

(1) Number of pages _____

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MADRAS RECORD OFFICE.

Government of Madras.

Excellency
from DEPARTMENT. *21-21*

G.O. No. 152	Press Mis.
Dated 10. 11. 1899.	

Not to be folded or roughly handled

Ecclesiastical (1899) Department.

ORDINARY PRINTED.

G.O., No. 152

DATED 10-11-99

INDEXED.

[Despatch Abstract.]

Brennen's Endowment for the poor of Tellicherry

considering that it is undesirable that the Ex-
cessions Judge of North Malabar should, ex-officio,
manage the funds of this charity in the manner
suggested by the Charity Commission of London, so
that the interest on the fund should be deposited with
the Asst. General who will place the amount from time
to time at the disposal of such public officer as the
Govt. may appoint to receive and disburse it, and directing
the Secretary of State be moved to receive the interest
of the fund and credit the amount to the credit of the
fund.

Government (1899) of Madras.

ECCLESIASTICAL.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	
	305				100		
					12-10		

Recd.

Enclosures

Regd.

1899.

Spare copies

G.O., No. 152, 10th November 1899.

NOVEMBER.

Brennen's Endowment for the Poor of Tellicherry.

Stating that it is undesirable that the District and Sessions Judge of North Malabar should, ex-officio, manage the funds of the — in the manner suggested by the Charity Commission of London, and that the interest on the fund should be deposited with the Accountant-General, who will place the amount from time to time at the disposal of such public officer as the Government may appoint to receive and disburse it, and directing that the Secretary of State be moved to receive the interest on the Rs. 27,000 and to credit the amount in his remittance account with the Madras Presidency.

GOVERNMENT OF MADRAS.

ECCLESIASTICAL DEPARTMENT.

READ—again the following papers :—

G.O., No. 975, Judicial, dated 6th August 1860.

ABSTRACT.—Referring to the Advocate-General, for opinion, extract from the will of Mr. E. Brennen under which a bequest is made to the Government of Madras for building and endowing a free school and Protestant chapel at Tellicherry.

G.O., No. 1128, Judicial, dated 4th September 1860.

ABSTRACT.—Communicating, with remarks, to Messrs. Strange and Brown, a copy of the Advocate-General's opinion regarding the bequests under the will of the late Mr. E. Brennen and requesting the Government Solicitor to prepare the necessary trust-deeds; the Director of Public Instruction to submit proposals for the provision of a school-house to be built at Tellicherry; and the Chief Engineer to submit a plan and estimate for a chapel.

G.O., No. 193, Ecclesiastical, dated 24th September 1866.

ABSTRACT.—Stating that the Government are willing to allow interest on the bequest at 5 per cent. per annum, from the date on which it came into their possession, and requesting the Right Reverend the Bishop to instruct the Rev. Mr. Deane to realize and pay into the Collector's treasury the subscriptions he has been good enough to raise towards the construction of the church, and the Collector to report in regard to a site for the church.

G.O., No. 203, Ecclesiastical, dated 9th October 1866.

G.O., No. 227, Ecclesiastical, dated 23rd September 1867.

ABSTRACT.—Sanctioning a revised estimate of Rs. 7,280 for the church at Tellicherry.

G.O., Nos. 170, 171, Ecclesiastical, dated 12th August 1868.

ABSTRACT.—Authorizing the Committee of the Protestant church at Tellicherry to draw the balance now at credit of the Brennen Endowment fund and also the interest hereafter as it falls due on the conditions proposed by the Bishop.

G.O., No. 112, Ecclesiastical, dated 30th June 1871.

ABSTRACT.—Approving the accounts of receipts and expenditure under the Brennen Endowment fund up to 1st June 1871, and directing the disbursement of the interest at the credit of the fund since November 1868.

G.O., No. 206, Ecclesiastical, dated 8th September 1879.

ABSTRACT.—Directing that the balance of Rs. 470-6-6 in connection with the Brennen Church Endowment fund be held intact, the interest amounting to Rs. 2,173-6-0 being invested in Government promissory notes, and approving the suggestions of the Right Reverend the Bishop for the preparation and communication to parties concerned of certain annual statements of the fund.

G.O., No. 1051, Financial, dated 25th May 1880.

ABSTRACT.—Communicating to the Departments of the Secretariat, the High Court and to all Heads of Departments, the resolution of the Government of India directing that Government promissory notes and all public securities, except the securities belonging to the currency reserve deposited with public officers in every department in this Presidency, shall be entrusted to the Accountant-General, Madras.

READ—also the following papers :—

From A. THOMPSON, Esq., District Judge of North Malabar, to the Chief Secretary to Government, dated Tellicherry, 16th August 1899, No. 449.

I have the honour to submit, for the orders of Government, a letter, dated 22nd July, with two enclosures from the Charity Commission, London, calling upon me as District and Sessions Judge, North Malabar, to open an account with a bank in India in order that payments of interest on Rs. 27,000 may be made by the "Official Trustee of Charitable Funds" to the London Agents of that bank for remittance to India to me.

2. It seems to me that the course suggested is not in accordance with the policy of Government which is, that Trust funds held by a public officer in his official capacity be deposited with the Accountant-General, who remits the interest to the public officer concerned. This is certainly what has been done in regard to so much of the Brennen fund as is now being disbursed by me and the Chaplain of Cannanore as joint Trustees. It seems to be objectionable for the District Judge of North Malabar to enter into direct relations by medium of a bank with the Charity Commission, London, without the intervention of the Accountant-General and in such a way that the transaction would not appear in any Government accounts in India. I think moreover that it would be contrary to rule for me as District and Sessions Judge to open an account with any bank in India other than the Government treasury of which the London Agent is, I believe, the Secretary of State for India and that in the absence of the orders of Government it would be improper for me to enter the name of the Secretary of State in the form of authority herewith enclosed and thereby to impose upon him the duty of remitting to me in India the interest as it accrues due.

ENCLOSURES.

From T. ALLCHIN, Esq., Secretary, Charity Commission, London, to the District and Sessions Judge, North Malabar, Tellicherry, dated 22nd July 1899.

I am to state that, in the result of proceedings in this matter in the High Court of Justice (Chancery Division) the sums of Rs. 6,600 of the Registered Indian 3½ per cent. Loan of 1842-43 and Rs. 20,400 of the Registered Indian 3½ per cent. Loan of 1854-55 have been transferred into the name of "The Official Trustees of Charitable Funds," in trust for this charity, pursuant to an order of the court dated 16th May 1898. The certificate of the Paymaster-General for the transfer is enclosed herewith for retention by you as the trustee of the charity.

2. It is understood that you have already been furnished by the Treasury Solicitor, through Mr. Earnest Barclay, Government Solicitor of Madras, with a copy of the above-mentioned order, together with an extract from the Will of the late Mr. Edward Brennen, and are, therefore, fully acquainted with the objects of this charity.

3. With a view to the periodical remittance of the half-yearly dividends on the above-named securities for distribution among the poor of Tellicherry, the Official Trustees should be furnished with a formal authority from you for the payment thereof to the London Agents of your Bankers in India. The enclosed form should be used for this purpose, and should be completed, signed and returned to this office.

4. In order to obviate the necessity for a new authority from each successive holder of the office of District and Sessions Judge, I am to suggest that you should make arrangements for opening an account to be entitled as follows :—"The District and Sessions Judge of North Malabar (Charity of Edward Brennen)." The dividends would then be remitted by the Official Trustees, as they became due, to that account, and the drawing on it would be a matter for arrangement between the Bank and the Judge for the time being.

Certificate.

Ledger Credit.—Brennen versus Strange, 1870, B 101. The account of the legacy of 6,000 rupees bequeathed to the plaintiff Edward Brennen for life with remainders only.

It is hereby certified that, pursuant to an order dated 16th May 1898, and certificate dated 8th December 1898, the sum of Rs. 6,600 Registered Indian 3½ per cent. Loan 1842-43, and Rs. 20,400 Registered Indian 3½ per cent. Loan 1854-55 standing to the above ledger credit in the books of this office was, on 5th May 1899, transferred to the Official Trustees of Charitable Funds.

PAY OFFICE,
ROYAL COURTS OF JUSTICE,
15th May 1899.

(Signed) H. N. COLVILLE,
for Assistant Paymaster-General.

Charity Commission.

In the matter of the Charity of Edward Brennen for the poor of Tellicherry in the Presidency of Madras, India.

I, the undersigned, administering Trustee of the above-mentioned charity, hereby authorize "The Official Trustees of Charitable Funds" to pay the sum of 4s. 10d. sterling and the dividends due and to become due from time to time on the sums of Rs. 6,600 Registered Indian £3 10s. per cent. Loan 1842-43 and Rs. 20,400 Registered Indian £3 10s. per cent. Loan 1854-55 belonging to the said charity standing in their name, and on any further sum or sums to be transferred in augmentation of that fund to Messrs. , Bankers, London, for credit of the "District and Sessions Judge of North Malabar (Charity of Edward Brennen)" with Messrs. & Co., Bankers at , whom I have authorized to give a proper receipt for the same.

Dated this day of 189 .

This authority is forwarded by

Name—

Residence—

Endt. No. 2180, Financial.

Referred to the Accountant-General for remarks and for report with reference to paragraph 2 of the District Judge's letter.

29th August 1899.

(Signed) G. STOKES,
Chief Secretary.

From T. HESKETH BIGGS, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 4th September 1899, No. B.D.-175—6085.

In returning the letter from the Secretary, Charity Commission, London, No. A-72,629, dated 22nd July 1899, with its two enclosures and the letter of the District Judge, North Malabar, No. 449, dated 16th August 1899, regarding a proposed remittance of the interest accruing on a sum of Rs. 27,000 left in Government securities by the will of the late E. Brennen for the benefit of the Tellicherry poor, I have the honour to inform you that the best plan seems to be to transfer the securities to this office as suggested by the District Judge, and if there be objection to that course to move the Secretary of State to receive and credit the interest in his remittance account with this Presidency—*vide* also note 2 to article 1293, Civil Account Code. For some of the bequests made by the late Mr. Brennen and administered by this Government, I would invite reference to G.O., No. 170, Ecclesiastical, dated 12th August 1868.

Memo. No. 2588, Ecclesiastical.

With reference to his letter No. 449, dated the 16th August 1899, the District Judge, North Malabar, is requested to report, in communication with the Chaplain

of Cannanore, how the proceeds of the Brennen endowment for the poor of Tellicherry have hitherto been disbursed, and by whom, and whether the present method is satisfactory or requires modification.

(Signed) G. STOKES,
Chief Secretary.

13th October 1899.

From A. THOMPSON, Esq., District Judge, North Malabar, to the Chief Secretary to Government, dated Tellicherry, 23rd October 1899, No. 597.

With reference to your memorandum No. 2588, dated 13th October 1899, I have the honour to state that at present the proceeds of the Brennen endowment for the poor of Tellicherry are disbursed each half-year Rs. 44-5-11 by the Secretary of the Tellicherry Poor fund and Rs. 8 by the Senior Missionary of the Basel Mission, Tellicherry, and that I do not see that this method requires modification.

The letter of October 19th from the Chaplain of Cannanore is enclosed.

ENCLOSURE.

From the Rev. F. W. HEYCOCK, Chaplain of Cannanore, to the District Judge, Tellicherry, dated 19th October 1899.

In answer to your letter No. 577, of 16th October, I have the honour to state that I am coming over to Tellicherry on 28th of this month, when I shall be happy to see you at a time convenient to yourself with reference to the Brennen endowment for the poor of Tellicherry.

Judging from the correspondence in my office, and so long as we are dealing with the small sum at present at our disposal, I do not think the present method of disbursement can be improved. I should say the present method is entirely satisfactory, and can be checked by the District Judge whenever he sees fit, and by the Chaplain of Cannanore whenever he visits Tellicherry, *i.e.*, once in two months.

Mrs. Tatham, the wife of the Lay Trustee of Tellicherry, at present disburses the fund as follows:—

	RS.	A.	P.	
Widow Lefebvre	12	0	0	in six monthly instalments of Rs. 2.
Pires	12	0	0	
To Mrs. Tatham	20	5	11	for distribution at her discretion.
To Rev. T. Uber	8	0	0	to distribute to native poor of Tellicherry.
Total	52	5	11	

I know personally that Mrs. Tatham gives a great deal of time and trouble in order to select the most deserving and destitute cases, and I feel sure that the greatest amount of good is done with the money at her disposal.

NOTES CONNECTED WITH G.O., No. 152, ECCLESIASTICAL, DATED
10TH NOVEMBER 1899.

NOTE.

Among the endowment funds held by the Accountant-General are "Brennen's Endowment for a free school at Tellicherry" and "Brennen's Endowment for a Protestant chapel at Tellicherry." These funds were bequeathed to Government by the late Mr. Edward Brennen of Tellicherry.

2. The same gentleman left another legacy of Rs. 27,000 invested in Government securities, the interest on which was to benefit the Tellicherry poor. This trust would appear to have been hitherto administered by Mr. Strange, one of the executors of the late Mr. Brennen's estate, through the District and Sessions Judge of North Malabar.

3. In a letter addressed to that officer by the Charity Commission, London, he is informed that as the result of certain proceedings in the High Court of Justice (Chancery Division) the securities for Rs. 27,000 above referred to have been transferred to the Official Trustees of Charitable Funds, in trust for the charity in question. The Sessions Judge is constituted the trustee for the charity and he is instructed to open an account with some bank in India, so that the half-yearly dividends may be paid to the London Agents of the bank.

4. The District and Sessions Judge points out the objections to the procedure laid down by the Charity Commission, the principal one being that the system under which public officers administer, in their official capacity, trusts in this country is quite different from the one recommended by the Charity Commission.

5. Under the Rules in Chapter 11 of the Civil Account Code and in Resolution No. 276, Finance and Commerce Department, dated 30th April 1880, of the Government of India, such promissory notes, as are in question, have to be made over to the Accountant-General, who is to draw interest and remit to the officer concerned. The promissory notes held in trust by the Official Trustees of Charitable Funds might be made over to the Secretary of State for India and by him to the Madras Government. The Accountant-General would draw the interest and transmit it to the Sessions Judge.

6. If this course is not feasible, the only other course which the Accountant-General can suggest is, that the Secretary of State should [constitute himself a trustee, and] receive and credit the interest in his remittance account with this Presidency. In this case the remittance is under article 1293, note 2, of the Civil Account Code, subject to the fluctuations in the rate of exchange in the market.

7. It is, at all events, necessary to address the Secretary of State, but before doing so, the Sessions Judge of North Malabar may, it is submitted, be requested to give further information as to what connection he has had with the trust in question.

From the Charity Commission's letter (page 5 of the current) it would appear that both the District Judge of North Malabar and the Government Solicitor at Madras have received information as regards this trust. The particulars supplied by the District Judge, Malabar, are very meagre, but the interest on the present endowment is apparently to be distributed among the poor of Tellicherry. The Brennen Church Endowment Fund is administered by the Ecclesiastical Department and it will be necessary to lay down some scheme for the administration of the

proceeds of the present endowment. The object of the endowment is not of such a nature as would appear to call for the intervention of the Financial Department, except as regards the settlement of the method of drawing the interest on the securities, and in this respect the course suggested by the District Judge and the Accountant-General (the transfer of the securities to the Accountant-General) might be followed. Further details might, it is submitted, be worked out by Ecclesiastical (which appears to be the most suitable department for dealing with the administration of this trust) after obtaining from the District Judge, Malabar, and Government Solicitor further particulars. If this view is accepted, the file might be transferred to Ecclesiastical which could address the Secretary of State at once in regard to the securities and obtain the further particulars alluded to above.

(Intld.) C.M.S.
24-9-99.

I gather that Mr. Brennen's estate has come before the Court of Chancery in England in some form, and that an order has then been passed in accordance with Mr. Brennen's will that the capital sum of Rs. 27,000 should be transferred to the Official Trustees of Charitable Funds in England, and that the interest on Rs. 27,000 should be paid to the District Judge of Tellicherry for the benefit of the poor of that place, and the question which these papers deal with is apparently how payment is to be made so that the people in England may be able to get a valid discharge. But it seems to me necessary first to settle whether the District Judge can be allowed to manage this charity *ex-officio*. I think it undesirable that he should do so. We do not seem to have much information about this endowment, and it may not be possible to work the Act, but it seems to me that the proper course is to have a scheme settled for this endowment under Act VI of 1890.

Orders requested.

(Intld.) G.S.
25-9-99.

It is clear from the letter of the Official Trustee of the Charity Commission, dated 22nd July 1899, paragraph 3, that what he wants is a formal authority from a competent Indian authority to pay the amount of the dividends for disbursement to the objects of the charity. He does not ask for a statement or certificate showing how the amount is disbursed. There are, as the Chief Secretary points out, objections to the District and Sessions Judge of North Malabar exercising the function and departmental rules do not permit it. It would so far as I can see meet the requirements of the Charity Commission if the Secretary of State issued the necessary authority in the form sent by the Official Trustee. He would receive the money and remit it to this Government for disbursement. That being so, no action under Act VI of 1890 would be necessary. Before addressing the Secretary of State enquiry should be made in Ecclesiastical from the District and Sessions Judge and the Chaplain as to how the money has been disbursed and by whom, and whether the present method is satisfactory or requires modification. When this has been settled, we can address the Secretary of State and propose that he should accept the function which the Charity Commission proposes to impose on the District and Sessions Judge. He would, in the words of the form, be the "Administering Trustee" of "the Charity of Edward Brennen for the poor of Tellicherry", and would have to make the arrangement in communication with the Charity Commission.

(Intld.) A.T.A.
26-9-99.

Note for the Chief Secretary.

With reference to Honourable Member's note, it is submitted that the file may now be transferred to Ecclesiastical.

(Intld.) C.M.S.
29-9-99.

Ecclesiastical (u.o.)

(Intld.) G.S.
30-9-99.

C. No. 396 from District Judge, North Malabar.

In memorandum No. 2588, dated 13th October 1899, the District Judge of Malabar was, in accordance with the Hon'ble Mr. Arundel's note of 26th ultimo at page 2 of these notes, requested to report on the present method of disbursing the proceeds of the Brennen endowment and to state whether that method calls for modification (apparently in view of a considerable increase in the funds).

The current is the District Judge's reply and is submitted for orders as to whether the method described is approved and considered by Government to be suitable for permanent adoption. It is gathered from the Honourable Member's remarks that this point requires settlement before addressing the Secretary of State on the subject of his receiving the dividends accruing in future from the Rs. 27,000 now held by the Charity Commission.

(Intld.) F.W.G.
28-10-99.
(Intld.) R.A.
30-10-99.

(Intld.) G.S.
31-10-99.

All I wanted was to ascertain whether the system was satisfactory that we may be able to tell the Secretary of State so when writing to him on the subject. No change appears necessary.

(Intld.) A.T.A.
1-11-99.

ORDER—No. 152, Ecclesiastical, dated 10th November 1899.

Government considers that it is undesirable that the District and Sessions Judge of North Malabar should, *ex-officio*, manage the funds of this charity in the manner suggested by the Charity Commission of London. The interest on the fund should be deposited with the Accountant-General, who will place the amount, from time to time, at the disposal of such public officer as the Government may appoint to receive and disburse it. The Secretary of State will, therefore, as suggested by the Accountant-General, be moved to receive the interest on the Rs. 27,000 and credit the amount in his remittance account with the Madras Presidency.

2. The following despatch will be forwarded to the Secretary of State.

(True Extract.)

G. STOKES,
Chief Secretary.

To the District and Sessions Judge, North Malabar.
„ Accountant-General.

A. F. Eccleston.

GOVERNMENT OF FORT ST. GEORGE.

ECCLESIASTICAL (1899) DEPARTMENT.

Letter to the Right Honourable the
Secretary of State for India.

Dated 10th November,
No. 4 of 1899.

Forwarding copy of a letter addressed to the Sessions Judge, North Malabar, by the Secretary to the Charity Commission, London, in regard to the management of the Brennen Endowment for the poor of Tellicherry, and requesting the Right Honourable the Secretary of State to receive in his capacity as Administering Trustee of the Fund and remit to the Accountant-General, Madras, the interest payable thereon from time to time.

ECCLESIASTICAL DEPARTMENT.

LETTER—to

THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD,

We have the honour to forward, with its two enclosures, a copy of letter No. A. 72,629, dated 22nd July 1899, addressed by the Secretary of the Charity Commission, London, to the District and Sessions Judge of North Malabar, in which the latter officer is requested to make arrangements with the London Agents of a bank in this Presidency to receive, from time to time, the interest on an endowment of Rs. 27,000 accruing to the poor of Tellicherry under the will of the late Edward Breunen, and now held in trust by the Charity Commission.

2. In view of the fact that the proposal of the Secretary of the Charity Commission in making a District official deal with it directly, not through the Accountant-General, is opposed to the policy of this Government, we request that your Lordship will communicate with the Charity Commission, and, yourself assuming the capacity of Administering Trustee of the Charity, issue the necessary authority, in the form sent by the Official Trustee, and receive and remit to the Accountant-General of Madras, for disbursement under the orders of Government, the interest from time to time payable on the fund.

3. We enclose, for your Lordship's information, a copy of the Proceedings of this Government of to-day's date, and may add that we are fully satisfied that the small fund at present being disbursed to the poor of Tellicherry under the Breunen Charity is being administered to the best possible advantage, and that the method of distribution requires, at present, no modification.

We have the honour to be,

My Lord,

Your Lordship's most obedient, humble servants,

(Signed) A. E. HAVELOCK.
(„) A. T. ARUNDEL.
(„) H. M. WINTERBOTHAM.

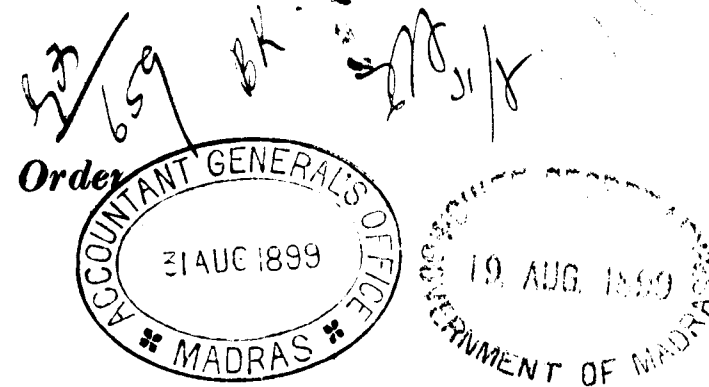
FORT ST. GEORGE,
10th November 1899.

Judicial (1899) Department.

CURRENT No. 3476.

From The District Judge of
North Malabar

No. 449



Encl No. 2/80 D 27-8-99

Referred to the Accountant-
General for remarks and for re-
port with reference to paragraph
2 of the District Judge's letter.

Dated 16th August 1899.

Received 19th Aug 1899

Registered 22nd Aug 1899.

Enclosures 2

Spare copies

Encl
2/80

Chief Secretary

SUBJECT.

Submitting for the orders of Government
a letter received from the Charity
Commission London, in re^{the} opening
of an Account by the District Judge
with a Bank in India with a view to
receiving through its London Agent
the interest accruing due on the Pennan
Fund in their hands of which he is an
Administering Trustee -

BACK PAPERS.

G.O.	No.	Department.	Date.

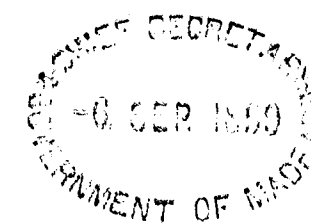
FURTHER PAPERS.

G.O.	No.	Department.	Date.

Financial (1899) Department.

CURRENT No.

Be
12.9.99
son



Order

From
The Accountant General to the
Government of Madras.

No. *B.D. 175*
5085

Dated 4th September 1899

Received } 6 " "
Registered }

Enclosures 5 (C. No 2961 Stiches not 2)

Spare copies —

SUBJECT.

Suggesting to transfer to this office
the sum of Rs 27000 left in Govt. Security
by the late E. Brennan and if objection
able to move the Secretary of State to
receive & credit the interest in his
remittance account with this Presidency

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Encls. Sept

memo No 2588
13.8.99.

With reference to
his letter No 449 dated the
16 August 1899. The Dist.
Judge North Malabar
is requested to report,
in communication with
the ^{of Revenue}Chaplain, how the
proceeds of the Breunen
endowment for the poor
of Tellicherry have
hitherto been disbursed,
by whom, and whether
the present method is
satisfactory or requires
modification -

(From orders)

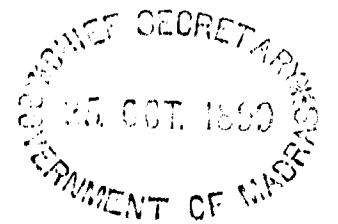
Cu
11.10.99.
also
12/10/99

[Signature]

The Dist. Judge
North Malabar

Ecclesiastical
Judicial (1899) Department.

CURRENT No. *306*
~~4479~~



From

*The District Judge
North Malabar*

For
Orders-

Mr. Attorney General
or

No. 597

Dated 23rd October 1899

Received 25-10-99.

Registered

Enclosures

Spare copies

SUBJECT.

*Reporting how the proceeds
of the Brennan Endowment for
poor of Tellicherry are disbursed
and stating that the present
method requires no modification*

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

S. Nos 113 & 114 on page 62.
of Fort St George Gazette.
Part I. & 17-1-99.

Please see extract from
his will in G.O. No 975. J. 11.
& 6-8-60, and also G.O. No 1126.
J. 11. & 4-9-60.

It is clear from the letter
of the official trustee of the
Charity Commission of 22nd
July 1899, para 3. that what
he wants is a formal authori-
-ty from a competent
Indian authority to pay
the amount of the dividends
for disbursement to the
objects of the charity.

i. The said gentleman left
another legacy of Rs 27,000 in-
-vested in Govt securities, the
interest on which was to be used
for the benefit of the poor. This
trust would appear to have
been wisely administered
by one strange, one of the ex-
-ecutors of the late Mr Brennan's
estate, through the district
and

NOTE FOR THE C. J.
A
-Security the disbursement
funds held by the Chief Justice
are "Brennan's Endowment
for a free school at Tellicherry"
and "Brennan's Endowment
for a Protestant chapel at Tellich-
erry". These funds were be-
-queathed to Govt by the late
Mr Edward Brennan of Tellich-
erry.

and Sessions Judge of Malabar.

3. In a letter addressed to that officer by the Charity Commission, London, he is informed that as the result of certain proceedings in the High Court of Justice (Chancery Division) the Securities for Rs. 22,000 above referred to have been transferred to the Official Trustee of Charitable Trusts in India. The Sessions Judge is constituted the trustee for the charity and he is instructed to keep an account with some bank in India, so that the half yearly dividends may be paid to the London Agents of the bank. The District & Sessions Judge points out the objections to the procedure laid down by the Charity Commission, the principal one being that the system under which public officers administer in their official capacity, trusts in this

2
Dated 22.7.99
He does not ask for a statement or certificate showing how the amount is disbursed. There are the C.S. points out objections to the D. & S. Judge of N. Malabar exercising the function & departmental rules do not permit it. It would so far as I can see meet the requirements of the Charity Commission if the Secy. of S. issued the necessary authority in the form sent by the Official Trustee. He would receive the money & remit it to this Govt. for disbursement. Letter No 449 16-8-99
That being so, no action under Act VI of 1890 would be necessary. Before addressing the Secy. of S. enquiry should be made in Eccles. from the D. & S. Judge.

3
Chaplain as to how the money has been disbursed & by whom & whether the present method is satisfactory or requires modification. When this has been settled we can address the Secy. of S. and propose that he should accept the function wh. the Charity Commission propose to impose on the D. & S. Judge. He would in the words of the form be the "administering Trustee" of the charity & d. Brecken for the poor & "cherry," & would have to make the arrangement in communication with the Charity Commission.

Letter No B.D. 175-8 6085
4-9-99

This country is quite different from the one recommended by the Charity Commission. 5. Under the rules in Chapter 11 of the Civil Account Code and in Resolution No 276, Finance & Commerce Dept, Dated 30 April 1880, of the Govt. of India, such promissory notes, as are in question, have to be made over to the Accountant General. Who is to draw interest and remit to the Officer concerned. The promissory notes held in trust by the Official Trustees of Charitable Trusts. ^{might} be made over to the Secretary of State for India and by him to the Indian Government. The Act General ^{would} draw the interest and transmit it to the Sessions Judge. 6. If this course is not feasible, the only other course, which the Act General can suggest is, that

that the Secretary of State
should [constitute himself
a trustee, and] receive and
credit the interest in his
Remittance Account with
his Presidency. In this case
the remittance is under
Art 1293. note 2. of the Civil
Account Code subject to
the fluctuations in the rate
of exchange in the market.

7. It is at all events
necessary to address the
Secretary of State, but before
doing so, the Resident Judge
of North Malabar may, if
submitted, be requested
to give further information
as to what connection he
has had with the trust in
question.

Memo.

With reference to his letter
No 449 of 16-8-99 the Judge
of North Malabar will be
requested to report at an early
date, what connection he has
had in the administration

~~of the bequest of Rs 27,000
made by the late Mr. Bren-
nen of Tellicherry for the
benefit of the poor at
that place.~~

21-9-99
To the Secy of State
North Malabar

From the Charity Commission
Letter (para 6 of the current)
It would appear that both
the D. J. of N. Malabar &
the Govt. Solicitor at Madras
have received information as
regards this Trust. The
particulars supplied by the
D. J. Malabar are very
meagre, but the interest on
the present endowment is
apparently to be distributed
among the poor of Tellicherry.
The Breman Church End-
fund is administered by
the Ecclesiastical Dept &
it will be necessary to
lay down some rules & scheme
for the administration of
the ^{proceeds of the} present endowment. The
object of the ~~for~~ endowment is
not of such a nature as

to manage this Charity ex
officio. I think it undesirable.
that he sh^d do so. We do not
know to have much information
about this Endowment. and
it may not be possible to
work this Act. but it seems
to me that the proper course
is to have a scheme settled
for this Endowment under
Act 6 of 1850.

Wm. W. W.

W. W. W.

For the C.S.

With reference to Horke

Alford's note at the foot of
page 2 of these notes, it is subd.
that the file may now be
transferred to Ecclesiastical.

Chas.
W. W. W.

C No 396 - From Dist Judge - N. Malabar.

In Memo 2588 d/13-X-59

The Df of Malabar was, in
accordance with the Hon Mr.
Arundell's Note of 26th ult at
page 2 of these notes, requested
to report on the present method
of disbursing the proceeds of
the Brennan End^t & to state
whether that method calls for
modification (apparently in view
of a considerable increase in
the funds).

The I wanted was to
ascertain whether the system
was satisfactory that
we may be able to tell
the Secy of S. so when
writing to him on the
subject. No changes
appear necessary.

The Current in the Df's reply
is subm^d for orders as to whe
ther the method described is
approved & considered by Govt to
be suitable for permanent
adoption. It is gathered from
the W M's remarks that this
point requires settlement before
addressing the Secy of State
on the subject of his receiving
the dividends accruing in future
from the Rs 27000 now held
by the Charity Commissioners

18th 7/11/59

18th 7/11/59

Eccol Drpt.

G.O.No.975 Judicial, d/6-8-60 }
 ,, 1128 ,, d/4-9-60 }
 ,, 193 Eccl. d/24-9-66 }
 ,, 203 ,, d/9-10-66 }
 ,, 227 ,, d/23-9-67 }
 ,, 170/1 ,, d/13-9-68 }
 ,, 113 ,, d/30-6-71 }
 ,, 206 ,, d/8-9-79 }
 ,, 1051 Finl. d/25-5-80 }

Pass Cth
Proposed to be revised
as to convey substantial
order -
Shew proof
8/11/55

C. No. 2961 From the (Finl) Dist. Judge, N. Malabar, No. 449, dated 16-8-1899.
 Memo. 2180 d/ 29-8-99
 ,, 3132 ,, (Finl) Acctt. Genl. ,, B.D. 175 4-9-1899
 ,, 6085
 Memo 2588 d/ 13-x-99
 ,, 396 Eccl. ,, District Judge, N. Malabar, ,, 597, ,, 23-10-99 1899
 ,, ,, ,, ,, ,, 1899

ORDER
P. S.

152 of 10-11-99
a" of all

Govt. considers that it is undesirable that the District and Sessions Judge of North Malabar should, ex-officio, manage the funds of this charity in the manner suggested by the Charity Commission of London. The interest on the fund should be deposited with the Accountant-General who will place the amount from time to time, at the disposal of such Public Officer as the Govt. may appoint to receive and disburse it. The Secretary of State will, therefore, as suggested by the Accountant-General, be moved to receive the interest on the Rs.27,000 and credit the amount in his Remittance account with the Madras Presidency.

2. The following despatch will be forwarded to the Secretary of State.

(Intld) F.W.G. (From Orders)
 4-11-99
 (Intld) P.W.A.
 6-11-99

TO
 The Dist. & Sessns. Judge
 N. Malabar.
 ,, Acctt. Genl.

LETTER

TO

The Rt. Honourable the Secretary of
State for India.

(with 2 enclosures in
original)

My Lord,

We have the honour to forward,
with its two enclosures, a copy of letter
No.A.72,629, dated 22nd July 1899, addressed
by the Secretary of the Charity Commission,
London, to the District and Sessions Judge
of North Malabar in which the latter officer
is requested to make arrangements with
the London Agents of a Bank in this Presi-
dency to receive, from time to time, the
interest on an Endowment of Rs.27,000
accruing to the poor of Tellicherry under
the will of the late Edward Drennen and
now held in trust by the Charity Commis-
sion.

2. In view of the fact that the
proposal of the Secretary of the Charity
Commission in making a District official
deal with ^{it} directly, not through the Acctt.
Genl., is opposed to the policy of this
Govt. we request that your Lordship will
communicate with the Charity Commission
and, yourself assuming the capacity of
Administering Trustee of the Charity, issue
the necessary authority in the form sent
by the Official Trustee and receive and
remit to the Acctt. Genl. of Madras for
disbursement under the orders of Govt.
the interest from time to time payable on
the fund.

We enclose for your Lordship's

information

D.

Note

information, a copy of the Proceedings
of this Government of today's date and
may add that we are fully satisfied
that the small fund at present being
disbursed to the poor of Tellicherry
under the Dennen Charity is being
administered to the best possible
advantage and that the method of distri-
bution requires, at present, no modi-
fication.

(From Orders)

8.862
91/2/35