

7535
Public Works (1896) Department.

G.O., No. 3229 *W*

DATED 11th November 1896.

[Despatch Abstract.]

Rents and profits of the Tumkur property. Pros: Est
Dept directing that in future, no payments from the
beyond what is necessary to defray the cost of the Johnston
of Carn Sadlock Scholarships shall be paid to the Uni
versity until the cost of all necessary repairs to the
property has first been liquidated, Comd P. to S.E. VI C.

T.C.
11/11

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

Current-Numbers 9535

Recd. 12. 10. } 1896.
Regd. 22. 10. }

Spare copies 10.

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

no 3229 m 7 11th November 1896
B
Communicated to
the Superiors of the circle.

C
 2/11/86
 S. S. VI Circle

See Moody

B to write

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.)

To the Registrar of the University.

Collector of Madura.

Director of Public Instruction.

Public Works Department.

Accountant-General.

Exd. C. M. Thumbuswamy.

for Ag. Chief Secretary.

Cm 9535

Ch 7570

What about
the funds asked
for in G.O. No 3015W
of 26:11.95?

Cm

24/10/96

Sau

No allotment was provided
by the Educational Dept. till
end of March 1896. There was
an outlay of Rs 2,294 on the
work without allotment. The
official year ¹⁸⁹⁵⁻⁹⁶ having expired
the Examiners were asked to admit
the outlay in G.O. No 1418 Wd
2nd May 1896 (Provincial O.S. State-
ment for January 1896)

Cm
30/10/96

Government { 1896 } of Madras.
EDUCATIONAL.

Recd.

Regd.

} 1896.

Enclosures

Spare copies

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

No 322927 11" Nov 1896

Communicated to the
SEPTEMBER. Suptg Engr VI Arch
[sd] D. W. C.

S. E. VI Arch
Engr O. W. Accts

Johnston of Carnsalloch Scholarships.

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Ag. Chief Secretary.

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“ Director of Public Instruction.
“ Public Works Department.
“ Accountant-General.

Erd. C. M. Thumbuswamy.

Government { 1896 } of Madras.
EDUCATIONAL.

Recd.

Regd.

} 1896.

Enclosures

Spare copies

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no 3229 w d 11" November 1896-

Commenced to be
Sept Engr VI Arch
/Sd/ Dne

SEPTEMBER.

SE VI Arch

Engr O W Accts

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