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100-12-5-94.
Educational (1904) Department.

ORDINARY PRINTED.

G.O., No. 712

DATED 2. 12. 04

INDEXED

ORIGINAL

[Despatch Abstract.]

Grigg Memorial Fund.

Declining with remarks to approve the
present proposals of the D-8-D for the
utilization of the amount of interest from
the — asking him to submit revised
proposals.

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 {1904} of Madras.

EDUCATIONAL.

2

Recd.

Enclosures

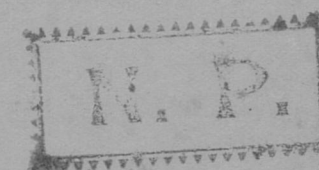
Regd.

1904.

Spare copies

ORIGINAL

G.O., No. 712, 2nd December 1904.



DECEMBER.

Grigg Memorial Fund.

Declining, with remarks, to approve the present proposals of the Director of Public Instruction for the utilization of the amount of interest from the — and asking him to submit revised proposals.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—again the following paper:—

G.O., No. 423, Educational, dated 11th July 1904.

ABSTRACT.—Appointing the Director of Public Instruction and the Collector of Madras as Trustees of the Grigg Memorial Endowment Fund.

READ—also the following papers:—

From the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., Director of Public Instruction, to the Secretary to Government, Educational Department, dated Madras, 16th September 1904, Ref. on Cur. No. 1235.

In continuation of my letter, Ref. on Cur. No. 1235, dated 23rd June 1904, read in G.O., No. 423, Educational, dated 11th July 1904, I have the honour to state that the Accountant-General informs me that the amounts standing to the credit of the Grigg Memorial fund are Rs. 5,600 in the $3\frac{1}{2}$ per cent. Government paper and Rs. 723-12-7 in cash (unexpended interest), that the latter amount will shortly be invested in the $3\frac{1}{2}$ per cent. Government paper, and that the aggregate will yield an annual income of Rs. 219-15-2. The amount thus available for the award of prizes, etc., for the encouragement of (i) Music and (ii) Athletics and out-door games in accordance with the intentions of the Grigg Memorial Committee is Rs. 200 in round numbers, and I request the approval of Government to the following proposals for the utilization of this amount:—

(i) A gold medal costing not more than Rs. 70 shall be awarded every year to the student of the Madras School of Music who distinguishes herself most during the year, it being left to the Council of the School of Music to decide who the best student is.

(ii) A sum of Rs. 30 shall be placed every year at the disposal of the Council of the Madras School of Music for the award of medals or prizes, or both.

(iii) Fifteen silver medals costing not more than Rs. 100 in all shall be awarded every year for proficiency in athletics and out-door games. The medals shall be handed over to the Inspectors of Schools for general education for distribution in the manner shown in the margin. The Inspectors shall arrange for the award of the medals by holding inter-school sports or in any manner they may think fit.

2. In one of the resolutions of the Grigg Memorial Committee it is suggested that the prize for music shall be awarded to the student taking the highest place at the Advanced Technical examination in the subject. The prize will, however, remain unawarded often if this condition is insisted on, and I have therefore proposed that the gold medal may be given to the student who does best in the School of Music. Mr. Grigg was chiefly instrumental in founding the School of Music and took a lively

interest in its working and development; and it would be a fitting recognition of his services in this direction if his name should thus be closely associated with the institution. I have not made any provision for meeting the cost of the die, for it is intended that that portion of the die which has been prepared for the University medal, already awarded in Mr. Grigg's name, and containing his effigy, should be utilized for striking the music and athletic medals, the cost of preparing the obverse of the die with either the words "For Music" or "For Athletics", which will amount to about Rs. 75, being met from the accumulated interest. If the above general proposals are approved by Government, I shall draw up detailed instructions for the award of the medals in consultation with the Council of the School of Music and the Inspectors.

Memorandum No. 546, Educational, dated 5th October 1904.

On the death of Mr. Grigg his friends collected a fund with the object of perpetuating his memory and in aid of this fund a grant was paid from Provincial funds. A portion of the total amount was paid to the Madras University and the balance taken over by Government, the Director of Public Instruction and the Collector of Madras being appointed Trustees thereof.

2. The resolutions of the Committee of the Grigg Memorial fund are printed on page 4 of G.O., No. 423, Educational, dated 11th July 1904, a copy of which is enclosed. The Director of Public Instruction now proposes to utilize the interest of the amount kept with Government in the following manner, namely,—

(i) A gold medal costing not more than Rs. 70 shall be awarded every year to the student of the Madras School of Music who distinguishes herself most during the year, it being left to the Council of the School of Music to decide who the best student is.

(ii) A sum of Rs. 30 shall be placed every year at the disposal of the Council of the Madras School of Music for the award of medals or prizes, or both.

(iii) Fifteen silver medals costing not more than Rs. 100 in all shall be awarded every year for proficiency in athletics and out-door games. The medals shall be handed over to the Inspectors of Schools for general education for distribution in the manner shown in the margin. The Inspectors shall arrange for the award of the medals by holding inter-school sports or in any manner they may think fit.

3. These proposals modify the ninth resolution of the Committee of the Grigg Memorial fund which is to the effect that the prize for music shall be awarded to the candidate who takes the highest place at the Advanced Technical examination in that subject.

4. The Advocate-General is requested to state whether the persons in whose hands the fund now is can, with the sanction of Government, but without recourse to the procedure prescribed by the Charitable Endowments Act, 1890, alter the original scheme as proposed.

5. The Director of Public Instruction is being requested to forward the original correspondence between the Grigg Memorial Committee and his office to the Advocate-General.

H. D. TAYLOR,
Ag. Secretary to Government.

To the Advocate General, through the Government Solicitor.
Copy to the Director of Public Instruction.

From the Government Solicitor, Madras, No. 950, dated 27th October 1904.

ORDER—No. 712, Educational, dated 2nd December 1904.

The Director's proposals (i) and (ii) in paragraph 1 of his letter which are not in consonance with the terms of the trust cannot be approved. Revised proposals should accordingly be submitted.

(True Extract.)

H. D. TAYLOR,
Ag. Secretary to Government.

To the Director of Public Instruction.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 712, EDUCATIONAL,
DATED 2ND DECEMBER 1904.

[SUBJECT.—*The Grigg Memorial Endowment Fund.*]

From the Director of Public Instruction, No. 1235, dated 16th September 1904.

Please see the notes connected with G.O., No. 423, Educational, dated 11th July 1904, which give a brief history of the origin and development of the Grigg Memorial Endowment Fund.

2. The Director now submits proposals for the utilization of the interest of Rs. 200 in round figures accruing from the Grigg Memorial Fund. Briefly stated, they are as follow :—

(1) The award of a gold medal costing not more than Rs. 70 every year to a distinguished student of the Madras School of Music during the year.

(2) The placing of a sum of Rs. 30 every year at the disposal of the Council of the School of Music for the award of medals or prizes or both.

(3) The award in every year of 15 silver medals costing not more than Rs. 100 for proficiency in athletics and out-door games.

2. The proposals made above for the encouragement of proficiency in music and proficiency in athletics and out-door games are in consonance with the wishes of the Memorial Committee. In regard to (1), however, it is pointed out by the Director that it is suggested by the Committee that the prize for music shall be awarded to the student taking the highest place at the Advanced Technical examination in the subject. But the reasons explained by the Director in paragraph 2 of his letter seem to be cogent and convincing and his suggestion (1) above may therefore be adopted.

3. It is submitted that the general lines of policy indicated by the Director in regard to the disposal of the interest accruing from the endowment fund may be approved, he being left to himself to work out the details.

N.L.R.—21-9-04.

It is submitted that the fund is a trust fund and that neither the Director nor the Government has any power to vary the conditions of the trust. These conditions will be found in the resolutions of the Grigg Memorial Committee on page 4 of G.O., No. 423, Educational, dated 11th July 1904.

2. The Director and the Collector of Madras are, however, now acting in the administration of the trust and they can submit a joint application for vesting the property in the Treasurer of Charitable Endowments and for settling a scheme for its administration. In this scheme any variation may be made from the original conditions. The Director may therefore be asked to submit the necessary application and scheme and he may be informed that the latter may be on the lines of the general proposals now submitted by him.

P. T. THARYAN—22-9-04.

Submitted that no deed of trust was executed; no binding conditions were imposed. The Committee's resolutions do not legally bind the present trustees.

2. The Director's proposals may be approved.

A. GALLETTI—22-9-04.

I think that the office-note is correct. The Director of Public Instruction and the Collector of Madras have been appointed trustees, even though they may not have been legally constituted as such by a formal deed. The fund which they administer was raised by public subscriptions, and the Committee was appointed to formulate a scheme for applying the funds to suitable purposes in the interest and on behalf of the general body of subscribers. I think that the trustees are bound by the prior resolutions of the Grigg Memorial Committee as to the application of funds, unless they are legally empowered to vary the trust by the application of the Charitable Endowments Act.

The object is the same, viz., the encouragement of music, but the exact method and channel of encouragement differs in detail from that proposed by the Committee.

H. D. TAYLOR—23-9-04.

At any rate it is safer probably to follow the Charitable Endowments Act: but ask the Advocate-General whether the persons in whose hands the fund now is can with the sanction of Government alter the original scheme without recourse to the procedure of the Act.

(In my note of 7th August with G.O., dated 11th July 1904, I see I expressed the view that Government would be liable for the official "trustees" (except in case of fraud) but the opinion of the Advocate-General recently obtained in the A | Breeks' School case shows that I was wrong, and that Government have no responsibility?)

G. S. F[ORBES]—29-9-04.

A Please put up this opinion and verify this point.

H.D.T.—30-9-04.

Submitted that this opinion is now in circulation, but please see paragraph 1 of the office-note, dated 3rd August 1904, on page 3 of the notes (in type) connected with the Breeks' School question and the Government orders quoted therein.

P. T. THARYAN—1-10-04.

The Kinloch case I suppose; but the point there was different I think. Prize of war belongs to the Crown, and its distribution is entirely in its discretion. In the Kinloch case the Crown appointed the Secretary of State for India to be a "trustee" for the distribution of the prize; and it was held that such nomination by the Crown did not give a right of suit in a court of law against the Secretary of State as "trustee". He was only the Crown's agent and a suit would not lie against him any more than against the Crown itself for the distribution of the "prize".

G.S.F.—19-11-04.

Please draft reference to Advocate-General accordingly.

H.D.T.—30-9-04.

A draft reference is submitted below for approval.

P.T.T.—30-9-04.

My view was this: that when the Committee handed the money over to Government, they did not create a trust (Government not being capable of being a trustee) and so Government was not legally bound by the Committee's resolutions; and the Director and Collector were not (in their private capacities) bound, because the money had not been handed over to them and they had not been formally constituted trustees.

2. I don't think the file contains all the material that the Advocate-General might require. Should the Director be asked to submit the case, together with the correspondence between his predecessors and the Committee, to the Advocate-General through the Government Solicitor?

A.G.—1-10-04.

Yes, he may be asked to do so. Reference to Advocate-General may issue.

H. D. TAYLOR—3-10-04.

Issue as modified.

A. GALLETTI—4-10-04.

[Memorandum No. 546, Educational, dated 5th October 1904.]

From the Government Solicitor, No. 950, dated 27th October 1904.

The Advocate-General states that the Collector of Madras and the Director of Public Instruction in whose hands the fund now is cannot, with the sanction of Government, alter the original scheme and that if it is considered necessary to give effect to the proposals of the Director of Public Instruction, that officer and the Collector of Madras must apply to Government under sections 5 and 4 of the Charitable Endowments Act of 1890 to settle a scheme for the administration of the property and to vest the fund in the Treasurer of Charitable Endowments.

2. A draft is accordingly placed below for approval asking the Director of Public Instruction to take the necessary steps to vest the fund in the Treasurer of Charitable Endowments.

T. KANAKASUNDARAM—14-11-04.

V. KRISHNASWAMI—14-11-04.

A.G.—14-11-04.

The reference is from the Director of Public Instruction, not from the trustees. The Director of Public Instruction will communicate the necessary orders to the trustees.

2. It is for decision whether the original proposals of the committee should be adhered to, or whether the modification now proposed should be adopted. In the latter case action must be taken under the Charitable Endowments Act.

H.D.T.—18-11-04.

I don't think the Government should vary the designation of the money which the subscribers agreed upon unless on the strongest grounds.

2. The School of Music is a private institution, I believe, and I do not know that there is any or what guarantee of its continuance.

3. I would therefore retain the music medal, as originally resolved, for the best student in the Advanced Technical examination on the subject. This is a public Government examination. I see no reason why pupils of the School of Music should not go in for the examination and win it if they can. Besides the Technical examinations are open to the whole Presidency, and the School of Music is a local school in the city and to award it to a pupil in that institution would practically confine it to Madras townspeople.

4. Any variation of the present trust would require an application under the Act.

G. S. F[ORBES]—19-11-04.

The Hon'ble Mr. Stokes, C.S.I.

H.D.T.

I agree with Hon'ble Mr. Forbes.

G. S[TOKES]—23-11-04.

Draft please.

H.D.T.—24-11-04.

A draft is placed below for approval.

T.K.—25-11-04.

V.K.—25-11-04.

A. GALLETTI—28-11-04.

Issue.

H. D. TAYLOR—1-12-04.

[G.O., No. 712, Educational, dated 2nd December 1904.]

Educational (1904) Department.

CURRENT No. 1673

From

[Name] The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.,



[Designation] Director of Public Instruction,

[Station] MADRAS.

Ref. on Cur No. 1235/04

Dated 16th September 1904

Enclosures

Received 19-9-1904

Registered 19-9-1904

SUBJECT.

Submitting certain proposals for the award of prizes in connection with the Griggs Memorial Fund.

BACK PAPERS.

FURTHER PAPERS.

80 712/2-12-04

Please print the Current, memo & note & stamp
Som. 11/10/10

12
To

The Secretary to Government,

Educational Department.

Sir,

H
In continuation of my letter Ref on Cur No. 1235 of 04 dated 23rd June 1904 read in G.O. No. 423 Educational dated 11th July 1904 I have the honour to state that the Accountant-General informs me that the amounts standing to the credit of the Grigg Memorial Fund are Rs 5600/- in the 3½ per cent Government paper and Rs 723-12-7 in cash (unexpended interest), that the latter amount will shortly be invested in the 3½ per cent Government paper, and that the aggregate will yield an annual income of Rs 219-15-2. The amount thus available for the award of prizes &c for the encouragement of (i) Music and (ii) Athletics and out-door games in accordance with the intentions of the Grigg Memorial Committee is Rs 200 in round numbers, and I request the approval of government to the following proposals for the utilization of this amount:-

(1) A gold medal costing not more than Rs 70 shall be awarded every year to the student of the Madras School of Music who distinguishes herself most during the year, it being left to the Council of the School of Music to decide who the best student is.

(ii) A sum of Rs 30 shall be placed every year at the disposal of the Council of the Madras School of Music for the award of medals or prizes or both;

(iii) Fifteen silver medals costing not more than Rs 100 in all, shall be awarded every year for proficiency in athletics and out-door games. The medals shall be handed over to the

[E.]
1
1,000-5-12-02.

3
Educational (1904) Department.

7
CURRENT No. 1919.

From

[Name]

[Designation]

[Station]

The Govt Solicitor,

Madras

No.

Dated

Enclosures

Received

Registered

1904.

1904.

SUBJECT.

Forwarding the opinion of the Advocate-General regarding the Grigg Memorial Fund.

BACK PAPERS.

memo no 546 - 5-1004 - printed
checked

FURTHER PAPERS.

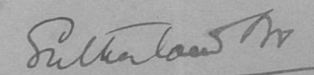
It is clear from the copy of the correspondence sent to me - that the subscribers to the 'Grigg Memorial' Fund authorised the - committee to settle the form of the Scholarship or prize (in --- connection with educational movements) to be founded in honour of his memory with the aid of the subscriptions realised. The Committee by its Resolutions dated the 19th August 1898, resolved, amongst - other things that a prize for proficiency in music be annually -- awarded to the candidate who takes the highest place at the advanced Technical Examination in that subject. The Collector of Madras and the Director of Public Instruction - for the time being - who were appointed Trustees for the Fund accepted the Trust for this among other purposes and it is not therefore competent to them to vary - the above Resolution of the Memorial Committee (which is now defunct) and utilise the amount of the interest in the manner now proposed, viz, by giving annually a gold medal (of the value of Rs 70) to the best student of the Madras School of Music and by placing annually at the disposal of the Committee of the Madras School of Music a sum of Rs 30 for the award of medals or prizes or both. If it is considered necessary or desirable that effect should legally be given to the present proposals of the Director of Public Instruction and that that officer and the Collector of Madras (for the time being) should in their official capacity act as Trustees, recourse should be had to the provisions of Act VI of 1890 and applications made by the - Trustees under sections 5 and 4 of the Act to settle a Scheme (with their consent) and to vest the Fund in the Treasurer of Charitable Endowments - the Trustees being appointed (under sub section 1 of section 5) by virtue of their office to administer the property.

V. Bhashyam Iyengar,

Ag: Advocate General.

25/10/04.

(True Copy)


Government Solicitor.

5

Lutherland Orr

Government Solicitor

2c

The Secretary to Government.

Educational Department

Madras.

Dated 27th October 1904

Received

C^{No}₄ 950.

Forwarded with enclosures
with reference to the Memo-
-randum of Government No
No. 546 dated 5th October 1904
Educational Department.

Sutherland Th

Government Solicitor

$$\left[\frac{E}{12} \right]$$

1,200—7-10-0

EDUCATIONAL DEPARTMENT.

READ AGAIN G.O., No. 423, dated 11th July 1904.

190

READ ALSO :—

C. No. 1673, From the O.P.I., No. 1235, dated 16-9-1904

1919 Goal. Solicitor 950 27-10-1904

ORDER

No. _____, dated _____ 190_____

P. S -

h and the Collector of Madras
who should ~~make the~~
submit the applications
~~described~~ referred to in
sections 4, 5 and 6 of the
Charitable Endowments
Act, 1890 ?

The opinion of the Advocate-General
will be communicated ~~separately~~ to the

D.P.I. / with the request that
he will obtain the necessary application from
he will take the necessary steps
the Trustees under sec 4.5.6. of the C. End^d. Act 1890
to vest the fund in the Treasurer

of Charitable Endowments.

7/9
14-11-04

14-11-20

14-11-11

by

157654

70

The D.P.I.
" Collr. of insdm.
-- S.

1,000-24-2-04

dated 11th July

1904

190

READ ALSO:—

C. No. 1673, From the D.P.I., No 1235, dated 16th Sept. 1904.

1919 Gout. Solitaire 950 27th Oct. 1904.

190

ORDER

No. 712, dated 2.12. 1904

P. S.

The Director's proposals (i) & (ii) in para 1 of his letter which are not in consonance with the terms of the trust ~~and~~ cannot ~~therefore~~ be approved. Revised proposals should accordingly be submitted.

219.
25-1104

625711/11

Ag. 28.11.11

Ad
L. No

To The S.P.S. with original
papers received from the Genl.
Secretary recd.

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Despatched in print.

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PRESENT No.

MEMORANDUM TO C. No.

ORDER OF GOVERNMENT

ORDER OF GOVERNMENT.

STATEMENT WITH DITTO.

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note 1-48

The Director's proposal (1907) is not in accordance with the terms of the trust and cannot therefore be approved. Revised proposal should accordingly be submitted.