made a few verbal changes.

A. T. PRINGLE.

A. T. PRINGLE—1-8-02.

H. A. STUART—1-8-02.

[G.O., No. 445, Educational, dated 2nd August 1902.]

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers :—

From C. M. MULLALY, Esq., Vice-Chairman of the Ootacamund Lawrence Asylum Committee, to the Secretary to Government, Educational Department (through the Director of Public Instruction), dated Nilgiris, 16th November 1901.

I have the honour to forward the undernoted extract from the proceedings of the Ootacamund Lawrence Asylum Committee at their meeting on the 1st instant.

ENCLOSURE.

EXTRACT from the proceedings of the Ootacamund Lawrence Asylum Committee, dated 1st November 1901.

Item No. II (transferred from last meeting—XVIII).—Lay on the table auditor's report on the asylum accounts for 1900-1901, together with Principal's remarks thereon.

Resolution.—The committee have considered, *seriatim*, the points mentioned in the auditor's report, and their decision on the various paragraphs is as follows.

3. These transactions will in future be shown in the asylum accounts.

4. It is not thought necessary to change the present procedure.

5. Noted.

6. The Principal will inform the headmistress that the permanent advance for contingencies cannot be utilized for the purchase of provisions. In order, however, to allow the headmistress a housekeeper's discretion, she will be permitted to purchase such extras as may occasionally be found necessary within the budget allotment for provisions, and will submit an account for these to the Principal at the end of each month.

7. [10 (a) of last report].—The Principal will endeavour to show the approximate cost of sergeants' and servants' clothing in the accounts as separate items.

[12 (b) of last report].—This will be complied with.

[12 (c) of last report].—The committee approve the suggestion that "the male branch be authorized to make a contribution to the female branch to the extent to which the latter is indebted to the former at the close of the year."

[16 (c) of last report].—The principle mentioned by the auditor is approved; but in view of the fact that the current balance will probably be reduced in the near future by large payments for improvements, the committee have decided not to invest more than Rs. 10,000 at present. This will be placed as a fixed deposit.

[16 (d) of last report].—The fixed deposit will be converted.

8. No new work now issues from the workshops.

9. In future there will be only one store for both branches. The material at present at the girls' school will be transferred to the quartermaster-sergeant's store and will be issued as required on indents countersigned by the Principal.

There is practically no office stationery ever kept in stock. The proposal to issue school stationery according to scale is not feasible.

10. A new "Material Stock Book" has been designed and will be brought into use.

11. The asylum has hitherto had no connection with the finances of the Armstrong Memorial fund. The fixed deposit was in the names of Revd. A. W. Atkinson and Mr. G. Maddox, not *quâ* Principal and headmaster, respectively. Should the funds hereafter be handed over to the Committee, they will be brought into the accounts in the ordinary course.

N. Dis. on C. No. 8575.

Submitted to Government.

G. H. STUART,
Director of Public Instruction.

23rd November 1901.

From E. BARCLAY, Esq., Government Solicitor, Madras, to the Chief
Secretary to Government, dated Madras, 14th April 1902.

With reference to the order of Government, Educational department, No. 177, dated 26th March 1902, I have the honour to forward herewith, in original, the opinion of the Advocate-General on the matter referred to him and to return the papers which accompanied the order.

OPINION.

I have perused the papers forwarded to me and concur in the opinion given by the late Mr. Spring-Branson when Advocate-General and printed in G.O., No. 446, Educational, dated 11th June 1892, that the trust property of the Military Male Orphan Asylum of Madras is now vested in the Committee of the Lawrence Asylum. I am further of opinion that the committee held such property as trustees upon trust to apply it for the education of male children only and that no part of it can legally be applied for the education of female children. That would be diverting the trust property from the original objects of the charity and would amount to a breach of trust. (Lewin on Trusts, p. 589, 9 edition.)

The committee are also bound as trustees to keep proper accounts of the trust property showing that it is being properly applied. The foregoing remarks apply of course to any other trust property which the committee may hold. Provided that the trust funds are duly applied for the proper objects of the trust, and that due accounts are kept to show this, there is in my opinion no legal objection to treating the general accounts of the male and female branches of the asylum as one.

MADRAS,
12th April 1902.J. P. WALLIS,
Advocate-General.

ORDER—No. 445, Educational, dated 2nd August 1902.

Recorded with the following remarks:—

(i) The committee have not disposed of the auditor's suggestion that a money limit should be placed on the supplies of dress and blankets for sergeants and servants. It will, however, be sufficient if a separate estimate is made of the cost of these supplies.

(ii) Further orders will be passed on the proposal to make the male branch contribute to the female branch.

(iii) As regards the recommendation to invest Rs. 10,000 of the balance as a fixed deposit with the Madras Bank, the attention of the committee will be drawn to No. 62 of the Asylum Rules.

(True Extract.)

H. A. STUART,
*Ag. Secretary to Government.*To the Committee of the Lawrence Asylum, through the
Director of Public Instruction.

„ Director of Public Instruction.
„ Accountant-General.

Educational (190/) Department.

CURRENT No.

1625

From

[Name] The Honble Mr. G. H. Elliot, M. A.,[Designation] Director of Public Instruction,[Station] Madras

DESPATCHED
23 NOV 1901

R. No. 8575 of 01.Dated 23rd November 1901.Enclosures 2 in original

Received _____ 190 .

Registered 25-11-1901.

SUBJECT.

Submitting an extract from the proceedings of the Lawrence Asylum Committee, Colacannur based on the Auditor's Report on the Asylum accounts for 1900-01.

BACK PAPERS.

G.P. 529 of 18-9-01	80. 424 of 15-9-01
567 of 8-10-01	138 of 12-3-00
198 of 19-3-00	727 of 30-10-99
	276 of 16-5-99

FURTHER PAPERS.

G.P. 2 of 2-1-99	50. 578 of 19-9-98
652 of 14-10-98	

To

The Secretary to Government,
Educational Department.

Sir,

Pub.
29

2,500-27-2-01

Edl
~~Public~~ (1902) Department.

~~CONFIDENTIAL~~ No. 105

CURRENT No. 1084

657

From

[Name] Ernest Barclay Esq

[Designation] Govt. Solicitor

[Station] Madras

N

To the Educational Department, No. 153.D. 19.4

Sd/-
18/4/02



No. _____

Dated 14-4- 1902

Enclosures _____

Received 17th 1902

Registered 18th 1902

in Rd 23.4.02

SUBJECT.

Forwarding the opinion of the Advocate-General as to whether, provided there is a balance to the credit of the Lawrence Asylum as a whole, there is any ^{legal} objection to treating the assets of the male and female branches as one.

BACK PAPERS.

Sd/- 177 17.5.02
" 446 17 11-6-02

FURTHER PAPERS.

Si,

EDUCATIONAL DEPARTMENT.

” ” ” ” ” / ”

READ ALSO :—

657, first Solicitor, 14th April 1902.

” ” ” ” ” ” ” ” 190

No. 445, dated 2-8- 1902

(ii) The Committee have not disposed of the Auditor's suggestion that a money limit should be placed on the supplies of dress and blankets for Serjeanty and servants. It will ^{(a separate estimate is made of} ~~be~~ however sufficient if ~~the~~ ^{the} cost of these supplies is separately budgeted for.

(ii) ^{From these} Separate orders will be passed on the proposal to make the male branch contribute to the female branch.

(iii) As regards the ^{29 comment then} proposal to invest Rs 100,000 of the balance as a fixed deposit with the Madras Bank. the attention of the Committee will be drawn to sub 2 of the Asylum rules.

To the Committee of the Y. M. C. A. there' the 1899
 a 1899
 a 1899. 25/10

2/17/72

1.2.2

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.

Order complete with Letter.