

Educational (1898) Department.

ORDINARY MS.

G.O., No. 432

Dated 16-7-98

INDEXED.

Recd 3:30 PM
No. 16/7

8-8

[Despatch Abstract.]

Stating that the Govt
agrees with the A.G. that this Govt has
no powers in the matter of the request
of the Secy to the Church of Scotland Mission,
Madras, that sanction may be granted
to Govt paper belonging to the Mission
being made out in the name of the Secretary
to the Mission.

T
16-7-98

BACK PAPERS.

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

FURTHER PAPERS.

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

Financial Educational (1898) Department.

Endt No. 33 No. 25-5-1898. CURRENT No. 1589
Transferred to the
Financial Department.

S. J. Robert

Ag. Asst. Secretary,
23.5.98

From

The Dir. of Public Instruction



Order

Madras

No. 5893-

Dated 18 May 1898.

Received 19th May '98.
Registered 20th May '98.

Enclosures

Spare copies

SUBJECT.

Subj. to Government
for favour of orders letter from
the Accountant General for
warding copy of a letter
from the Govt. Solicitor General
for information re: the fines in
Govt. papers of the Church of
Scotland Mission, Madras

Recd 27.5.98
Regd 27.5.98
Incls. 4
Note M.O. written for govt
74 Bul: 24.1.88
551 " : 9.9.862
connected paper
28/5/98

Put up & sent K.B.
Luthi

enc
8/6/98

DESPATCHED
MAY 1898

BACK PAPERS.

G.O.	No.	Department.	Date.
mis 551: 9-9-86 74 74-1-88	74	Finl	24-1-88

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Church of Scotland Mission College
Madras, 3rd Decem ber 1897.

From

The Secretary,
Church of Scotland Mission,
Madras.

To

The Chief Secretary to the
Government of Madras.

Sir,

I have the honor to inform you
that a Considerable amount of money
held by the Mission for the purpose
of providing Scholarships to Students
and pupils in the Institutions belong-
ing to the Church of Scotland and
also of providing books for the ^{mission college}
Library of the Church of Scotland
and other purposes is invested in
Government paper. I understand
that without the sanction of Govern-
ment such paper must be made
out in the name or names of one
or more particular individuals
and not a general designation
such as "Secretary of the Church
of Scotland Mission".

As Europeans in this Country
are

1898
Encl. No. 2
To
1539

are periodically leaving for Europe so
on furlough or retiring, considerable
inconvenience is felt in having
periodically to change the names
of the Trustee Holders of the Govern-
ment paper belonging to the Mission
or to get powers of Attorney from
them. I should be obliged therefore
if you will kindly submit this
letter to the Government of Madras
with a view to Orders being passed
authorising Government paper
belonging to the Mission to be
made out as payable to "The Secretary,
Church of Scotland Mission, Madras."

I have the honor to be,

Sir,

Your most obedient servant

W. A. Paterson.

Secretary,

Church of Scotland Mission.

DR 5-289 285

(189) DEPARTMENT.

CURRENT No. 656

5822 1539
18-5-98

From

THE ACCOUNTANT-GENERAL,

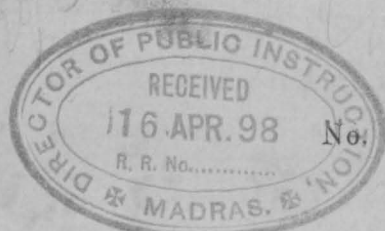
MADRAS,

To

THE Director of Public Instruction,
Madras

Submitted to Government
for favour of orders.

S. S. S. S.
Secy of Public Inst.



Dated

Received

13 April 1898



No.

Subject.

Forwarding a copy of letter
from the Govt. Solicitor Madras
No. 193 dated 1 April 1898
for information.

G.
25
500-16-5-98.

C. No. 1539

Financial DEPARTMENT.

SUBJECT.

HIS EXCELLENCY THE GOVERNOR.

THE HON'BLE SIR HENRY BLISS, K.C.I.E.

THE HON'BLE MR. GROSE, C.I.E.

Govt. Promissory Notes held by
the Church of Scotland Mission, Madras.

FOR ORDERS.

Page 628 of the Gazette of India
dated Aug. 22, 1896. Resno dated
19-8-96 No. 3558 A in G.O. 551/
9-9-96 Fin. B - No. 96 of 24.1.88
A in S. 24 Feb. 7 24.1.88.

Footnote marked
with note

Letter - dated 3-12-97
Current No. 1539

According to the rules framed
under Section 14 of the Indian
Securities Act XIII of 1886, the
holder of a promissory note cannot
deal with it otherwise than in his
personal capacity, except in the case
of a well-known firm, corporate body
or Bank; ----- with perpetual
succession ----- Under Section
4 of the Act and rule 5 of the above
rules, no notice will be taken of
any trust in respect of any Govt.
Security and when a note is endorsed
to, or by a person, in the capacity of
a trustee, he will be considered to
be in fact the true owner of the note,
and no notice will be taken of the
representative character.

2. The security to the Church of
Scotland Mission, Madras, represents
that his mission holds a large amount
of funds in the shape of Govt. paper
and that as except under the orders
of

of the Govt., such paper cannot be held under a general designation as "Secretary of the Church of Scotland Mission" it has to be made out in the name of one or more trustees and as these often take furlough or retire, it is found inconvenient to have to change periodically the names of the trustees, or to obtain powers of Attorney from them. He requests therefore that sanction may be granted to make out the paper in the name of the Secy. to the Mission.

3. The Govt. Solicitor quoting the rules, feels grave doubts if the Church of Scotland itself can be considered to be a corporate body, but he is quite certain that the Church of Scotland Mission is not a corporate body, and that the securities should, if at all, be made out in the name of the Secy. to the Church of Scotland, Madras, and not in the name of the Secy. to the Mission. The Acctt. Genl. holds that under the rules published by the Govt. of India, that Govt. alone can deal with such matters.

Letter No. 193/1-4-98

Letter No. 1428 Current
13-4-98.

The D.P.I. forwards the papers to the orders of Govt. with remarks. It is submitted that it will be sufficient to communicate the opinions of the Govt. Solicitor & Acctt. Genl. to the D.P.I.

He has already had them. The Acctt. Genl. is addressed to the D.P.I. Cmt. who got the Govt. Solicitor's letter with it.

The paper has been transferred to Financial by Educational but it is clear from the foregoing summary of the correspondence

that Financial can do nothing in the face of the legal opinion of the Govt. Solicitor and the remarks of the Accountant General, an expert in Account matters. The local Govt. has no power in the matter, and would only act as a financial agent & any representation that the Secy of the Church of Scotland Mission might make. The matter is, it is submitted, one for the Educational Dept to deal with and draft sent on the current is sub?

*Cmt
24.6.98*

30/6/98

Financial Dep

C. No 1539

No 1445 27th July

Returned to the Education
Department with the intima-
tion that the Financial Dep
has nothing to add to the
remarks of the Government
Solicitor & the Accountant
General

G. H. H. H.

Chief Secretary

Curb
27. 6. 20

[G
24]

500-10-5-98.

C. 12.7.98
A 13.7.98

Ed. DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 656 of 1899, dated 18th May, from the D.P.I.

" "

" 189 , "

" "

" "

" 189 , "

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ORDER.
mis

no 432 of 16-7-98

H.M.

12.7.98

The Govt agrees with the
A.G. in his remarks which will
be communicated to the
Secretary to the Church of Scotland
Mission, Madras.

AT
11.7.98 9.7.98.

The Church of Scotland
Mission wants to be

allowed to invest its
funds in Govt paper in
its name or rather under
the designation of its
Secretary.

The A.G. & the Govt
- Vicitor advise that
this cannot be done

H.T.

Note. Please see Financial
Dept note below.

The opinion of the Govt. solicitor
cannot be communicated - vide
G.O. no 947 dated 22nd April 1898

To The D.P.I. 9th
with enclos. 12th.

19/7/98

Then given for copying 16/7
When copied 16/7
When examined 16/7
When signed 16/7 1898.

READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

P .. .MENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

2877/30

18-6-10

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2073/94