

11/10
Educational (1896) Department.

ORDINARY PRINTED.

G.O., No. 602

DATED 29-9-96

INDEXED.

[Despatch Abstract.]

Johnston of Carnsalloch Scholarships.

Cancelling para 2 of G.O. No 193 Educl
of 27th May/78 and directing that in
future no payments from the rents and
profits of the Tankam property, (beyond
the amounts necessary to defray the
actual cost of the ———), shall be
paid to the University until the cost
of all necessary repairs to the property
has first been liquidated.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	71C 424 of 97						

Government { 1896 } of Madras. EDUCATIONAL.

Recd.

Regd.

} 1896.

Enclosures

Spare copies

G.O., No. 602, 29th September 1896.

SEPTEMBER.

Johnston of Carnsalloch Scholarships.

Cancelling paragraph 2 of G.O., No. 193, Educational, dated 27th May 1878, and directing that in future no payments from the rents and profits of the Tumkum property (beyond the amounts necessary to defray the actual cost of the —) shall be paid to the University until the cost of all necessary repairs to the property has first been liquidated.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—again the following papers:—

G.O., No. 193, Educational, dated 27th May 1878.

Order—No. 193, Educational, dated 27th May 1878.

2. The balance accumulated will now be paid over to the University; and in future the rent will be paid over to that Corporation as it comes in, *minus* 10 per cent. which will be reserved by the Government for repairs.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Chief Secretary.

G.O., No. 240, Educational, dated 13th April 1896.

Read—the following letter from G. BICKLE, Esq., Registrar of the University of Madras, to the Chief Secretary to Government, dated Madras, 17th February 1896, No. 1458:—

With reference to G.O., No. 928, Educational, dated 12th December 1895, requesting that a further sum of Rs. 872 may be placed at the disposal of the Public Works Department for repairs to the Tumkum bungalow at Madura, I have the honour to communicate the following resolution of the Syndicate, No. XV., dated 4th February 1896:—

“Resolved that the attention of Government be invited to the terms of the deed of endowment which, in the opinion of the Syndicate, do not justify any payment by the University for repairs out of rent previously received from Government, and that it be suggested that the Government take the opinion of their law officer on the subject and favour the Syndicate with a copy of the case laid before him and of his opinion thereon.”

2. The part of the deed to which attention is particularly requested is the following:—

“It is hereby agreed and declared that the said Secretary of State and his successors shall, from time to time and at all times hereafter, receive and take the rents, issues and profits arising from the said premises and after payment thereof of all costs, charges and expenses as herein-after provided will pay and apply the clear residue of such rents, issues and profits for the founding and due and proper maintenance and support of two or more scholarships to be called ‘The Johnston of Carnsalloch Scholarships.’”

3. I may mention that the deed is given in full in the Madras University calendar for 1880–81.

Order—No. 240, Educational, dated 13th April 1896.

The attention of the Syndicate will be invited to the last clause of the deed referred to by it. Under the terms of this clause it is without any doubt whatever competent to the Government to direct that the first charge on the rates and profits of the endowment shall be such expenditure upon the management, maintenance, repairs and

improvements of in or to the Tumkum premises as it may think fit to incur. The intention of the deed upon this point seems to be so clear that there is, in the opinion of Government, no necessity to invite the opinion of its law officers upon the question.

2. Under the orders of Government the rents and profits of the endowment have in recent years been handed over to the University direct, and the University has been permitted to enjoy the interest on the unspent balance at the credit of the fund. These orders cannot, however, affect the rights of Government over the control of the trust; and it would be competent to the Government, should any difficulty arise under the present arrangement, to cancel the orders under which that arrangement was constituted, keep the fund entirely in its own hands, and pay to the University annually only such sums as were required to keep up the scholarships for which the endowment was founded.

(True Extract.)

(Signed) G. S. FORBES,
for Chief Secretary.

To the Registrar, Madras University.

Copy to the Director of Public Instruction.

READ—also the following paper:—

From A. J. COOPER-OAKLEY, Esq., Registrar of the University of Madras, to the Chief Secretary to Government, dated Madras, 28th July 1896, No. 583.

With reference to G.O., No. 240, Educational, dated 13th April 1896, I am directed by the Syndicate to inform you that the point raised by that body and referred to in the Registrar's letter, No. 1458, dated 17th February 1896, does not seem to have been appreciated by Government. The contention of the Syndicate is that, according to the terms of that part of the deed of endowment quoted in paragraph 2 of the Registrar's letter referred to above, the rents of the Tumkum bungalow when once paid over by Government to the University cannot be demanded back again.

2. In the circumstances above explained, it is requested that Government may be pleased to reconsider the suggestion of the Syndicate in their resolution quoted in the Registrar's letter referred to in paragraph 1 *supra*.

ORDER—No. 602, Educational, dated 29th September 1896.

The Syndicate will be informed that the Government fully appreciated the meaning of its former communication, and as the Syndicate finds itself unable to accept the interpretation of the trust deed which the Government puts upon it, His Excellency the Governor in Council resolves to cancel paragraph 2 of G.O., No. 193, Educational, dated 27th May 1878, and to direct that in future no payments from the rents and profits of the Tumkum property (beyond the amounts necessary to defray the actual cost of the scholarships under the endowment) shall be paid to the University until the cost of all necessary repairs to the property has first been liquidated.

2. It may be observed that, in the opinion of His Excellency in Council, the Syndicate, as distinct from the University itself, has no clear place in the intentions of the trust, and is merely the agent of Government for the payment to the elected scholars of the amounts due to them.

(True Extract.)

Ag. Chief Secretary.

To the Registrar of the University.

„ Collector of Madura.

„ Director of Public Instruction.

„ Public Works Department.

„ Accountant-General.

Exd. C. M. Thumbuswamy.

Educational (189) Department.

CURRENT No. 928

3/2

H.M.

From Madras University

For Orders

No. 583

Please see note for orders
under cover of G.O. no. 240 Ed. & 13th
April 1893. Perhaps para 2 of G.O.
no 193 Ed. & 27th May 78 may be
cancelled and the Sy. dicale allowed.
annually only so much as is required
to keep up the Scholarships?
It is hereby necessary to go

Dated 28th July }
Received 30th July } 1896
Registered 1st August }
Enclosures
Spare copies.

7/1
4/9

SUBJECT.

Praying for a re-consideration
of the orders passed in G.O.
no. 240 of 13-4-96. on the
suggestion of the Syndicate
regarding the amount
required for repairing
the Jawahar Building.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

University of Madras.

No. 583 OF 1896-1897 Current No. 928.

SENATE HOUSE, 28th July 1896.

FROM

THE REGISTRAR OF THE
UNIVERSITY OF MADRAS,

TO

The Hon. the Chief Secretary
to the Government of
Fort St. George

SIR,

With reference to G.O., dated
13th April, 1896, No. 240 Educational, I am
directed by the Syndicate to inform you
that the point raised by that body and
referred to in the Registrar's letter, No. ¹⁴⁵⁸ 17.2.96,
does not seem to have been appreciated by
Government. The contention of the Syndicate
is that, according to the terms of that part
of the deed of Endowment quoted in
para. 2 of the Registrar's letter referred to
above, the rents of the Tamkam Bungalow
when once paid over by Government to the
University cannot be demanded back again.

2. In the circumstances above
explained it is requested that Government
may be pleased to reconsider the
suggestion of the Syndicate in their Resolu-
tion quoted in the Registrar's letter referred to
in para. 1 supra.

I have the honor to be,

Sir,

Your most obedient Servant,

A. P. D. D.

Registrar.

Educational Dept

1896-1897.

Current No 928

Est. 240: 13-4-96 his
- 928: 12-12-95-
- 852: 30-10-95-
- 705: 20-8-95-
- 416: 18-5-95-
Tanjam Bungalow file

FROM

THE REGISTRAR OF THE
UNIVERSITY OF MADRAS.

No. 583.

Dated 28
Received

July 1896.

SUBJECT.

Requesting that, in the
circumstances explained,
the Government may be
pleased to reconsider the
suggestion of the Syndicate
contained in the Registrar's
letter No 1458
17. 2. 96, regarding
the amount required for
repairs to the Tanjam
Bungalow.

Johnson of Tanjavalloch Scholarships at
the University

[G.]
25 A.
1,000-21-3-96.

C. No. 928.

(for orders)

Resubmitted to

Hon. Mr. Bliss,
with ref. to H.M.'s note of the 18th

Why make any more payment of them?
Why not pay the scholars direct?

And how far again

It seems true to say
that when it is of the
Tanjam Bungalow fund
and is a University
fund & that they do
not allow to make use of any
part of it - but it is at present to 22.9.96
at all costs they
should be in the hands
of the University & not
of the Bungalow fund.

The Syndicate did not
know that Govt. fully ap-
preciated this meaning,
but as they do not appreciate
however to make no more
try to get to them till the
fund required for repairs to
have been recovered. Order
should be issued accordingly.

This seems the only thing
to do - It is clear from the deed
that the sole right of the University
(i.e. the V. Chancellor & Fellows)
is to frame & from time to time to
alter the scheme & rules under
which scholars are elected, &
that the Syndicate has no
place in the trust & is merely
the agent of Govt. for the payment
of the scholars - I think I will point
this out

15/9/96

FOR ORDERS.

Please see notes & orders in
Go. 240. Ed.
13. 4. 96. The University
seem very difficult to convince.
Orders are solicited as to whether
the matter should be again ex-
plained to them, & the threat in
that Go. made clearer, or whether
it is enough to say that Govt.
did not in any way fail to ap-
preciate its meaning & has nothing
to add to the other order.

This seems to be a case of being
determined not to see. The only
thing to do appears to be to stop all payments
to the Syndicate until the amounts paid
have been recovered or to cancel the
GO under which payments are made
both direct.

11/8/96

P.T.O.

28

50

from orders,
 again go. 193. Ed. A. of para 2 only.
 27.5.78
 again go. 240. Ed. — A & A of current herein.
 13.4.96

curr. 918. — A.
 No 602. Q 29th September 1896

The Syndicate will be informed that the Govt. fully appreciated the meaning of its former communication, and as it finds itself unable to accept the interpretation of the Trust Deed which the Govt. puts upon it, H.E. the G. in C. resolves to cancel para 2 of go. No 193. Edue. 27.5.78 and to direct that in future no payments from the rents & profits of the Tantham property (beyond the amounts necessary to defray the actual cost of the scholarships under the endowment) shall be paid to the University until the cost of all necessary repairs to the property has first been liquidated.

2. It may be observed that, in the opinion of H.E. in C., the Syndicate, as distinct from the University ^{itself}, has no clear place in the intentions of the Trust, ^{and} is merely the agent of Govt. for the payment to the selected scholars of the amounts due to them.

11.25.96 (to) H.A. 28.9.96

the Regr. of the University (H.A. 28.9.96)
 the Collr. of Madras.
 the D.P.L. 5
 the D.P.W. 11
 Asst. Genl. 4

FOR ORDERS.

H. E. THE GOVERNOR.
 THE HON'BLE MR. H. W. BLISS, C.I.E.
 THE HON'BLE MR. J. GROSE, C.I.E.

First copy sent to Press. 1/10
 Returned for signature. 29/10
 Despatched in print.

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READ AGAIN G.O., No. 189

Order complete.
 Letter only.
 Order complete with Letter.

CURRENT No.

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Handwritten signature

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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