

Educational (1895) Department.

ORDINARY MS.

G.O., No. 318, 319

Dated 26th Apr. 1895

INDEXED.

[Despatch Abstract.]

THE HOBART MUHAMMADAN GIRLS' SCHOOL

Directing the Accountant-General to execute the deed of appointment of the new trustees to the Lady Hobart's trust in connection with -- ; and requesting the Government of India to publish the necessary notification in the Gazette of India for the appointment of the Accountant-General and the Director of Public Instruction as trustees in virtue of their respective offices.

Educational Dept

1895.

Educational Department.

From

THE DIRECTOR OF PUBLIC INSTRUCTION,
Madras,

To

THE HONORABLE THE CHIEF SECRETARY
TO GOVERNMENT,
Fort St. George.



Dated 18th

Despatched 18th

Received 19th

Enclosed 7

March 1895

No.

ENCLOSURES. 6

Subject.

Requesting to instruct the Accountant General to sign the Deed of appointment of new Trustees to the Lady Hobart's Trust and to make the necessary application to the Government of India for the required declaration under section 7 of Act 13 of 1886.

*For R. P. ...
Put up Act II of 1882 & Act 13 of 1886 both quoted in the Cont.*

647 55
518-519 55

*816-12-93
65-7-2-94
155-12-3-94
Recd Ltr 12/2
272-14-5-75
715-19-9-93
400-1-9-92
501-51-7-92
R28-25-2-92
R177-5-11-90
R103-10-9-89*

Book DEPARTMENT.

FORT ST. GEORGE,
Accountant-General's Office.

22nd August 1894.

No. 2504

3

From J. W. Rankins Esq.,

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE
Director of Public Instruction,
Madras.

SIR,

In reply to your reference No. 7327 dated the 13th August 94 regarding the trusteeship of Lady Hobart's endowment to the Hobart Mahomedan Girls School, Rayapet, I have the honor to observe that the circumstances now explained place a different complexion on the matter and I waive my objection which was really based on the technical distinction between the position of Accountant General as such and as Treasurer of Charitable Endowments with reference to Article 153B of the Civil Account Code. The formal orders of Government may therefore now be asked.

I have the honour to be
Sir,

Your most Obedt. Servt.

Henry

Acctt. General.

WJ 22/8

10218/94

(189) DEPARTMENT.

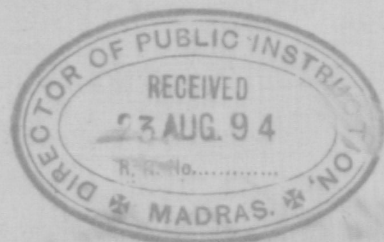
From

THE ACCOUNTANT-GENERAL,

MADRAS,

To

THE Director of Public Instruction



No. 2504

Dated

Received

No.

SUBJECT.

2
Encls. 8
Ltr. 94. 3/8/94
22 } on request 94
Stating that under circumstances explained he waives his objection to Co-stewardship of Lady Roberts Endowment and that final orders of Govt may now be applied for

5

10

346

345

Book DEPARTMENT.

FORT ST. GEORGE,

Accountant-General's Office,

9 April 1894

No. 991

From

J. W. Rawlinson Esq

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Director of
Public Instruction,
Madras.

SIR,

With reference to your letter No 1960, dated the 7 March 1894, I have the honor to request that you will be good enough to obtain the orders of Government appointing trustees to the endowment in question.

2. I would at the same time point out that it is undesirable to appoint the Accountant-General a trustee as such. As Accountant-General I shall have to receive

in deposit and deal with the securities
under Articles 164 and 166 of the Civil
Account Code and if I am to be
appointed trustee it should I think
be in my capacity as Treasurer of
Charitable Endowments. No trusts
have yet however been vested in me
in this capacity and perhaps the
present case will be sufficiently
met if the Inspector of Schools,
Presidency Division is associated with
you as a second trustee for purposes
of Article 173, clause II.

3. The deed received with your No. 14125
dated 20 December 1893 is herewith re-
turned and I request that its receipt
may be acknowledged.

I have the honor to be,
Sir,

Your most obedient servant,

Harman

Accountant General

RR4478/20/4/94

(189) DEPARTMENT.

No 327

From

THE ACCOUNTANT-GENERAL,

MADRAS,

To

THE Director of Public Instruction.

No. 991

Dated 9 } April 94.
Received }

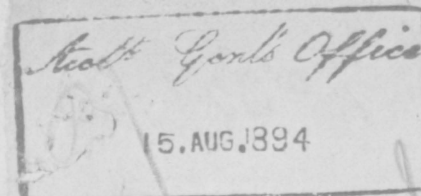
No.

Subject.

Requesting to obtain orders of Govt.
appointing trustees to the
endowment in question
and pointing out the discrepancy
of the Accountant General
being a trustee

No 4663, of 18th May 1894
Forwarded to the Government
Solicitor, for favour of
remarks and return.

Almon
As Director of Public Instruction



No 389

Madras 31st July 1894.

From,

Ernest Barclay,

Government Solicitor,

Madras.

To,

The Director of Public Instruction,

Madras.

Sir,

1. I beg to acknowledge receipt of your letter of the 25th in-
-stant No 6907, retransmitting the letter dated 9th April last No 991
from the Accountant General Madras to your address, with your endorse-
-ment thereon No 4663 dated 18th May last, and the deed of Appoint-
-ment of new Trustees in respect of Lady Hobart's endowment, dated 26th
October 1893.

2. In your letter under reply you refer me to my letter No 295 of
13th June 1890. I see that in that letter I said I understood it to
be the wish of Government that the Director of Public Instruction,
Madras, and the Accountant General, Madras, respectively for the time be-
-ing, should, by virtue of their respective offices, be trustees of the
endowment and that, if this was so, then under Section 7 of Act 13 of
1886, it would be necessary for the Governor General in Council, by
notification in the Gazette of India, to declare that the Government
Securities the subject of this Trust might be made or endorsed to or
to the order of the holders of those offices for the time being by
the respective names of their offices.

3. In his letter of 9th April last No 991 the Accountant General

Submitted - the suggestion
to Govt Solicitor in the position
marked seems to be good. p.p.

requests you to obtain the orders of Government appointing Trustees to the endowment, and points out that it is undesirable to appoint the Accountant General a Trustee as such, because, as Accountant General, he has to receive in deposit and deal with the securities and if he is appointed Trustee it should be ⁱⁿ his capacity of Treasurer of Charitable endowments. The Accountant General further says that no Trusts have yet been vested in him in the capacity of Treasurer of Charitable Endowments, and suggests that the present case would be sufficiently met if the Inspector of Schools, Presidency Division, were associated with yourself as a second Trustee.

4. The question as to who should be Trustee is not a matter with which, so far as I can see, I have any concern; that is a matter for Government to decide, as suggested by the Accountant General; but, inasmuch as the Trust deed has, after considerable difficulty, been executed by Lady Hobart and the retiring Trustees, I think it would be a great pity if it were not now completed by the new Trustees appointed, viz Dr Duncan and Mr Rawlins. If Government think it necessary, a fresh Trustee can be appointed when the present deed has been completed, as the Trustees for the time being have the power to appoint new Trustees. The fact of the Accountant General having to receive in deposit and deal with securities seems to me hardly a reason why that officer should not be Trustee of an endowment, the funds of which consist of Government Securities.

5. I return the enclosures to your letter under reply &

I have the honor to be,

Sir,

Your Obedient Servant,

James B. B. B.

Government Solicitor.

25048/22.8-94

R. no. 9112/94.

From,

The Govt. Solicitor,
Madras.

No. 389.

D/31-7-94.

D/1-8-94

Encl. 2.

July 15 — 44 95
£7537 13-5 8
No. 7537 D/13th August 1894

Forwarded to the Accountant
General for favor of remarks

Almonro
Agent of Public Instruction



1895
Ed Dept
Encl. No. 84
To
C. No. 345

4
enclo. to D/31-7-94
D/1-8-94

Returning with remarks

Encl. no. 4663, 8/18-5-94,
on letter of the Acctt. Gt.,
requesting to obtain orders
of Govt. for appointing trustees
to the Lady Hobart's
Endowment.

805

James' 89
been left
for a long while
Tynnell's when born to us
undiscovered. The Indian
of the center to a Tynnell
who has settled in Africa!

London, 15th October 1889

From

D. F. Carmichael Esq.
Madras Civil Service. Retired.

Lieut. Gen. R. M. Macdonnell
late Director of Public Instruction, Madras
Col. F. H. Tynnell
late Agent. Chempak

To

H. B. Giff Esq. M.A.
Director of Public Instruction,
Madras

Sir

In reply to your letter of the
30th August 1889 we have the honor
to enclose a letter requesting the
Bank of Madras to pay the interest
of Lady Hobart's endowment to the
Accountant General, as it accrues, for
the benefit of the Hobart Mohammedan
Girls' School.

2. We are willing to transfer the
trust to the Director of Public Instruction
and Accountant General is suggested
in your letter.

We have the honor to be

Sir

Your most obedient servants

D. F. Carmichael
R. M. Macdonnell Lieut. General
late Director of Public Instruction, Madras
Col. F. H. Tynnell
late Government Agent Chempak

of the Trust, then upon trust to employ the income in the promotion of elementary native education in such manner as the Trustees might think fit.

3. From the letter dated 30th August last No 7428 from the Director of Public Instruction to the Trustees it appears that the Committee of the School had, after ascertaining the views of Lady Hobart, requested Government to constitute the Hobart Mahomedan Girls School into a Government Institution from 1st February 1889, & that Government had consented to do so. As from that date therefore I think Government may be looked upon as the Committee or Directors of the School. But, the first trust in respect to the income of the Fund is to pay it to Lady Hobart during her life, & if she is still alive the Trustees have no right to pay such income to Government without Lady Hobart's especial authority. After Lady Hobart's death (I am not sure whether she is alive or dead) I think there is no objection to the Trustees paying the income to Government as the Committee or Directors of the School so long as the School is in existence.

4. From the Trustees letter of 15th October last to the Director of Public Instruction it appears that they are willing to retire from the Trust, for they say they are willing to transfer the Trust to the Director of Public Instruction & to the Accountant General. This, the Trustees have power to do under the Settlement, & it can be done by a short deed endorsed on the Settlement & executed by the Trustees, and the securities can then be endorsed to the new Trustees. The expression of Lady Hobart's wish as to who should be Trustees, contained in the settlement, has no legal effect. The settlor expressly declares that the expression of such wish is made without attempting to impose a trust or other legal obligation.

I return the settlement &

I have the honor to be,

Sir,

Your Obedient Servant,

Amos Baidoo

Government Solicitor,

W. RNL 5494/90

From

The Gov. Solicitor,
Madras.

NL 223.



Dated 1 } May 1890
Recd 2 }

Submitted for
with the letter of
15 October 1889 of the
old Trustees
Returning with remarks
the Trust Deed of Lady
Hobart's Endowment.

5
Encls. 5
Letter No. 31/80/95

1895-
Ed
Encls. No. 2
345

No 295.

11.
Madras. 13th June 1890.

To
From.

Ernest Barclay.
Government Solicitor,
Madras.

To

The Director of Public Instruction,
Madras.

Sir.

With reference to previous correspondence ending
with my letter of 31st ultimo, no. 283, I forward herewith,
for approval, fair draft deed of appointment of new
Trustees of Lady Hobart's Endowment.

2. I understand it to be the wish of Government
that the Director of Public Instruction, Madras, and
the Accountant General, Madras, respectively, for the
time being, should, by virtue of their respective
offices, be trustees of the Endowment. If this be so,
then under section 7 of Act 13 of 1886, it will
be necessary for the Governor-General in Council
by notification in the Gazette of India to declare
that the Government securities, the subject of this
Trust

trust, may be made or endorsed to, or to the order of
the holders of those offices for the time being by the
respective names of their offices.

I have the honour to be
(sd) Ernest Barclay,
Government Solicitor.

True copy,

J. Duncan
Director of Public In

CURRENT No. 345

OFFICE OF THE DIRECTOR OF

PUBLIC INSTRUCTION,

Madras, 16th March 1895.

No. 3180

From

THE HONORABLE MR. D. DUNCAN, M.A., D.Sc.,

DIRECTOR OF PUBLIC INSTRUCTION,

Madras,

To

THE HONORABLE THE CHIEF SECRETARY TO GOVERNMENT,

FORT ST. GEORGE.

SIR,

With reference to G.O. no. 886, educational, dated, 1st
December 1893, I have the honour to report that the deed of
appointment of new Trustees to the Lady Hobart's Trust has not
been executed by the Accountant General.

2. Government will be pleased to observe from the enclosed
correspondence that the Accountant General was first unwilling
to execute the deed on the grounds that no trusts have yet been
vested in him as Treasurer of charitable Endowments and
that his functions were confined to receive in deposit
and deal with the securities under Articles 164 and 166
of the Civil Account code. He was of opinion that the
Inspector of schools, Presidency Division, might well be
appointed.

appointed a second Trustee for purposes of article 173. clause II. On further explanation, the Accountant General waived his objections and requested that formal orders of Government might be obtained.

3. The Hobart Muhammadan Girls' School, Madras, was constituted a Government Institution with effect from the first February 1889 under G.O. Educational, No. 65, dated, 7th February 1889. It was one of the conditions of the transfer of the school to Government that the interest on the endowment founded for the maintenance of the institution should be made available to meet a portion of the outlay (vide paras 2 and 9 of Mr. Grigg's letter recorded in the above order). In taking over the school Government must be considered to have accepted the Trust.

4. The original Trustees to this Trust have signified their willingness to transfer the Trust to the Director of Public Instruction and the Accountant General, (vide their letter of the 15th October 1889) and the surviving Trustees and Lady Hobart also have accordingly executed the deed of transfer. As under Act II of 1882, the Director of Public Instruction and the Accountant General have

have been appointed by Government Joint Trustees for most of the Educational Endowments the same procedure was adopted in this case also. 13

5. In his letter, No. 295, dated, 13th June 1890, copy enclosed, the Government Solicitor pointed out that if it be the wish of Government that the Director of Public Instruction and the Accountant General, Madras, respectively for the time being, should by virtue of their respective offices, be trustees of this Endowment, then, under Section 7 of Act No. 15 of 1886, it will be necessary for the Governor General in Council by notification in the Gazette of India to declare that the Government securities, the subject of this Trust, may be made or Endorsed to or to the order of the holders of these offices for the time being by the respective names of their offices. Mr. Grigg intended to obtain the necessary declaration after the execution of the Deed of appointment of new Trustees. This Deed was forwarded through Government for execution to Lady Hobart and to the old Trustees, but it having been lost in transit, the fresh Deed under reference has been drawn up and partially executed.

6. For reasons set forth in para 4 of the letter from the

Government Solicitor, No. 389, of the 31st July 1894,
referred. I have the honour to request that Government
will be pleased to instruct the Accountant General
to execute the Deed of transfer, and with a view to comply
with the provisions of Act 13 of 1886, to make a formal
application to the Government of India for publishing
the necessary notification referred to in section 7.

I have the honour to be,
Sir,
Your most obedient servant.
J. S. S. S.
Director of Public Instruction

[G.]
[25]
200-8-2-95.

Ed. DEPARTMENT.

C. No. 345995

FOR ORDERS.

The Hobart Muhammadan
Girls' school was established in
April 1875 and was endowed
by the Lady Hobart with the
sum of £1000. In 1889, it was
converted into a Govt institution
on the recommendation of the D.P.I.
vide G.O. D. 4th Feb. 89, no 65, Ed.
The transfer of the school to Govt
involved the transfer of its endow-
ment as a matter of course and
the Govt, as the Director says,
must be considered to have ac-
cepted the Trust.

The original Trustees to the
endowment, Mr. D. H. Carmichael
and Col. F. H. Tyrrell and the
author of the Trust, the Lady
Hobart have transferred the Trust
to the D.P.I. and the A. G.

and the deed of transfer had been executed by all except the A.G. who wants formal orders of Govt ^{to authorize him to sign} for his ~~sealing~~ on the Trust.

FOR ORDERS.

Lady Hobart's Endowment

The Director requests that the A.G. may be asked to execute the deed and that if it is the wish of Govt that the D.P.I. & A.G. should by virtue of their offices be trustees of the endowment, the Govt of I. may be asked to declare, by notification in the Gazette of India under Section 7 of Act XIII of 1886, that the Govt Securities the subject of this trust may be made or endorsed to or to the orders of the holders of these offices for the time being by the respective names of these offices.

H.M.

This may be done.

8/22/94

The D.P.I. does not explain his delay in taking action after the receipt of the Acct. Genl's last letter - of August 1894. withdrawing his objection to becoming a trustee.

3.4.95

17/4/95

Cd of 4 Shp - R234

Papers to be read in Proceedings:-

Again G.O., dated

18, No.

Again G.O., dated

7 February

1895, No. 65

Current No.

of 18, dated

from

Current No.

345

of 1895, dated

16 March from the D.P.I.

Order of 26 April 1895, No. 318

The Accountant General will accordingly be instructed to execute the deed of transfer & the Govt of India will be addressed as suggested by the D.P.I.

for o.
25/4/95

DESPATCHED
3 MAY 95
The Acct. Genl. (amt g.s.)
with deed
No. 319

Letter to the Secretary to the Govt of India, DESPATCHED
3 MAY 95
D.P.I.

Sir,
I am directed to solicit the issue of a notification in the Gazette of India under S. 7 of Act XIII of 1886 (The Ladana Securities Act) with reference to the following circumstances case -
1. Shortly before the death of Lord Hobart, a school ^{which was named} "Hobart Muhammadan Girls School" was established in Ladana in January 1895 and was endowed by Lady Hobart with a sum of £1000

In 1889 a proposal to convert the institution into a Govt school was approved, & one of the conditions of the transfer was that the interest of the endowment fund should be available to meet a portion of the outlay. In taking over ^{and did} the ~~institution~~ ^{splitting} the Govt. has accepted the trust.

The original trustees have signified their consent to the transfer of the trust and a formal deed of transfer has been drawn up & executed by them. It has been decided to appoint the local Director of Public Instruction and Accountant General to be joint trustees on behalf of Govt. & they have been instructed to affix their signatures to the deed. It is desired however for obvious reasons that they should be appointed trustees in virtue of their respective offices & notified in the Gazette of India under S 7 of Act XLV of 1886 is therefore necessary in order that the Govt. securities which form the subject of the trust may be made or endorsed to or to the order of the holders of ^{the} offices for the time being by the respective names of their officers. - The securities in question are specified below

Lady Hobart's Trust

C.S.
/ (from orders)

20/11/1900

No. of security	Date of loan	Rate of interest	Amount
08-1934	30 June 54/55	4 per cent	4000
08-2106	"	"	5000
			9000

5. Under the circumstances I am to request that H.E. the P.G. in C. may be good to issue the necessary notification in the Gazette of India

I have etc

22.5.55