M.R.O. 1—80,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1129	Press Mis.
1273		
Dated	4-9-	1860

66

Not to be folded or roughly handled

No. 12. Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George, dated 24th August 1860, No. 768.

Dated 6th August 1860, *No.* 975, *Judicial Department.*

1. I have the honor to acknowledge the Proceedings of Government noted in the margin.

2. I laid them before the Advocate General for his consideration, and

3. I now forward a copy of his opinion.

COPY—OPINION.

The Testator, Mr. Brennon, has bequeathed Rupees twenty thousand, that actual amount in silver Rupees. Now four per cent. paper is at a discount of about 17½ per cent., so that the Executors would have at this rate, to pay over 4 per cent paper for the nominal amount of Rupees 23,490 in order to make good the Testator's legacy of Rupees twenty thousand. Four per cent. paper for the nominal amount of Rupees 20,000 would *not* be a payment of the legacy as bequeathed by the Testator's Will.

If Government accept this bequest, they will, of course, be bound to provide the pieces of land for the School and Protestant Chapel, and to appoint Trustees to carry the Testator's wishes into effect, to which I see no objection, if Government be willing to do so.

I am not aware that any sums have hitherto been invested in the name of "the Governor in Council of Fort Saint George for the time," but I see no practical objection to doing so in this instance, and I think that thereby effect will best be given to the Testator's intentions.

(Signed) THOS. SYDNEY SMYTH,
Advocate General.

August 20th, 1860.

(True Copy.)

(Signed) J. R. BOYSON,
Govt. Solicitor.

No. 13. ORDER THEREON, 4th September 1860, No. 1,128.

Resolved that a copy of the Advocate General's opinion be communicated to Messrs. Strange and Brown in reference to their letter of the 26th July last.

2. Resolved also that those Gentlemen be informed that the Government are prepared to accept Mr. Brennon's bequest, and to apply it to the purposes for which it has been made. Orders will accordingly be sent to the Collector of Malabar to provide or procure suitable pieces of ground for the erection of the School and Chapel, and the Officers named in Mr. Brennon's Will, will be appointed to act subject to the control of Government as Trustees for these Institutions. The Government Solicitor will be requested to prepare the necessary Trust Deeds.

3. The Government do not however feel themselves at liberty to accept 20,000 Rupees in paper of the 4 per cent. loan—now at a considerable discount—in complete discharge of Mr. Brennon's legacy. The full amount must be paid into the Government Treasury in Cash, and those sums which are to constitute the endowments of the School and Chapel or Rupees 8,000 and Rupees 4,000 respectively will then be invested by the Accountant General in the Public Securities in the name of the Governor in Council of Fort Saint George for the time being.

4. The Director of Public Instruction, to whom a copy of the papers will be sent, will state what description of School house should be built at Tellicherry. If the cost of such a one as would be suitable for the place would exceed Rupees 4,000, the surplus will be provided from the Educational Building Fund. The site for the School house will be fixed by the Collector in communication with the Director.

5. The Chief Engineer, Department Public Works, will also be requested to submit to Government a plan and estimate for the Chapel, being careful to keep the estimate within the amount of the bequest Rupees 4,000.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Dept.

Proceedings of the Madras Govt.

Judicial Dept.

Proceedings of the Madras Govt.

Read Letter from Messrs Strange & Morris Executors & Testators of the late Hon'ble Mr E. Brenaan 26 July 1860.

Also Letter from the Hon'ble Solicitor to G. 24 Augt 1860. No 1681
Order thereon. 11th Septr 1860 No 1128.

Resolved that a copy of the Advocate Genl's opinion be communicated to Messrs Strange & Morris with reference to their letter of the 26 July last.

2 - Resolved also that Mr Genl be informed that the Govt are prepared to accept Mr Brenaan's bequest - and to apply it to the purpose for which it has been left - Orders will accordingly be issued to the Collector of Madras to provide a proper suitable piece of ground

for the erection of the school and Chapel – and the Officers named in the Bill which will about to be appointed by and Trustees for these institutions. The first Solicitor will be requested to prepare the necessary Conveyances –

3 – The first Board known for the purposes at this Meeting will accept 20000 R in paper of the 4% Loan – how also consider the Report – in complete discharge of the Bequest legacy – The full amount must be paid into the first Treasury of the Land – and to be held at the disposal of the Board which are to constitute the endowments of the School & Chapel with

a R8000 & R4000 respectively will

this for the School House will be signed by the Gov & Council & Directors

the remainder of the Amount fixed in the public securities in the name of the Governor & Council of the Colony for the time being –

4. The Director of Public Instruction to whom a copy of the Report will be sent will state what description of School House would be built & Tuition – & the cost of such a one as would be suited to the place would amount R4000 – the Inspectors will be provided from the Education Building Fund – The

5 – The Chief Engineer Officer will also be requested to furnish a plan & estimate

12413

for the Chapel being
carried to keep the
estimate within the
amount of the deposit
₹4000-

JP.

Messrs Strange & Brown.
Govt Solicitor
Director Genl P Works
Officer of Revd & Audit
Sec'y Treasurer
Collector of Malabar
Public Works Dept

} Despatch

87-975-Dispt-17th Sept

" 6 "

Pors of Lett.

Judicial 1860 Depart.

No. 1128.

Proceedings of Govt.

Dated 4th Sept. 1860

No. 1607.

Communicate to Messrs Strange and Browne a copy of the Advocate Generals opinion regarding the bequests by the Will of the late Mr Edward Brunton deceased in favor of the Governor in Council of Madras and issue certain orders on the subject.

12 to 13.