M.R.O. 1—77,006—8-6-37.

(1) Number of pages 12

(2) Date of repair 18.10.40

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 1833 Press Mis.-

18-f-107.

Dated 14-9- 1875

7/8

Not to be folded or roughly handled

Trust Funds.

No. 106. Read the following letter from H. G. PRICHARD, Esq., Government Solicitor, to the Hon. D. F. CARMICHAEL, Officiating Chief Secretary to Government, Fort St. George, dated Madras, 2nd September 1875, No. 420, forwarding the following Opinion of the Advocate-General :—

OPINION.

It is somewhat doubtful whether the provisions of Section 43 of Act XXVIII. of 1866 extend to questions of the nature of that which arises in this case. That section is a reproduction of 22 and 23 Vic., C. 36, S. 30, which has been held* intended " to assist Trustees in the execution of Trusts " as to little matters of discretion, not for such grave matters as a complete alteration in the Trust.

* *Re* Mary Hooper, 29 Beav., 657.

2. However, the Court may regard the question as one " respecting the administration of Trust property " and consent to deal with it under the section.

3. I can make the application and express my approval of the proposed scheme for the employment of the Trust funds.

4. Notice must be served on the parties interested, and, as no opposition is to be anticipated, probably the order may be passed.

25th August 1875. (Signed) H. S. CUNNINGHAM.

No. 107. ORDER THEREON, 14th September 1875, No. 1833.

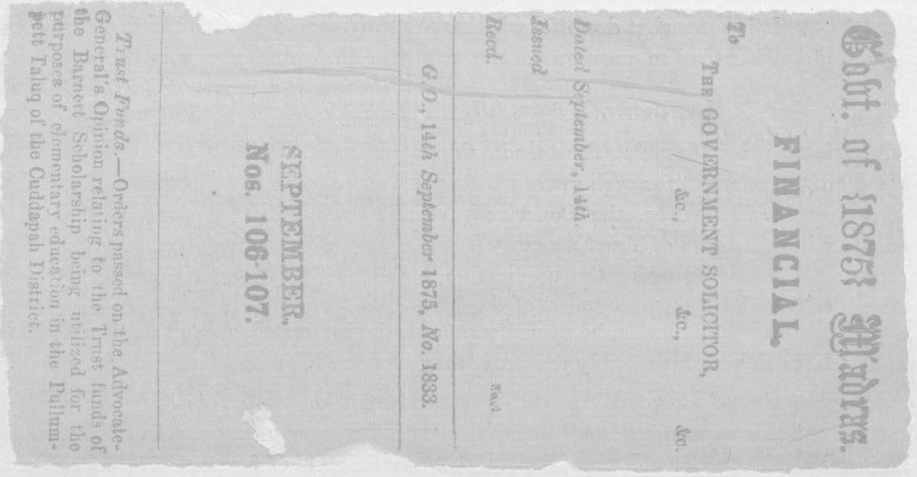
The Advocate-General will be requested to move the High Court accordingly. The Government Solicitor will serve the notices mentioned, through the Collector of the district.

(True Extract.)

Officiating Chief Secretary.

To the Government Solicitor.
,, President of the Local Fund Board, Cuddapah.
,, Acting Director of Public Instruction.

Exd. A. S. Rodgers.



Govt. of 1875 Madras.

FINANCIAL.

To

The GOVERNMENT SOLICITOR,
&c., &c.,

Dated September, 14th.
Issued
Read.

G.O., 14th September 1875, No. 1633.

SEPTEMBER.
Nos. 106-107.

Trust Funds.—Orders passed on the Advocate-General's Opinion relating to the Trust funds of the Barnett Scholarship being utilized for the purpose of elementary education in the Pulnipett Taluq of the Cuddapah District.

3x

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× Re Mary Hooper 29 Beav: 657.-

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I can make the application and express my approval of the proposed scheme for the employment of the Trust Funds.

Notice must be served on the parties interested, and as no opposition is to be anticipated, probably the Order may be passed.

/Signed/ H. S. Cunningham
25-8-/75.

/True Copy/
H.G. Prichard
Government Solicitor.

No 420.

Madras, 2nd September 1875.

From

H. G. Prichard
Government Solicitor
Madras,

To

The Honorable D. F. Carmichael
Offg. Chief Secretary to Government
Ootacamund.

Sir

1. I have the honor to acknowledge the receipt of the Order of Government dated 10th April 1875, No 808, Financial Department, requesting me to make the necessary application to the High Court at Madras under Section 43 of Act XXVIII of 1866, to utilize the funds of the Barnett Scholarship for the purposes of Elementary Education in the Pullampett Taluq.

2. Having felt some difficulty as to the application suggested by the Government Pleader in his opinion dated 24th November 1873; I considered it desirable to submit the matter for the consideration of the Advocate General and having done so and also conferred with him thereon, I now forward herewith a copy of his opinion for the information and instructions of Government.

I have the honor to be,
Sir,
Your most Obedient Servant,

H. G. Prichard
Government Solicitor.

Enclosure in Letter from the Government Solicitor, Madras, to the Offg. Chief Secretary to Government, dated 2nd September 1875. No 420.

Read 20.9.75

Pasted slip: [illegible] Taluq [illegible] District.

Financial 1875. September

From
The Government Solicitor
Madras.
To
The Offg. Chief Secy. to Govt.
Ootacamund

Dated 2nd } September
Recd 4. }

No. 2053

No. 420.-

Enclosure 1.

Forwarding copy of the Advocate General's opinion, relating to the Trust funds of the Barnett Scholarship for the purposes of Elementary Education in the Pullampett Taluq: for the information and instructions of Government.

Ootacamund. 14th Sept. 1875. No 1833.

The Advo. Genl. will be requested to move the [illegible] accordingly. The Govt. Solr. will serve the notices mentioned, through the [illegible]

The Govt. Solicitor
Procdgs. of [illegible] Board [illegible]
[illegible] 10 April 75 No. 808

X
9

dt. of 187 Madras.

Civil

14th Sept. 1875. No. 1838

Nos. 106–107

Trust Funds. Orders passed on the Advocate Generals opinion relating to the Trust Funds of the Barnett Scholarship being utilized for the purposes of Elementary Education in the