

183-3268

UBCHEA ARCHIVES
COLLEGE FILES
RG 11

Lingnan
Corres. / Fin. records
Campbell estate 1935-1942

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0243

5/29/35

Miss Isabella Campbell of Washington, D.C., passed away on May 28, 1935.

Her cousin telephoned this sad news from the RR station to N.Y. Office on the morning of May 29th, and sent Dr. Henry a telegram in care of Dr. Riley. She will come home immediately after the funeral. Her home address is:

Miss Mary R. Campbell
40 Summit Avenue
Bronxville, New York.

CHURCH OF THE HOLY TRINITY
120 EAST 41ST STREET
NEW YORK 17, N.Y.

RECTOR
W. HENRY CAMPBELL

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RECTOR
W. HENRY CAMPBELL

NEW YORK CITY
120 EAST 41ST STREET
TRUSTEES OFFICE

THE TRUSTEES OF THE UNIVERSITY OF THE CITY OF NEW YORK

JAMES M. HENRY, President
W. K. O'NEILL, II, D., Secretary

CHURCH OF THE HOLY TRINITY

THE UNIVERSITY OF THE CITY OF NEW YORK

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120 EAST 41ST STREET
NEW YORK 17, N.Y.

RECTOR
W. HENRY CAMPBELL

0244

May 31
1935

Miss Mary R. Campbell
40 Summit Avenue
Bronxville, New York

My dear Miss Campbell:

Upon my return from Rochester, I have learned of the death of your cousin, Miss Isabella Campbell. Please accept this expression of my heartfelt sympathy. I had the privilege of only a very slight acquaintance with your cousin, but I well know how devoted her many friends were to her. Dr. Henry will have been deeply distressed by the news. We expect him here next Tuesday. Although he will be under very great pressure for the coming week or two, he will certainly wish to express to you in person his sympathy at the loss of your cousin.

Sincerely yours,

ODW/MB

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June 20
1935

Memorandum to Dr. James M. Henry

I managed to talk this afternoon with Mr. Allan R. Campbell, in Bronxville, about Miss Campbell's will. He will mail me a copy of the will either tonight or in the morning. He mentioned \$25,000. instead of \$20,000. but later said that he might have remembered incorrectly.

He seems to think that there is scarcely any doubt whatever that Lingnan University will be the recipient of the legacy. There is a remote possibility, however, that certain residuary legatees might attempt to break the will on the very slight ground that the terms under which this legacy was bequeathed could not be fulfilled, since there could be no choice by the two trustees, you and Mr. Campbell, between Lingnan University and Covenant Presbyterian Church, for the reason that the second institution was precluded from receiving the legacy. Mr. Campbell said this would be a very far-fetched ground but that if he were the lawyer for the residuary legatees he might be tempted to see what he could do with it.

Mr. Campbell has been appointed executor for the entire estate, as well as joint trustee with you for this particular legacy. He feels as executor that he must be most careful to avoid any possible legal difficulty on a charge that he had alienated property that might be legally claimed by the residuary legatees. He feels that he must have some kind of assurance that no effort will be made to break the will before he would be in position to hand over this particular legacy to you and himself as trustees.

I will send Mr. Campbell, within a few days, a photostatic copy of the charter of Lingnan University and a statement signed by myself as Secretary of the Board of Trustees and bearing the seal of the University certifying that it is a true copy of our charter and that we have no connection with any religious organization.

Mr. Campbell is beginning to get information from stockbrokers as to the value of the securities in the estate and he seems to think, without having yet adequate information, that all bequests can be covered.

ODW/MB

O. D. Wannemaker

0246

ALLAN R. CAMPBELL
BAR BUILDING
WHITE PLAINS, NEW YORK

June 26, 1935.

Re: Estate of Isabella Campbell

Mr. Olin D. Wannamaker,
American Director,
Trustees Lingnan University,
150 Fifth Avenue,
New York City.

Dear Mr. Wannamaker:

I thank you for your letter of the 25th and enclosure, which papers I am sending to Mr. LeRoy in Washington for his advice, and have requested him to draw a document for Dr. Henry and me to sign to comply with the direction of the will, which reads:

"I direct that my trustees shall determine as soon as possible after my death which of the above mentioned institutions shall receive said fund."

When I get this form from Mr. Le Roy I will take up with Dr. Henry the signing of it.

I was expecting to leave here Tuesday morning for a vacation in New Hampshire but if this matter cannot be covered before I leave, and it is urgent that I should stay over or come back, I will do so.

Possibly the certificate that you sent me will be sufficient for Mr. LeRoy's purposes but I am a little puzzled to know the difference between the institution named "Lingnan University" and the corporation named "Trustees of Lingnan University". If you could furnish certified or other copies of the two charters given these two names it might facilitate our proceedings.

Very truly yours,



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TRUSTEES LINGNAN UNIVERSITY

Canton Christian College of Arts and Sciences

The Lingnan College of Agriculture

OLIN D. WANNAMAKER
American Director

Telephone: Watkins 9-8703

150 FIFTH AVENUE
NEW YORK, N. Y.

June 27
1935

Memorandum to Dr. Henry

I had a letter from Mr. Allan Campbell this morning, and I have just talked with him by telephone. Since he expects to leave Tuesday morning for a vacation, I have explained the great importance of his getting a certain statement from Mr. LeRoy, the Washington attorney, for you and Mr. Campbell to sign jointly before he gets out of reach. He promises me to do everything possible to this end. He may go to Washington Saturday and be back here Sunday. In that event, I have urged that he go to the hospital Sunday, confer with you, and sign the joint statement. If he does not go to Washington tomorrow, I have urged that he telegraph Mr. LeRoy to get the statement into his hands so that he can confer with you.

I do hope that the thing may not slip, and thus entail long drawn-out correspondence about the usual hair-splitting legal details. I have just had to redraft the statement I prepared for him because he questioned why I used two names: - "Lingnan University" and "Trustees of Lingnan University".

ODW/MB

ODW
Olin D. Wannamaker

*I shall naturally way
co-operate in every
possible - just*

0248

For Mr. Henry

June 27
1935

Allan R. Campbell, Esquire
Bar Building
White Plains, N.Y.

Dear Mr. Campbell:

Thank you for your prompt reply. To avoid any confusion, I am substituting a slightly modified statement for the one I sent you, and I will thank you to return the former statement to me.

The explanation of what caused you some little confusion is as follows. The name of the corporation, chartered by the Regents of the University of the State of New York, contains the word Trustees. The full name is "Trustees of Lingnan University". Ordinarily, of course, in speaking of the institution we do not say "The Trustees of Lingnan University", but simply "Lingnan University". I presume the same difference exists in the case of many educational institutions. The legal entity, which has power to receive bequests, handle endowment funds, etc., is "Trustees of Lingnan University". If we were speaking publicly of a gift made by some one, we should most probably say that the person had made a gift to "Lingnan University". Hence, in speaking to Miss Campbell, neither Dr. Henry nor I would have used the word Trustees, but would simply have spoken of "Lingnan University". What she was interested in was the actual work going on at the University in China, though she would, of course, have been deeply interested to see that her money was handled by a corporation properly chartered and empowered to receive a bequest and protect it.

If there is anything lacking in the clarity of the formal statement, or of this note, please do me the kindness to give me an opportunity to correct it before you leave.

Can you hurry Mr. LeRoy in getting the statement to you so that we might have Dr. Henry sign it before you leave for your vacation? It would be regrettable if you got away before he gets out of the hospital, and this should entail a good deal of correspondence half round the world. He cannot get out of the hospital before Monday, and he will leave here just after the middle of July on his way back to China. May I suggest, therefore, that you urge Mr. LeRoy to send that statement to you immediately?

Sincerely yours,

ODW/MB

Olin D. Wannamaker
American Director

0249

For Mr Henry

June 27
1935

To Whom It May Concern:

Lingnan University is a non-sectarian institution of higher education, chartered under the authority of the Regents of the University of the State of New York under the corporate name "Trustees of Lingnan University". The institution was originally chartered on December 13, 1893, by the University of the State of New York under the corporate name "Trustees of the Christian College in China". An amendment to the charter granted by the University of the State of New York in 1905 changed the corporate name to "Trustees of Canton Christian College". Because of the growth and expansion of the institution, a second amendment to the charter was granted by the University of the State of New York in 1926, changing the corporate name to "Trustees of Lingnan University". The corporation known under the name "Trustees of Lingnan University" has no legal or corporate connection with any religious sect or denomination. The members of the Board of Trustees are the following.

Frederick Osborn, President	
William A. Riley, Vice-President	
Allan W. Ames, Treasurer	
Olin D. Wannamaker, Secretary	
Samuel B. Bowen	
Dr. William Wistar Comfort	
F. Trabee Davison, Esquire	A. L. Register
Dr. William E. Hocking	Edward Streeter
Dr. Edward H. Hume	Dean Ralph L. Watts
Dudley H. Mills	Tsin Shue-fan
Dr. Paul Monroe	Ma Ying-Piu

In witness whereof, I hereto set my hand and the seal of the Corporation this 27th day of June, 1935.

Olin D. Wannamaker
The Secretary

0250

Spec. del -

June 28
1935

Allan R. Campbell, Esquire
Bar Building
White Plains, N.Y.

My dear Mr. Campbell:

✓ In the light of our conversation by telephone, I send you herewith three photostatic copies of the original charter of our institution, the first amendment granted by the Board of Regents of the University of the State of New York, and the second amendment granted by the Board of Regents respectively.

I trust that these photostatic copies, together with the statement signed by me as Secretary and bearing the seal of the University which I mailed you yesterday may meet all the requirements of the law of the District of Columbia.

Since I am endeavoring to get ready for a trip to Europe on July 11, and Dr. Henry will be leaving not long after that time, I shall be grateful if you will request Mr. LeRoy to let me know if he needs anything further. If, during your absence, he could write me direct for anything more that he needs, I should appreciate this.

Sincerely yours,

ODW/MB

Olin D. Wannamaker
American Director

cc: Mr. Henry

0251

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ALLAN R. CAMPBELL
BAR BUILDING
WHITE PLAINS, NEW YORK

June 28, 1935.

Re: Estate of Isabella Campbell

Mr. Olin D. Wannamaker,
American Director,
Trustees Lingnan University,
150 Fifth Avenue,
New York City.

Dear Mr. Wannamaker:

I thank you for your letter of the 27th. I
return the certificate which you first sent me.

Mr. LeRoy writes me as follows:

"With respect to Lingnan University
and the designation by the trustees, I doubt
whether the administration of the estate
has progressed to the point where it is
necessary or desirable to make the designa-
tion. I am in entire accord with the thought
of your last paragraph in your letter to
Mr. Wannamaker of June 26th. I think we
ought to have certified copies of the char-
ters that you mention and possibly a detailed
statement of the origin and development of
the University to its present position. "

I telephoned Mr. LeRoy today asking him to draw
a form of designation which I can send on to Dr. Henry, so that
Dr. Henry can sign it now if he likes and leave it with you, and
then I, as the other trustee named in the will, can take action
as soon as Mr. LeRoy advises me that this is proper.

Very truly yours,

A. R. Campbell

0252

TRUSTEES LINGNAN UNIVERSITY

Canton Christian College of Arts and Sciences

The Lingnan College of Agriculture

OLIN D. WANNAMAKER
American Director

Telephone: Watkins 9-8703

June 24

1935

150 FIFTH AVENUE
NEW YORK, N. Y.

To Whom It May Concern:

Lingnan University is a non-sectarian institution of higher education, chartered under the authority of the Regents of the University of the State of New York. The institution was originally chartered on December 13, 1893, by the University of the State of New York under the name "Christian College in China". An amendment to the charter was granted by the University of the State of New York in 1903, consisting in a change of the name to "Canton Christian College". Because of the growth and expansion of the institution, a second amendment to the charter was granted by the University of the State of New York in 1926, consisting in a change in the name of the institution to "Lingnan University".

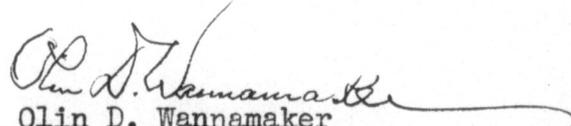
The name of the corporation owning the physical plant and endowment fund and operating the institution has been, in the three modified forms of the charter, the following: - "Trustees of the Christian College in China" - - "Trustees of the Canton Christian College" - - "Trustees of Lingnan University".

The Trustees of Lingnan University have no legal or corporate connection with any religious sect or denomination.

The Trustees of the University are the following:

Frederick Osborn, President	
William A. Riley, Vice-President	
Allan W. Ames, Treasurer	
Olin D. Wannamaker, Secretary	
Samuel B. Bowen	
Dr. William Wistar Comfort	A.L. Register
F. Trubee Davison, Esquire	Edward Streeter
Dr. William E. Hocking	Dean Ralph L. Watts
Dr. Edward H. Hume	Tsin Shue-fan
Dudley H. Mills	Ma Ying-Piu
Dr. Paul Monroe	

In witness whereof, I hereto set my hand and the seal of the Corporation this 24th day of June, 1935.


Olin D. Wannamaker
The Secretary

0253

ALLAN R. CAMPBELL
BAR BUILDING
WHITE PLAINS, NEW YORK

July 1, 1935

Re: Estate of Isabella Campbell

Dr. James M. Henry,
c/o Mr. Olin D. Wannamaker,
Trustees Lingnan University,
150 Fifth Avenue,
New York City.

My dear Dr. Henry:

I am sorry that you have been so beset by illness. I understand that you are about ready now to leave the hospital and go away for recuperation.

I have not ventured to communicate with you until now, because of these circumstances and I regret that I am now myself leaving for New Hampshire, where my address will be:

Gregg Lake,
Antrim,
New Hampshire.

I am due in Washington in relation to estate matters on Tuesday, July 9. I expect to go direct from Boston to Washington and back but, if I can be of any service by stopping anywhere to see you, I would do so, provided you wanted to see me at this time.

At the request of Mr. Wannamaker I have had Mr. LeRoy, who is handling the law part of the estate in Washington, draft a designation of the institution to receive the \$20,000 bequest. I enclose two copies of that draft.

You will notice: (1) that the name of the institution designated is left blank to be filled in; (2) a memorandum should be attached stating the reasons for choosing that institution; and (3) the designation is conditional upon the institution accepting the terms and conditions to be submitted in a later paper when the money is ready for payment.

As to the institution to be designated I would be guided in large part by your views. There are two points, however, with which possibly I should concern myself. One is the possible operation of a statute of the District of Columbia regarding gifts for religious purposes (this character-

0254

Dr. James M. Henry #2

July 1, 1935

Re: Estate of Isabella Campbell

tion is only a rough one) made in a will signed within 30 days of death. From such information as I have at this time it would seem that there is less chance of attack on this score upon a gift to Lingnan University than a gift to the Church of the Covenant in Canton, China.

The other point is suggested by the clause in the will that we shall have regard to "the permanency" and, on this score, I suppose I should have some information as to the financial stability of the institution mentioned in this clause of the will.

If you are prepared to make the selection so far as you are concerned, I suggest that you can do so by filling in the legal name of the institution in the enclosed draft, making a memorandum of the reasons and attaching same to this document, and then signing the designation. If you will then send it to me I will be in a position to act, subject to the advice of the attorney.

As to the last point, the exact definitions of the terms and conditions which should be attached to the transfer of the funds I would be pleased to hear from you. Possibly we could arrange the form of this before you leave for China.

Very truly yours,

W. H. Campbell

0255

Folio

ALLAN R. CAMPBELL
BAR BUILDING
WHITE PLAINS, NEW YORK

July 1, 1935.

Re: Estate of Isabella Campbell

Mr. Olin D. Wannamaker,
American Director,
Trustees Lingnan University,
150 Fifth Avenue,
New York City.

Dear Mr. Wannamaker:

I enclose a letter to Dr. Henry,
with which I am sending two copies of the draft designa-
tion. As I am not sure where Dr. Henry will be to-
morrow, I am relying on you for the courtesy of seeing
to delivery, and giving the matter such further attention
as you may think proper.

Very truly yours,

Allan R. Campbell

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0256

Grounds for the Decision Reached by the Trustees
under Sixth Paragraph of the Will of the Late Isabella Campbell

As Trustees to whom the late Isabella Campbell bequeathed the sum of Twenty Thousand (\$20,000.00) Dollars, under Clause Six of her Will, in trust for the purpose of perpetuating a memorial to the decedent's mother, Isabella W. Campbell, in aid of Christian missions in Canton, China, in the form of an endowment gift to the Church of the Covenant, in Canton, or to Lingnan University, we hereby declare that the following reasons have led us to select Lingnan University as the beneficiary of this bequest.

First, the Will of the decedent sets forth two purposes in establishing this trust fund: - 1. The perpetuating of a memorial to her mother 2. The aiding of Christian missions in Canton, China. The Will of the decedent instructs the Trustees that, in determining which of two alternative beneficiaries named in Paragraph Six of her Will should receive this trust fund, the Trustees should exercise their discretion while having regard to the best effectuation of the said purposes and the permanency of this effectuation.

With reference to one of the purposes named, the aiding of Christian missions in Canton, China, the Trustees reached the decision that Lingnan University, which is an undenominational Christian institution of higher education, serving equally all Protestant denominations in that region through the education of men and women for leadership in the Christian Church and all other Christian institutions, would effectuate more completely than any single mission church this aspect of the decedent's purpose.

With reference to the second purpose, the Trustees have decided that a tablet properly designed and placed and bearing the inscription:

ISABELLA W. CAMPBELL MEMORIAL

to the Glory of God
and to the dear memory of
Isabella W. Campbell

set up on the grounds of Lingnan University, the largest and most conspicuous single Christian institution in South China, visited by great numbers of Americans as well as Chinese interested in the cause of Christianity, would best serve to perpetuate the memory of the decedent's mother, through stimulating other Christian men and women to like deeds of benevolence.

With reference to the permanency of the effectuation of the purposes of the decedent, the Trustees have reached the decision that such a Christian institution as Lingnan University is, in its very nature, an extraordinarily permanent medium both for the commemoration of the decedent's mother and for the aiding of Christian missions in Canton, China. The institution was conceived half a century ago for the purpose of providing trained Christian leaders in South China. It was given permanent form through a charter issued by the Regents of the University of the State of New York forty-two years ago. The physical plant of the University comprises 600 acres of land and ninety-two buildings, together with

its educational equipment, the total value of this plant and equipment being more than \$1,000,000.00. Its permanent endowment fund is valued at more than \$1,500,000.00. Title to this property and endowment inheres in the American Board of Trustees of the University, but the institution is equally cherished and supported by the Chinese Board of Directors, who foster it with the same Christian purpose motivating the American Trustees throughout its history.

The decedent's Will requires that, if this bequest is entrusted to Lingnan University, it shall be maintained as an endowment fund to be permanently devoted to some branch of the women's work of that University. We are assured by the President and the Secretary of the Trustees of Lingnan University that the Trustees of the institution will, without question, accept this bequest under conditions so stipulated as to meet this requirement of the decedent's Will.

It is because of these considerations, seeming to us conclusive, that we, as Trustees under Clause Six in the Will of the late Isabella Campbell, reached the decision to transfer to the Trustees of Lingnan University the endowment fund of \$20,000.00 bequeathed to us as Trustees in that Clause of the decedent's Will, under conditions to be stipulated by us in accordance with the decedent's Will and to be accepted by the Trustees of Lingnan University.

.....

.....

Trustees under Clause Six in the
Will of the late Isabella Campbell.

Witness.....

Witness.....

July 1955.

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July 8
1935

Allan R. Campbell, Esquire
c/o Mr. Howard S. LeRoy
LeFevre & Le Roy
725 15th Street
Washington, D.C.

Dear Mr. Campbell:

Although Dr. Henry has not yet entirely recovered, he came to the office for a brief time today and signed the "Determination of Trustees under Sixth Paragraph of Will of the Late Isabella Campbell" as drafted by Mr. LeRoy. He requested me to mail this to you. He requested at the same time that I mail you a draft of a statement of the grounds for the decision reached by the Trustees under that Paragraph in Miss Campbell's Will. He did not think it appropriate to sign this document until you should have seen it. He will be glad to hear from you at your earliest convenience.

Sincerely yours,

ODW/MB

Olin D. Wannamaker
American Director

0259

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1 copy was sent to Dr. Henry at Seattle Aug. 14/35

ALLAN R. CAMPBELL
BAR BUILDING
WHITE PLAINS, NEW YORK

August 7, 1935

Re: Estate of Isabella Campbell

Mr. Olin D. Wannamaker,
American Director, Trustees Lingnan University,
150 Fifth Avenue, New York, N. Y.

Dear Mr. Wannamaker:

Your letter of July 8, addressed to me in Washington, was received by me on July 9, and that letter and the enclosures were left with Mr. LeRoy at that time for his advice.

The trip to Washington was during my vacation and, on my return here, I wrote to Mr. LeRoy for the papers, which I received from him this morning. I called your office and found that you are abroad, to be back about September 1, and that Dr. Henry is now on the way to Seattle to go to China.

Mr. LeRoy's letter received this morning advises as follows:

"With respect to Lingnan University and Dr. Henry's impending departure, it seems to me it might be well at this time if possible to obtain some statement or commitment from Dr. Henry or some other appropriate authority as to the willingness of the University to accept the mortgage together with sufficient cash to make up the bequest, if, as and when the payment of such bequest may be approved by the Probate Court here. It also seems to me that you should have a memorandum Grounds for Decision that will be entirely satisfactory to you as Executor. While the memorandum you have may be sufficiently factual and informative for Dr. Henry's purpose, it seems to me that it should contain a complete factual statement with respect to both Lingnan University and the Church of the Covenant in Canton, together with such certified copies of charters and agreements, if any, with the Chinese Government or other authorities as may be outstanding and available. With this more complete data in hand, you would be in a more satisfactory position to make a presentation to the Court here for a ruling if that shall seem necessary. In any event, it seems to me that it would be well to have such a complete memorandum attached to the designation. "

I have no doubt that on your return you can provide me

0260

Re: Estate of Isabella Campbell

Mr. Olin D. Wannamaker,
American Director,
Trustees Lingnan University

#2.

Aug. 7, 1935

the facts that Mr. LeRoy specifies. Apparently, however, we will have to have a new memorandum of grounds drawn up after these facts are assembled and so the absence of a signature by Dr. Henry on the one already prepared will not make any difference.

I have to have the information from you really for two purposes: (1) as a basis for a decision which institution to select; and (2) as Mr. LeRoy says, as a basis for making presentation to the court for a ruling on the subject of the legality of the bequest in view of the District of Columbia statute.

Very truly yours,

Isabella Campbell

0261

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November 11
1955

Allan R. Campbell, Esquire
Bar Building
White Plains, New York

Re: Estate of Isabella Campbell.

Dear Mr. Campbell:

I have been expecting constantly to hear from you regarding the status of Miss Campbell's bequest. I do hope that no unforeseen hindrance has arisen, either to put in doubt the assignment of the bequest to Lingnan University or to delay the settlement of the estate. Will you not be so good as to keep me informed from time to time in order that I may pass word along to Dr. Henry, who is greatly interested in this matter.

Sincerely yours,

ODW/MB

Olin D. Wannamaker
American Director

CC: Mr. Henry

0262

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ALLAN R. CAMPBELL
BAR BUILDING
WHITE PLAINS, NEW YORK

November 12, 1935

Re: Estate of Isabella Campbell
(Lingnan University)

Mr. Olin D. Wannamaker,
American Director,
Trustees Lingnan University,
150 Fifth Avenue,
New York, N. Y.

Dear Mr. Wannamaker:

I thank you for your letter of the 11th.

I am quite in accord with your idea that we should close the estate as quickly as possible. On the other hand, I am obliged to abide by the practice of the court in the District of Columbia and by the advice of the attorney for the estate as to what I may properly do.

I have furnished the attorney, Mr. LeRoy, with the copy of the catalogue of Lingnan University, and also the memorandum drafted by Dr. Henry when he was here last summer. Mr. LeRoy has, at my request, written the Church of the Covenant in Canton informing it fully of the situation and giving it an opportunity to plead its cause, or take such action as it may see fit. This letter was forwarded to China about October 2nd to officials there, who were going to confer with Dr. Henry, and we were told that we would not receive here a reply before late November or early December.

At this point I may capitulate what stands in the way of final action:

1. Completion of the record to submit to the court as to the qualifications of the Church of the Covenant in Canton and Lingnan University.
2. Approval by the court of payment of the legacy.

As to number 1, I am writing to Mr. LeRoy to find out whether there is any further information he wants

0263

#2

Nov. 12, 1935

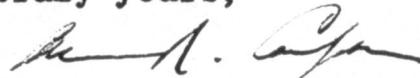
Mr. Olin D. Wannamaker:

regarding Lingnan University and, as stated above, we are waiting for the data from the Church of the Covenant in Canton.

As to number 2, I have been advised by Mr. LeRoy that the payment of the \$20,000 legacy should not be made to Dr. Henry and me, as trustees, until next May (one year from the death) "or until such time as the court here clears any doubt that may arise on account of the section of the code involved".

I have asked Mr. LeRoy to proceed as quickly as possible to get court authorization.

Very truly yours,



Copy sent to J.M.H. with O.D.W.'s covering letter of 11/13/35.

0264

ALLAN R. CAMPBELL
BAR BUILDING
WHITE PLAINS, NEW YORK

November 14, 1935.

Re: Estate of Isabella Campbell

Mr. Olin D. Wannamaker,
American Director, Trustees Lingnan University,
150 Fifth Avenue,
New York, N. Y.

Dear Mr. Wannamaker:

I thank you for your letter of the 13th,
which I have referred to Mr. LeRoy.

It was for the purpose of addressing the
Church of the Covenant in Canton that I asked you last
September whether there was any one in New York to whom
such communication could be made. You will recall
that we telephoned at that time to the Presbyterian Board
across the street.

Very truly yours,



Copy to Mr. Henry

0265

Recd my Dec 7/35

廣州私立嶺南大學

LINGNAN UNIVERSITY

CANTON, CHINA

ans. by 535.208

Nov 14/35

Dear Alice:

The enclosed has
come just in time for me to send
to you by the Suiyuen, Ais. I cannot
understand the Washington lawyer or
Campbell doing this however. It
improves my opinion of neither.

Had a talk with Fikes & Walline
a week or two ago & think Fikes has
written a very good letter.

J. J. Murphy

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Copy from
Dr. Henry

copy sent
Dr. Fenn at
156-50th
3/6/36

N.Y. file

November 12, 1935.

Mr. Howard S. LeRoy,
Culbertson & LeRoy,
Colorado Building,
Washington, D. C.

Dear Mr. LeRoy:

Your letter of September 30th, addressed to Church of the Covenant, Canton, China, was forwarded to us from our Board of Foreign Missions Office by Dr. Fenn.

We have carefully read your letter and also the Will enclosed. We had known of Miss Isabella Campbell's interest in the Church of the Covenant in Canton, which is usually known as the "Wong Sha Church" among the Chinese in Canton. This church has recently had a long struggle on the part of its members to put up a new church building. It is one of the smallest church buildings of all our Church of Christ in China churches in Canton, but it was put up with great care, and a number of people have testified to the fact that it has more of an atmosphere of worship than any other. From the very beginning the purpose of this church has been to work for the poor. It is located in a poor section of the city. It has an active membership of about a hundred people, and they bear about two-thirds of their congregational expenses.

With reference to the matter of making a plea for this endowment that Miss Campbell has left, I feel that we might make out a good case, as far as the need for aid for this church is concerned. But one fears very much the consequences if such a comparatively large sum were given to this church. If the endowment were to be handled by the Synod of the Church of Christ in China, or by a Board in America, or held in trust by some other body, and only the proceeds made available to the church, one would feel justified in making a plea, for there is almost no limit to the work that could be done in the district where this church is located.

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In the light, however, of what you have to say in your letter regarding bequest for religious purposes, "it seems almost hopeless for the Church of the Covenant in Canton to receive any benefit from this endowment, even if the trustees were minded to give it", one scarcely dares to press it too hard.

On the other hand, one also feels the wonderful good that this fund would do as an endowment fund to be devoted to some branch of the women's work at Lingnan University where there is an Incorporated Board to hold such funds in trust permanently.

In taking everything into consideration, one feels that the money would and could be wisely spent through the Church of the Covenant in Canton, and become a wonderful memorial for Miss Campbell. But in view of what you say with regard to the code of law in the District of Columbia, one hardly dares to press the matter for fear of jeopardizing the possibilities of Lingnan University securing the endowment.

Personally, I have every confidence in the judgement of my friend, Dr. James Henry, who is one of the trustees and interested both in Wong Sha and the University. I am confident that the two trustees will make a good choice.

Cordially yours,

A.J.Fisher.

AJF:IM

COPY

November 15, 1935

Allen R. Campbell, Esquire
Bar Building
White Plains, New York

Dear Mr. Campbell:

Thank you for your letter of November 12. I regret that I did not know you had considered it necessary to have Mr. LeRoy address directly the Church of the Covenant in Canton. Had I known this, I should have sent Dr. Henry copies of all documents and correspondence to facilitate him in conversation with the representatives of the church. I am now sending him a copy of your letter to me, of the extract from the will pertaining to the bequest, and of this note to you.

The situation is, I imagine, somewhat unusual. Of the two Trustees whose decision as to the payment of the legacy is to be final, according to the will, one was the founder of the Church of the Covenant and is at present an officer of Lingnan University. The will, however, explicitly forbids that the decision as to the payment of the legacy should be questioned because of the fact that Dr. Henry is connected with Lingnan University. Under the somewhat peculiar circumstances, I should like to ask whether it will be the normal procedure for you and Dr. Henry as trustees to reach a final decision regarding the payment of the legacy and then submit your decision to the court with your reason for the decision, or will it be the normal procedure for each of the two institutions concerned to present to the court their reason for claiming the legacy. As a layman, I should suppose that the latter procedure would be entirely out of order. The phraseology of the will on this point is extraordinarily positive and emphatic. It directs the trustees to determine which of the two institutions shall receive the bequest, and states that their determination shall be final and conclusive, not to be challenged "by reason of the fact that said James M. Henry, D.D., is provost of Lingnan University, or otherwise connected with either of said institutions, nor on any other ground."

I presume, therefore, that the purpose in requesting a statement from the Church of the Covenant is not that this statement should be presented to the court, but only that you yourself may, as one of the joint trustees, consider the claim of the Church of the Covenant as presented directly from that institution.

If I am correct in this interpretation, in view of the fact that Dr. Henry seems to have no doubt whatever that the wishes of Miss Campbell would best be met by giving this bequest to Lingnan University, perhaps the next step in proceedings would be either direct correspondence between you and Dr. Henry or, should this be necessary, conversation between you and him when he next

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comes to America. Unless circumstances prevent his coming, we expect him to arrive on the Pacific Coast about the 1st of March.

Should you wish to write him now, your letter should be addressed simply:

Dr. James M. Henry
Lingnan University
Canton, China

In order that my records may be complete, I should be glad to have a copy of any letter you send him unless there should be some reason to the contrary.

m With thanks for your courteous and prompt attention, I remain

Sincerely yours,

Olin D. Wannamaker
American Director

ODW/MB

cc Dr. Henry

0270

COPY

November 29
1935

Allan R. Campbell, Esquire
Bar Building
White Plains, New York

Dear Mr. Campbell:

Thank you for your letter of November 27. I am sending a copy of the letter to Dr. Henry for his information. I imagine we shall hear from him within the course of the next month or two.

Sincerely yours,

Olin D. Wannemaker
American Director

ODW/MB

cc: Dr. Henry

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ALLAN R. CAMPBELL
BAR BUILDING
WHITE PLAINS, NEW YORK

November 27, 1935

Re: Estate of Isabella Campbell.

Mr. Olin D. Wannamaker,
American Director, Trustees Lingnan University,
150 Fifth Avenue,
New York, N. Y.

Dear Mr. Wannamaker:

Mr. LeRoy writes me as follows:

"In so far as I have been able to get into the situation at the present time I believe that the information which you have furnished me with respect to Lingnan University should be sufficient. If, however, I find that additional facts are required I will promptly advise you. In reference to Mr. Wannamaker's inquiry as to the method of procedure it would appear at this time that the general procedure to be followed would be for you and Dr. Henry to make your decision under the authority granted in the will and set out the grounds for your decision. That decision would then be presented to the court in connection with a request for instructions and the Court will then authorize such further steps as are deemed for the best interests of all interested parties. I do not anticipate that the Court will go behind the decision made by the trustees unless the grounds on which the trustees's decision is based are inadequate to justify the decision."

I am writing to Mr. LeRoy to go ahead as fast as possible, after receiving in due course a reply from the Church of the Covenant in Canton, which is expected soon.

Inasmuch as the designation by Dr. Henry and myself has to be acknowledged before a notary, or other official, and he is going to be here in March, and we cannot distribute until June, perhaps it would be better for us to defer formal action until he arrives here.

Very truly yours,

Allan R. Campbell

*Copy to Mr. Henry
with O'Leary's 585.185, 11/29/35.*

0272

ALLAN R. CAMPBELL
BAR BUILDING
WHITE PLAINS, NEW YORK

January 24, 1936.

Re: Estate of Isabella Campbell.

Mr. Olin D. Wannamaker,
American Director, Trustees Lingnan University,
150 Fifth Avenue,
New York, N. Y.

Dear Mr. Wannamaker:

Although Dr. Henry and I have not yet made the decision, which I suppose will have to wait until he gets here in March, nevertheless, if we do decide in favor of Lingnan University there will have to be some paper between the University, on the one hand, and Dr. Henry and me as trustees, on the other, whereby the terms of the gift are fixed and agreed to.

Therefore, although it may be premature, I have asked my attorney to draw up such a paper, called "Form of Endowment Gift" and I enclose a draft for your consideration as to substance, form and legal features from the point of view of Lingnan University.

Very truly yours,



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January 25
1936

Allan R. Campbell, Esquire
Bar Building
White Plains, New York

Dear Mr. Campbell:

Re: Estate of Isabella Campbell

Thank you for your letter of January 24 and for the copy of the proposed draft of a statement regarding the form of endowment gift in connection with the bequest of Miss Campbell.

At the present moment it is not quite certain that Dr. Henry will be able to come to America. He wishes to come, to arrive here in the first half of April, but certain conditions in China and also the judgment of the President of our Board of Trustees at the present moment tend to cause a postponement of such a visit. I do not know precisely when the matter will be definitely settled.

Under the circumstances, do you think it might be well to let me send the statement you propose, in original form, ready for the signature of Dr. Henry, and to be returned for your signature? If you see fit to provide me with such an original form of the statement, I will mail it immediately to Dr. Henry. Should his plans enable him to come to America, he would simply disregard this mail communication and delay any action until he could see you here in New York. On the other hand, should he find it impossible to come to America, he would sign the statement and return it to you.

In case you do send me such a statement, should there not be space for a witness to the signature of Dr. Henry? Would it be necessary to have Dr. Henry's signature attested before the United States Consul in Canton?

Sincerely yours,

ODW/MB

Olin D. Wannemaker
American Director

CC: Dr. Henry

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ALLAN R. CAMPBELL
BAR BUILDING
WHITE PLAINS, NEW YORK

January 27, 1936

Re: Estate of Isabella Campbell,
Lingnan University.

Mr. Olin D. Wannamaker, American Director,
Trustees Lingnan University,
150 Fifth Avenue, New York.

Dear Mr. Wannamaker:

I thank you for your letter of the 25th.

I sent you the draft paper on January 24 so as to find out whether your trustees would be willing to accept the gift on the terms mentioned in that paper. This would call for a decision by your trustees and possibly some advice from your counsel as to the form and substance of the proposed paper, and Dr. Henry would come into this decision only so far as you would want him to, for his principal function would be on the other side of the transaction; that is, as a trustee of the legacy. Therefore, if you can reach a decision here, either with or without consulting Dr. Henry, we can get the document into final form.

As I understand it, the procedure to vest this legacy would be:

1. A memorandum by Dr. Henry of the reasons for choosing Lingnan University. (Such a memorandum was drafted by Dr. Henry when he was here last summer)
2. A formal designation by Dr. Henry and myself as trustees. (Such a paper was drafted by Mr. LeRoy last summer).
3. An agreement between Dr. Henry and myself as trustees, on the one hand, and Lingnan University, on the other, as to the terms of the gift. (The paper sent you on January 24 was a draft of this).

I am sending your letter and a copy of this letter to Mr. LeRoy in Washington for attention.

Very truly yours,

Allan R. Campbell

0275

January 29
1938

Allan R. Campbell, Esquire
Bar Building
White Plains, New York

Re: Estate of Isabella Campbell

Dear Mr. Campbell:

Since receiving yesterday your letter of January 27, I have a radiogram from Dr. Henry announcing definitely that he will land on the Pacific Coast on March 26. I expect him to be in New York by April 10. I presume, therefore, that it is hardly worth while to take any further steps in the matter of the bequest from Miss Campbell until he arrives. The annual meeting of our Trustees will occur after Dr. Henry arrives here and the necessary document can be voted as a resolution at that meeting, to be followed by the actual transfer of the bequest from you and Dr. Henry, as Trustees, to the Trustees of Lingnan University - assuming, of course, that you and Dr. Henry at that time reach the definite decision to hand over the fund to the Trustees of our institution.

Since receiving your letter I have reread the document as tentatively drafted by you and I am perfectly certain that that document would be acceptable to the Trustees of Lingnan University. I shall, therefore, make a memorandum to have a resolution proposed at the meeting of our Board in April incorporating the content of this document.

Sincerely yours,

ODW/MB

Olin D. Wannemaker
American Director

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ALLAN R. CAMPBELL
BAR BUILDING
WHITE PLAINS, NEW YORK

February 11, 1936.

Re: Estate of Isabella Campbell.

Mr. Olin D. Wannamaker,
American Director, Trustees Lingnan University,
150 Fifth Avenue,
New York, N. Y.

Dear Mr. Wannamaker:

I have been out of my office and so have not replied to your letter of January 29, although my office sent a copy of it at once to Mr. LeRoy.

I agree with you that nothing could probably be gained by correspondence with Dr. Henry pending his arrival here, and that the matter of selection of the recipient of the fund, and the formulation of grounds for the gift, and of the terms of such gift would have to await his arrival.

On the other hand, I am applying to the Probate Court in Washington for instructions as to the qualifications of various charities, including Lingnan University and The Church of the Covenant in Canton, to take under the will despite the special statute that I wrote you about.

This petition is about to be filed in the Court and will come up for a hearing before Dr. Henry reaches here. The Court should be supplied with evidence in showing the educational character of the beneficiaries as against their religious character. Some formal written presentation of this should be prepared. I am asking Mr. LeRoy as to what form this should take, and he will communicate with you, either directly or through me.

Very truly yours,



0277

February 25
1956

Allen R. Campbell, Esquire
Bar Building
White Plains, New York

Re: Estate of Isabella Campbell

Dear Mr. Campbell:

In your letter of February 11 you say that, in connection with a petition you are filing with the Probate Court for instructions as to the qualifications of various charities, including Lingnan University and the Church of the Covenant in Canton, to take under the will, the court should be supplied with evidence showing the educational character of the beneficiaries as against their religious character. You say that some formal written presentation of this should be prepared and that you are asking Mr. LeRoy as to what form this should take. You say that he will communicate with me either directly or through you.

Since 14 days have passed since you wrote, and I have not yet had any suggestion from you or Mr. LeRoy regarding the form of this statement, I write to avoid any possible slip. Please let me know what it is necessary for me to prepare in this connection.

Sincerely yours,

CDH/MB

CD=Dr. Henry
(Hold in N.Y. Office)

Glin D. Wannemaker
American Director

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WILLIAM S. CULBERTSON
HOWARD S. LEROY

✓ Copy to Dr. Henry
✓ " " Mr.

TELEPHONE NATIONAL 9128
CABLE ADDRESS "COLBERT"

CULBERTSON & LEROY
ATTORNEYS AND COUNSELORS AT LAW
COLORADO BUILDING
WASHINGTON, D. C.

March 3, 1936.

Mr. Clin D. Wanamaker,
American Director Trustees Lingnan University,
150 Fifth Avenue,
New York, N. Y.

Dear Mr. Wanamaker:

Reference is made to your letter of February 25th to Mr. Allan R. Campbell and his reply of February 27th relative to the bequests under the will of the late Isabella Campbell.

As Mr. Campbell stated in his letter to you, the petition requesting instructions of the court has been filed and an order has been signed authorizing the serving of a subpoena with notice to answer, together with a copy of the petition on all the interested parties. These parties are eight in number, three are resident in the District of Columbia, and five are non-residents. The customary procedure is for the United States marshal for the District of Columbia to serve the parties resident in the District of Columbia and to make a return "not to be found" with respect to the non-residents after the lapse of a twenty-day period. The next step is to obtain an order for publication against the non-resident parties. The order of publication requires a mailing of the copy of the subpoena and notice to answer with petition to the last known address of each of the non-resident parties, publication in certain papers of the District of Columbia and the fixing of a period of from forty to sixty days in which the non-residents have a right to file appearance and make answer.

This second step is rather long drawn out and it is possible that the handling of this situation might be expedited if the non-resident parties should be willing to appear and answer voluntarily without waiting for the statutory procedure of publication. I am writing to you to ascertain whether the trustees of Lingnan University would be in a position to appear and file their answer if the above method of procedure is found practicable. I am also wondering whether Dr. Fenn or some other member of the Board of Foreign Missions would

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Mr. Olin D. Wanamaker

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have authority to make an appearance and answer on behalf of the Church of the Covenant of Canton, China. If you can furnish me with any information bearing on this situation, I would appreciate it.

With respect to the answer to be made on behalf of the trustees of Lingnan University, it will be necessary to prepare and file an answer to the petition embodying such facts as indicate the educational and non-denominational activities of the University with a view to establishing that Lingnan University does not come within the prohibition of Section 1635 of the Code of the District of Columbia. This Section reads as follows:

"Bequests for religious purposes.--No devise or bequest of lands, or goods, or chattels to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination, or to or for the support, use, or benefit of or in trust for any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination, shall be valid unless the same shall be made at least one calendar month before the death of the testator. (Mar. 3, 1901, 31 Stat. 1434, C. 854, sec. 1635)

After all the parties have had an opportunity to answer, the court may, if it deems necessary, fix a hearing prior to reaching a determination as to the payment of the bequests. The five non-residents include the three residuary legatees, cousins of the deceased, Lingnan University and the Church of the Covenant in Canton, China. The three resident parties have been served here and are taking steps looking to the preparation of their answers.

Very sincerely yours,

Howard S. Le Roy

HSL:N

0280

Copy to Dr. Henry
" " Mr. Campbell

March 4, 1936

Howard ^S F. LeRoy, Esq.
Colorado Building
Washington, D. C.

Dear Mr. LeRoy:

Thank you for your letter of March 3.

I have telephoned to arrange for a conversation with Dr. Fenn of the Presbyterian Board of Missions to see whether he would be able to arrange for a representation in the name of the Church of The Covenant of Canton, China before the court in the proceedings to which you refer. I hope to be able to give you a definite reply before mailing this letter.

Certainly the Trustees of Lingnan University can be represented by me as Secretary of the Board. I presume I ought to bring with me an excerpt from the minutes of the Trustees of the university carrying a resolution under which I was elected secretary, certified before a Notary Public and also bearing the seal of the university.

I am a little puzzled by one aspect of your statement. It eliminates completely any functioning by the executors appointed under the will of Miss Campbell - Dr. James M. Henry and Mr. Allen R. Campbell - with power to hand over a certain bequest either to Lingnan University or to the Church of The Covenant. Dr. Henry arrives at San Francisco on March 26, and here at New York about April 15. He will naturally be very much occupied until he starts west again about August 1 to return to China. It would be most unfortunate if anything should fail to be completed during his visit to America in which he himself ought to share.

I suppose you are taking for granted that he will sign a statement approximately identical with one you prepared for Mr. Campbell recently indicating Dr. Henry's choice of Lingnan University for the bequest in question, and that Mr. Campbell will coincide in this decision. I presume you intend to say that after such a decision has been made the Trustees of Lingnan University and a qualified representative of the Church of The Covenant would still have to appear before the court.

I shall appreciate your setting me right in regard to any detail which needs either my attention or that of Dr. Henry.

Sincerely yours,

Olin D. Wannemaker
American Director

ODW:rdc

0281

March 6, 1936

Howard S. LeRoy,
Culbertson & LeRoy,
Colorado Building,
Washington, D.C.

Dear Sir:

On October 2, 1935, I addressed a letter to you in reply to a communication from you to Dr. George T. Scott, Secretary, dated September 30, 1935, in which I informed you that, after consultation with Dr. Scott and with the Board's Treasurer, Mr. Russell Carter, I had forwarded your enclosure, namely, a letter to the Church of the Covenant, Canton, China, to Dr. A. J. Fisher, Secretary of the Kwangtung Synod of the Church of Christ in China.

In forwarding your enclosure to Canton asking Dr. Fisher to confer with Dr. James Henry of Lingnan University with regard to Isabella Campbell's bequest, I stated what I think is certainly true, that the matter concerned was not one in which our Board of Foreign Missions has any legal interest, and therefore his chief correspondence would be with Culbertson & LeRoy, Washington, D.C. This statement was based on the fact that the Church of the Covenant, Canton, China, is not an organization or agency of the Presbyterian Church in the U.S.A. but has its only ecclesiastical and legal relation to the Church of Christ in China, an entirely independent organization, through its synod, known as the Kwangtung Synod of the Church of Christ in China, on which Rev. A. J. Fisher, D.D., serves as the English Secretary.

Mr. Olin D. Wannamaker, American Director of the Trustees of Lingnan University, 150 Fifth Avenue, New York, has just been in to confer with me regarding your letter to him, dated March 3, 1936. In view of what I have written above as to the ecclesiastical and legal relations of the Church of the Covenant, Canton, China, I do not believe that we can be considered as one of the "non-resident parties" subject to subpoena. Even were we so considered, your quotation from Section 1635 of the Code of the District of Columbia would seem to exclude us from any probability of securing for the Church of the Covenant, Canton, the bequest of Miss Campbell.

The situation of the Trustees of Lingnan University in relation to the bequest seems to be quite different, and as doctors Fisher and Henry in Canton are of the opinion that no claim should be entered on behalf of the Church of the Covenant, I can see nothing to be gained by my appearance, either in person or by official document, to plead for that Church.

Hoping that you may find this statement in every way satisfactory,

Sincerely yours,

CHF:FB

Courtenay H. Fern

0282

CULBERTSON & LEROY
ATTORNEYS AND COUNSELORS AT LAW
COLORADO BUILDING
WASHINGTON, D. C.

March 13, 1936.

Mr. Olin D. Wannamaker,
American Director, Trustees, Lingnan University,
150 Fifth Avenue,
New York, N. Y.

Dear Mr. Wannamaker:

I acknowledge with thanks receipt of your letter of
March 6, 1936.

I note that you as Secretary for the Trustees are in
a position to make an appearance and answer.

As it appears from your letter and from a letter from
Dr. Fenn, there would seem to be no one in the United States
authorized to make an appearance on behalf of the Church of the
Covenant in Canton. It would seem necessary therefore to
satisfy the legal requirements here to obtain an order of pub-
lication. A copy of such an order will be mailed to the Church
of the Covenant in Canton. It may then take such action as it
sees fit with regard to making an appearance in this proceeding.
If it makes no appearance in the period stipulated in the order
of publication, its interest will then be subject to termination.

It will not be necessary for you to appear in person
in this proceeding at this stage. You may find it advisable,
however, to file an appearance and answer to the petition some
time before the expiration of the period stipulated in the order
of publication. In view of my acting as attorney for the
Executor, it would hardly be appropriate for me to assume to
advise you as to the sufficiency of your statement of June 24,
1935 as an answer for the Trustees. In that connection you
may desire to have counsel represent you and advise you in this
matter.

Very truly yours,

file

Howard S. Leroy

HSL:N

0283

Extra

March 25
1936

Allen R. Campbell, Esquire
Bar Building
White Plains, New York

Dear Mr. Campbell:

During our conversation of a few days ago, you asked me whether there was any question of the permanency of Lingnan University. I assured you that there was not, and I offered to send you a financial statement which I felt would confirm my verbal assurance in answer to your question.

I take pleasure in sending you herewith a carbon copy of a brief but comprehensive statement regarding the University which was prepared last November for submission to one of the Foundations interested in such institutions. I think you will gather from this statement the kind of information which you desire. If there is anything further that I can supply, please let me know.

Sincerely yours,

ODW/MB
Enc.

Olin D. Wannemaker
American Director

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WILLIAM S. CULBERTSON
HOWARD S. LEROY

TELEPHONE NATIONAL 9128
CABLE ADDRESS "COLBERT"

CULBERTSON & LEROY
ATTORNEYS AND COUNSELORS AT LAW
COLORADO BUILDING
WASHINGTON, D. C.

Registered Mail

April 6, 1936.

Trustees of Lingnan University,
150-Fifth Avenue,
New York City, N. Y.

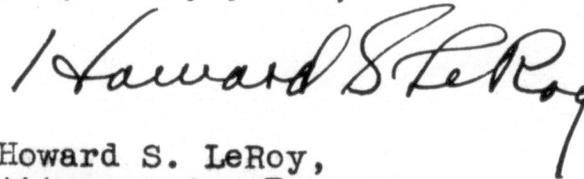
Attention: Mr. Wannamaker

Gentlemen:

Enclosed please find a true copy of the Order of Publication, signed by Justice Jennings Bailey of the Supreme Court of the District of Columbia, in connection with the issuance of process against the non-resident parties interested in the pending petition of Allan R. Campbell, executor of the estate of the late Isabella Campbell, for instructions as to the payment of certain bequests provided for therein.

This copy is mailed to you by registered mail, as required under the provisions of the code of law of the District of Columbia. Please acknowledge to me your receipt of the enclosed copy of the Order of Publication.

Very truly yours,



Howard S. LeRoy,
Attorney for Executor.

HSL:FF

0285

April 7
1936

Frederick Osborn, Esquire
52 Broadway
New York City

Dear Mr. Osborn:

A bequest for \$20,000. was in the will of the late Isabella Campbell of Washington, D.C., left to two trustees, Dr. Henry and Mr. Allan R. Campbell, to be transferred by them either to Lingnan University or to the Church of the Covenant, Canton, China, according to their judgment as to the best use to be made of the bequest. According to information given me by Mr. Campbell, who is Executor of the will as well as one of the two trustees for the bequest, the Church of the Covenant would be barred from receiving the bequest because of a law in the District of Columbia not permitting a religious organization to receive a bequest written into a will less than thirty days before the death of the testator. Moreover, Mr. Campbell seems to have agreed without question in the judgment of Dr. Henry that, in any event, the bequest should go to Lingnan University. Recently, however, Mr. Campbell seems to have become very cautious in the matter. In spite of the inhibiting law in the District of Columbia, he has decided, on the advice of his attorney at Washington, to petition the Probate Judge for a decision as to whether there is any hindrance to the transfer of this bequest to Lingnan University.

I have been trying to avoid the expense of a Washington attorney. Mr. Campbell has recently advised me to go to Washington and ask for information from the Register of Wills and endeavor to discover whether there is any possibility that the handing over of the bequest to Lingnan might be brought in question. Moreover, I have now received a copy of the "Order of Publication" issued over the signature of a Justice of the Supreme Court of the District of Columbia summoning all beneficiaries under the will to appear in Washington within forty days after the date of this order of publication. Without such appearance, the claimant would be considered in default.

In order that I may make official appearance for Lingnan University and also may seek information from the Register of Wills, I have prepared two letters for you to sign, certifying to my position as secretary of the University and my authorization to represent the University in this matter. I will affix the seal of the University to these letters and take them with me to Washington probably within a few days.

Sincerely yours,

ODW/MB

Olin D. Wannemaker

0286

TRUSTEES LINGNAN UNIVERSITY

Canton Christian College of Arts and Sciences

The Lingnan College of Agriculture

OLIN D. WANNAMAKER
American Director

Telephone: Watkins 9-8703

150 FIFTH AVENUE
NEW YORK, N. Y.

April 8
1936

Honorable Jennings Bailey
Justice of the Supreme Court of the District of Columbia
Holding Probate Court

My dear Judge Bailey:

This is to certify that Mr. Olin D. Wannamaker is the Secretary of the Board of Trustees of Lingnan University and that he is authorized to represent the corporation in all matters pertaining to the will of the late Isabella Campbell. In order that he may be accepted in such a capacity, I am giving him this letter over my official signature as President of the Board of Trustees and bearing the seal of the corporation.

Respectfully yours,

Frederick Osborn

Frederick Osborn
President of the Board of Trustees

0287

In Re: Estate of)
Isabella Campbell,) Administration No. 48450
Deceased.)

April 9, 1936

Hon. Jennings Bailey
Justice of the Supreme Court
of the District of Columbia
Washington, D. C.

My dear Judge Bailey:

Since it is extremely difficult for me to come to Washington within the time limit set in your order of publication in reference to the Estate of Isabella Campbell, deceased, and since I must apparently choose the immediate future for such a visit -- either Friday or Saturday of this week or Monday of next week -- I shall be most grateful if you find it possible to look over the accompanying documents immediately and find time for a brief interview with me when I telephone you upon my arrival in Washington. I am aware that such an immediate arrangement on your part may not prove possible under the pressure of your official duties, but I hope that it may be possible.

I wish to leave nothing undone which may be necessary in order that Lingnan University may qualify to receive the bequest in the will of the late Isabella Campbell in which the University is interested.

Sincerely yours,

Olin D. Wannamaker
Secretary of the
Board of Trustees

ODW:MRT

0288

TRUSTEES LINGNAN UNIVERSITY

Canton Christian College of Arts and Sciences

The Lingnan College of Agriculture

OLIN D. WANNAMAKER
American Director

Telephone: Watkins 9-8703

150 FIFTH AVENUE
NEW YORK, N. Y.

April 8
1936

Register of Wills
District of Columbia
Washington, D.C.

My dear Sir:

This is to certify that Mr. Olin D. Wannamaker is the Secretary of the Board of Trustees of Lingnan University and that he is authorized to represent the corporation in all matters pertaining to the will of the late Isabella Campbell. In order that he may be accepted in such a capacity, I am giving him this letter over my official signature as President of the Board of Trustees and bearing the seal of the corporation.

Respectfully yours,

Frederick Osborn

Frederick Osborn
President of the Board of Trustees



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Dr. Henry in N.Y.

February 25
1936

Allan R. Campbell, Esquire
Bar Building
White Plains, New York

Re: Estate of Isabella Campbell

Dear Mr. Campbell:

In your letter of February 11 you say that, in connection with a petition you are filing with the Probate Court for instructions as to the qualifications of various charities, including Lingnan University and the Church of the Covenant in Canton, to take under the will, the court should be supplied with evidence showing the educational character of the beneficiaries as against their religious character. You say that some formal written presentation of this should be prepared and that you are asking Mr. LeRoy as to what form this should take. You say that he will communicate with me either directly or through you.

Since 14 days have passed since you wrote, and I have not yet had any suggestion from you or Mr. LeRoy regarding the form of this statement, I write to avoid any possible slip. Please let me know what it is necessary for me to prepare in this connection.

Sincerely yours,

Olin D. Wannemaker
American Director

ODW/MB

CC: Dr. Henry
(Held in N.Y. Office)

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N.Y. file

ALLAN R. CAMPBELL
BAR BUILDING
WHITE PLAINS, NEW YORK

February 27, 1936.

Re: Estate of Isabella Campbell.

Mr. Olin D. Wannamaker,
American Director, Trustees Lingnan University,
150 Fifth Avenue,
New York, N. Y.

Dear Mr. Wannamaker:

Thank you for your letter of the 25th.

The procedure before the court as to the qualifications of the various charities to receive the legacies under the will is in two stages. First, the stage of bringing all parties into court; and, second, the stage of presenting the case to the court.

The first stage is now in progress. Mr. LeRoy writes me that the petition has been filed and that an order has been made authorizing notice to the parties named. He says that there will be a delay because certain of the parties are nonresidents of the District of Columbia. I am writing to him today to suggest that possibly the delay might be shortened if these parties could enter their appearances and thereby waive the necessity of serving them by publication in the newspapers.

Only after the first step is complete should anything be presented to the court by the various parties as to their qualifications to receive the legacies. On this I am not sure just what will be required.

I am, therefore, writing to Mr. LeRoy today to have him communicate directly with you on the above two points.

0291

Re: Estate of Isabella Campbell.

Feb. 27, 1936

Mr. O.D. Wannamaker- #2

As to the selection of the legatee, Mr. LeRoy has drafted a "Memorandum of Grounds of Determination by Trustees" a copy of which I enclose. This has been drafted on the assumption that Dr. Henry will select Lingnan University and that I will concur in his selection. I am sending it to you with the reservation that these two assumptions have not yet been realized but the enclosed paper may afford a basis for such action as Dr. Henry may want to take. Mr. LeRoy, in sending me this, suggests that Dr. Henry may want to put in additional facts or modify the enclosed in some way.

Very truly yours,



0292

Memorandum of Grounds of Determination by Trustees Under
Paragraph Sixth of the Last Will and Testament of
the late Isabella Campbell

The following facts and considerations of which I have a personal knowledge by reason of my residence of years in Canton, China, persuade me to reach a determination in which my cotrustee concurs, that the endowment gift of Twenty Thousand Dollars (\$20,000.00) referred to in the Sixth paragraph of the last will and testament of the late Isabella Campbell should be made to the Trustees of Lingnan University rather than to the Church of the Covenant in Canton, China:

1. Lingnan University was chartered by the Regents of the University of the State of New York on December 13, 1893. It was located and established at Canton, China. The physical plant of the University comprises six hundred acres of land and ninety-two buildings with their educational equipment, the aggregate value of which exceeds a Million Dollars (\$1,000,000.00). Its permanent endowment fund exceeds One Million Three Hundred Thousand Dollars (\$1,300,000.00). Title to the property and the endowment rests in the American Foundation, Trustees of Lingnan University. The University is also cherished and supported by the Chinese Board of Directors. It is a non-denominational Christian institution of higher learning serving all denominations in this area through the education of men and women for leadership in the Christian Church and all other Christian activities. It is the largest and most conspicuous single Christian Institution in South China and is visited by large numbers of Americans and Chinese. The grounds of the

University would afford a suitable site for the erection of the memorial tablet.

2. Church of the Covenant in Canton, China, is known as the "Wong Sha Church" among the Chinese in Canton. It is a member of the Kwangtung Synod of the Church of Christ in China. It is a small church with an active membership of about a hundred people which bears about two-thirds of its congregational expenses. This church after a long struggle has erected a new church building. It is one of the smallest church buildings in Canton belonging to the Church of Christ in China. It was erected with great care and possesses an impressive atmosphere of worship. The church is located in a poor section of the City and from the beginning its purpose has been work among the poor. There is no doubt that this church has need of this fund and could utilize it effectively in its work.

3. In view of the foregoing facts with respect to the two institutions, and in view of the limitations imposed upon the trustees in making the selection by the provisions of the will of the decedent and by the Code of Law of the District of Columbia, I am constrained to decide in favor of Lingnan University because (1) it is better established for the perpetuation of a memorial to the decedent's mother; (2) it has a broader field in which to make effective its aid of Christian missions in Canton, China; (3) it has a greater promise of permanency in effectuating the purposes of the gift; (4) it is so organized as to readily devote the gift permanently to some branch of the women's work of the

University, and (5) it is an undenominational Christian institution of higher education.

James M. Henry, Trustee

I concur in the conclusions reached by my cotrustee, James M. Henry, in the foregoing memorandum.

Allan R. Campbell, Trustee

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C O P Y

CULBERTSON & LE ROY
Attorneys and Counselors at Law
Colorado Building
WASHINGTON, D.C.

March 3, 1936.

Mr. Olin D. Wanamaker,
American Director Trustees Lingnan University,
150 Fifth Avenue,
New York, N. Y.

Dear Mr. Wanamaker:

Reference is made to your letter of February 25th to Mr. Allen R. Campbell and his reply of February 27th relative to the bequests under the will of the late Isabella Campbell.

As Mr. Campbell stated in his letter to you, the petition requesting instructions of the court has been filed and an order has been signed authorizing the serving of a subpoena with notice to answer, together with a copy of the petition on all the interested parties. These parties are eight in number, three are resident in the District of Columbia, and five are non-residents. The customary procedure is for the United States marshal for the District of Columbia to serve the parties resident in the District of Columbia and to make a return "not to be found" with respect to the non-residents after the lapse of a twenty-day period. The next step is to obtain an order for publication against the non-resident parties. The order of publication requires a mailing of the copy of the subpoena and notice to answer with petition to the last known address of each of the non-resident parties, publication in certain papers of the District of Columbia and the fixing of a period of from forty to sixty days in which the non-residents have a right to file appearance and make answer.

This second step is rather long drawn out and it is possible that the handling of this situation might be expedited if the non-resident parties should be willing to appear and answer voluntarily without waiting for the statutory procedure of publication. I am writing to you to ascertain whether the trustees of Lingnan University would be in a position to appear and file their answer if the above method of procedure is found practicable. I am also wondering whether Dr. Fenn or some other member of the Board of Foreign Missions would have authority to make an appearance and answer on behalf of the Church of the Covenant of Canton, China. If you can furnish me with any information bearing on this situation, I would appreciate it.

With respect to the answer to be made on behalf of the trustees of Lingnan University, it will be necessary to prepare and file an answer to the petition embodying such facts as indicate the educational and non-denominational activities of the University with a view to establishing that Lingnan University does not come within the prohibition of Section 1635

0296

of the Code of the District of Columbia. This Section reads as follows:

"Bequests for religious purposes.--No devise or bequest of lands, or goods, or chattels to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination, or to or for the support, use, or benefit of or in trust for any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination, shall be valid unless the same shall be made at least one calendar month before the death of the testator.

(Mar. 3, 1901, 31 Stat. 1434, C. 854, sec. 1635)

After all the parties have had an opportunity to answer, the court may, if it deems necessary, fix a hearing prior to reaching a determination as to the payment of the bequests. The five non-residents include the three residuary legatees, cousins of the deceased, Lingnan University and the Church of the Covenant in Canton, China. The three resident parties have been served here and are taking steps looking to the preparation of their answers.

Very sincerely yours,

Howard S. LeRoy

HSL:N

To Dr. Henry

0297

March 6
1936

Howard S. LeRoy, Esq.
Colorado Building
Washington, D. C.

Dear Mr. LeRoy:

Thank you for your letter of March 3.

I have conferred this morning with Mr. Courtney R. Fenn of the Presbyterian Board of Missions and also with him and Mr. Carter, treasurer of that Board, jointly. These officers of the Presbyterian Board informed me that the Board has no legal connection with the Church of the Covenant in Canton, China and could not legally make an appearance for that institution.

The Trustees of Lingnan University will certainly be able to make an appearance. I will represent the Trustees as secretary. Kindly inform me whether I have to be present in person or whether I can be present legally through a written statement of any nature. I am entirely willing to be present in person but wish only to guard against any delay due to an unforeseen hindrance of such a personal appearance.

With respect to the answer to be made on behalf of the Trustees of Lingnan University please be good enough to inform me whether the statement I prepared for you on June 24, 1935 completely covers the requirements of the matter. For your convenience I send herewith a copy of that statement.

I am disturbed to think of the possibility that - although the Church of the Covenant seems to be clearly excluded from receiving the bequest, because it falls under the designation "religious sect, order, or denomination" in the Section quoted by you from the code of the District of Columbia - there might, nevertheless, be a delay of several months while a copy of the subpoena and notice to answer should have been mailed all the way to Canton. Does it not seem reasonable to assume that, with the law as clear as it is and in the light of the letter you have received from Doctor Fisher in behalf of the Church of the Covenant, this long delay can be avoided?

Be kind enough to let me know any steps that I can take at the present time which will facilitate a settlement of the matter.

Sincerely yours,

Olin D. Wannemaker
American Director

ODW:RDC
Enclosure

*Copy to Dr. Henry
Held*

0298

April 9, 1936

Register of Wills
District of Columbia
Washington, D. C.

My dear Sir:

I desire to obtain certain information from you which may assist me in taking all necessary steps to ensure proper presentation of the claim of the Trustees of Lingnan University to a bequest in the will of the late Isabella Campbell. Since it is extremely difficult for me to leave my pressing duties in New York City in order to confer with you about this matter I take the liberty of writing in advance to say that I shall be in Washington either Friday or Saturday of this week or Monday of next week and shall ask for an opportunity to confer with someone in your office regarding this matter. I trust that this letter, preceding my request for an interview, may facilitate me in securing an opportunity for such a conversation without undue delay, in order that I may return at once to this city.

Very truly yours,

Olin D. Wannamaker
Secretary of the
Board of Trustees

ODW:MRT

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IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

HOLDING PROBATE COURT

In Re: Estate of)
Isabella Campbell,) Administration No. 48450
Deceased.)

ORDER OF PUBLICATION

The object of this proceeding is to obtain a construction of paragraph Fourth, Fifth, and Sixth of the Last Will and Testament of the above decedent and a determination of the person or persons who are entitled to take the bequests described in the petition filed herein February 17, 1936, by Allan R. Campbell, executor under said will. Upon motion of the petitioner, it is, by the Court, this 24th day of March, 1936,

ORDERED, that the respondents,

Church of the Covenant, (Canton, China),
Lingnan University, (Trustees of Lingnan University,
150-5th Avenue, New York City),
Emily W. Wunderly, individually and as trustee for
Mrs. Isabella Boyer,
(New Berlin, Pennsylvania),
Edith W. Wunderly, (New Berlin, Pennsylvania),
Isabella W. Boyer, (Winchester, Virginia),

cause their appearance to be entered herein on or before the 40th day, exclusive of Sundays and legal holidays, occurring after the day of the first publication of this order; otherwise this cause will be proceeded with as in case of default, provided a copy of this order be published in the Washington Law Reporter and the Washington Herald once a week for three successive weeks before said day.

(Signed) Jennings Bailey
Justice

POTOMAC ELECTRIC POWER COMPANY

10TH AND E STREETS, NORTHWEST

WASHINGTON, D. C.

WILLIAM McCLELLAN
PRESIDENT

April 10, 1936.

Mr. Olin D. Wannamaker
Trustees Lingnan University
150 Fifth Avenue
New York, N. Y.

Dear Olin:

I am sorry that your letter of March 14 was never answered. I was under the impression that I had.

When I got your letter I immediately took the matter up and arranged it. My suggestion is that you see Mr. S. R. Bowen of Bowen and Kelly (who have offices in our building) and discuss the matter with him. Bowen and Kelly are the attorneys of this Company.

You could not have anybody more capable and you need not be afraid of any extraordinary costs as I have explained to them the situation. They of course may make a charge, but I know it will be agreeable to you.

Sincerely yours,

William McClellan

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April 14
1936

Allen R. Campbell, Esquire
Bar Building
White Plains, New York

Dear Mr. Campbell:

I went to Washington yesterday, conferred with Mr. LeRoy and with the Deputy Register of Wills, and then placed the interest of Lingnan University in the hands of an attorney, Mr. S.R. Bowen. I am to assemble certain data and documents here and send them as early as convenient to Mr. Bowen. Among other things, I need a complete copy of the will of Miss Campbell.

Can you kindly send me such a copy? I should like to have it as early as you can conveniently provide it.

Dr. Henry will arrive here about the 18th or 20th of April. He will be available for any necessary conversations about up to the 1st of August.

Sincerely yours,

ODW/MB

Olin D. Wannemaker
American Director

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April 20, 1936

To Whom It May Concerns:

Lingnan University is a non-sectarian institution of higher education, chartered under the authority of the Regents of the University of the State of New York. The institution was originally chartered on December 13, 1893, by the University of the State of New York under the name "Christian College in China." An amendment to the charter was granted by the University of the State of New York in 1903, consisting in a change of the name to "Canton Christian College." Because of the growth and expansion of the institution, a second amendment to the charter was granted by the University of the State of New York in 1926, consisting in a change in the name of the institution to "Lingnan University."

The name of the corporation owning the physical plant and endowment fund and operating the institution has been, in the three modified forms of the charter, the following: - "Trustees of the Christian College in China" - - "Trustees of the Canton Christian College" - - "Trustees of Lingnan University."

The Trustees of Lingnan University have no legal or corporate connection with any religious sect or denomination. The Board of Trustees is entirely self-perpetuating. All donations given to the University in America come under the control of the Board of Trustees. Donations for current expenditure are expended in accordance with a budget adopted annually by the Trustees. Donations for plant or equipment are expended for those purposes in accordance with action taken by the Board of Trustees. Donations given to be held as endowment to provide income for any special purpose are invested by the Trustees, according to the best judgment of the Board of Trustees or in accordance with any specific restrictions mentioned by the donor. The interest from such funds is used for the specific purpose designated by the donor. The funds under the control of the Board of Trustees are invested and reinvested under the advice of the Trust Department of the Fifth Avenue Bank of New York City. The Board holds under its control a general endowment fund and several special endowment funds given for the support of special aspects of the University's work.

Funds for expenditure in China are voted at the annual meeting of the Board of Trustees for a period of one year. Thus the income from all endowment funds is subject to constant fresh judgment on the part of the Board of Trustees to see that the wishes of the donors of the special endowment fund shall be complied with.

The total value of the plant of the University is \$1,172,340. The endowment is \$1,100,000.

The two following pages show current income and expenditures for the year 1933-34, including expenditures for improvement of plant and equipment. Income from Chinese and from American sources is included. The second page, how-

0304

ever, shows the amount of the income which was provided by the Board of Trustees in America, \$119,500.

The present Board of Trustees of the University consist of the following persons:

Frederick Osborn, President
William A. Riley, Vice-President
Allan W. Ames, Treasurer
Olin D. Wannamaker, Secretary
Samuel B. Bowen
Dr. William Wistar Comfort
F. Trabee Davison
Dr. James M. Henry
Dr. William E. Hocking
Dr. Edward H. Huse
Ma Ying-Piu (Y.F.Ma)
Dr. William McClellan
Dudley H. Mills
Dr. Paul Monroe
A.L. Register
Albert L. Scott
Edward Streeter
Tsai Shao-fan (S.F.Chien)
Dean Ralph L. Watts

In witness whereof, I hereto set my hand and the seal of the Corporation this 29th day of April, 1936.

ODW/MB

Olin D. Wannamaker
Secretary

LAW OFFICES
BOWEN AND KELLY
POTOMAC ELECTRIC POWER CO. BUILDING
TENTH AND E STREETS, N. W.
WASHINGTON, D. C.

S. RUSSELL BOWEN
H. WISE KELLY

April twenty-three,
1936.

Mr. Olin D. Wannamaker,
Secretary, Board of Trustees,
Trustees Lingnan University,
150 Fifth Avenue,
New York City.

Dear Mr. Wannamaker:

We have yours of the 20th inst. together with the enclosures therein. We have not received the catalog of the University up to time of writing. ✓

It will be necessary for the Trustees of Lingnan University to file an answer to the petition filed by the Executor of the will of Isabella Campbell for a construction thereof and which we will send to you for execution as soon as it can be prepared.

We would like to know whether or not you have had counsel at any time pass upon the charter now in the name of Trustees of Lingnan University, and which appears from the photostatic copy which you left with us to have been granted September 10, 1931 by the Regents of the University of the State of New York, and as to the nature of the corporate powers, privileges and duties which may be exercised thereunder. Should you have such an opinion of counsel we would like to have the benefit thereof in connection with our consideration of the questions that may arise in the presentation of the matter to the Court. In the event you have had no such opinion of counsel, it will be necessary for us to go into this question to some extent.

Very truly yours,



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LAW OFFICES
BOWEN AND KELLY
POTOMAC ELECTRIC POWER CO. BUILDING
TENTH AND E STREETS, N. W.
WASHINGTON, D. C.

S. RUSSELL BOWEN
H. WISE KELLY

May sixth,
1936.

Olin D. Wannamaker, Esq., Secretary,
Trustees Lingnan University,
150 Fifth Avenue,
New York City.

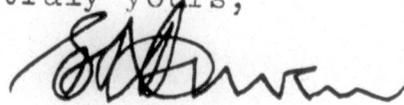
Dear Mr. Wannamaker:

Yours of the 5th inst. received enclosing Answer of the Trustees of Lingnan University to Petition for Instructions as to Distribution of Estate, signed and sworn to, which we will file in the case.

We note the changes you have made in the Answer, which we do not believe affect the sufficiency thereof. While we felt it was desirable to incorporate as a part of paragraph 6 the averment that the Church of the Covenant in Canton, China is a religious institution, and therefore could not receive the bequest of \$20,000. in item 6 of the Last Will and Testament of Isabella Campbell, deceased, at the same time we feel it can be urged in argument, if the contention should be made to the contrary.

We therefore do not consider that it will be necessary to have a further conference in Washington prior to the time for filing Answer. Do you wish to be present when a hearing is had on the matter?

Very truly yours,



0307

May 8
1936

S. Russell Bowen, Esquire
10th and E Streets, N.W.
Washington, D.C.

My dear Mr. Bowen:

Thank you for your letter of May 6. I intended to explain in my last letter to you why I thought it well to omit from our answer the paragraph arguing against the eligibility of the Church of the Covenant at Canton. I simply wished to avoid the possibility that persons connected with that church, located in the same area with Lingnan University, should ever get the impression that either Lingnan University or Dr. James M. Henry, our Provost, had legally contested the right of the church to receive this bequest. Since the two trustees (Dr. James M. Henry, our own Provost, and Mr. Allan R. Campbell, cousin of the deceased) have reached the decision that the legacy should go to Lingnan University, I felt that our sole function in this answer was to establish the fact that the decision of these trustees was justified in law - that is, that there was no legal barrier against the giving of the legacy to our particular institution.

Of course, we wish to do whatever is necessary and entirely permissible to the end that we may receive the legacy, but I wish also to avoid, so far as possible any unhappiness on the part of other persons interested.

Sincerely yours,

ODW/MB

Olia D. Wannamaker
American Director

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LAW OFFICES
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POTOMAC ELECTRIC POWER CO. BUILDING
TENTH AND E STREETS, N. W.
WASHINGTON, D. C.

S. RUSSELL BOWEN
H. WISE KELLY

June second,
1936.

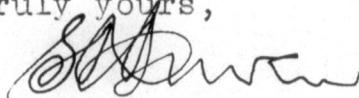
In re Estate of Isabella Campbell, deceased.

Olin D. Wannamaker, Esq.,
Secretary, Board of Trustees,
Lingnan University,
150 Fifth Avenue,
New York City.

Dear Mr. Wannamaker:

We are advised by Mr. LeRoy, of Counsel
for the Executor, that he has asked for a hearing on the
Petition of the Executor, and Answers thereto, on June 8th.
Will you kindly advise if you expect to be present at the
hearing.

Very truly yours,



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June 5
1936

S. R. Bowen, Esq.
10th & E Sts., N. W.
Washington, D. C.

Dear Mr. Bowen:

Thank you for your note of June 2. Please write me at once your definite advice as to whether there is any need for me to be present at the hearing in the matter of the bequest from Miss Campbell, set for June 8. I am going to Boston tonight, not knowing whether I shall be back here earlier than Monday morning. Should it seem important--or simply advisable--that I should be present at this hearing, I will make some definite arrangements.

Can you tell me at what hour in the day the hearing will be held.

Very truly yours

Olin D. Wannamaker
American Director

ODW:AH

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a copy was sent to Mr. Wannamaker in Boston, 6/5/36

LAW OFFICES
BOWEN AND KELLY
POTOMAC ELECTRIC POWER CO. BUILDING
TENTH AND E STREETS, N. W.
WASHINGTON, D. C.

S. RUSSELL BOWEN
H. WISE KELLY

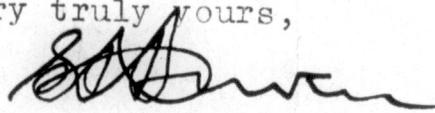
June fourth,
1936.

Olin D. Wannamaker, Esq.,
American Director,
Trustees Lingnan University,
150 Fifth Avenue,
New York, N.Y.

Dear Mr. Wannamaker:

In reply to yours of the 3rd inst. desire to state that the hearing for June 8th involves a construction and interpretation of the will of Miss Campbell. The hearing will be upon the original bill and answers, there being no taking of testimony. The answer filed by the Trustees of Lingnan University is very full, all material and pertinent facts being set out therein.

Specifically answering your question, we do not feel, under the circumstances, it is important that you should attend the hearing, and particularly if you have other engagements. There is no hour set for the hearing.

Very truly yours,


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LAW OFFICES
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WASHINGTON, D. C.

S. RUSSELL BOWEN
H. WISE KELLY

June eight,
1936.

Olin D. Wannamaker, Esq.,
American Director,
Trustees Lingnan University,
150 Fifth Avenue,
New York, N.Y.

Dear Mr. Wannamaker:

The hearing on the interpretation of the will of Miss Campbell came before Mr. Justice Luhring today and the matter was taken under advisement. While some doubt exists as to certain other charitable bequests in the will, feel rather confident from the expressions made at the time of the argument that the Court will enter a Decree interpreting item Sixth of the will of Miss Campbell in favor of Lingnan University and sustaining it as a valid bequest. We pointed out that Lingnan University was not in the contemplation of the statute a religious institution but was devoted to educational work.

We will advise you, of course, when a decision is made.

Very truly yours,



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LAW OFFICES
BOWEN AND KELLY
POTOMAC ELECTRIC POWER CO. BUILDING
TENTH AND E STREETS, N. W.
WASHINGTON, D. C.

S. RUSSELL BOWEN
H. WISE KELLY

June twenty-nine,
1936.

Olin D. Wannamaker, Esq.,
American Director,
Trustees Lingnan University,
150 Fifth Avenue,
New York City.

Dear Mr. Wannamaker:

In re Estate of Isabella Campbell.
Adm. No. 48450.

In the above entitled cause the Court decided on the 26th inst. that sub-division (a) of the Sixth item of the will of Isabella Campbell is void under paragraph 1635 of the Code, D.C., but that subdivision (b) of the Sixth item is valid and does not violate said Section 1635 of the Code, thus upholding the bequest to Lingnan University.

In due course, no doubt, a Decree will be entered.

Very truly yours,



0313

June 30
1936

S. Russell Bowen, Esquire
Tenth and E Streets, N.W.
Washington, D.C.

Dear Mr. Bowen:

Thank you for your letter of June 29. We learned a day or two ago through the executor regarding the settlement of the case. Moreover, the executor had the money transferred from Washington here and is hoping to hand the check to us today.

Sincerely yours,

ODW/MS

Olin D. Wynnemaker
American Director

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ALLAN R. CAMPBELL
BAR BUILDING
WHITE PLAINS, NEW YORK

July 11, 1936

Re: Estate of Isabella Campbell

Trustees of Lingnan University,
150 Fifth Avenue,
New York, N. Y.

Dear Sirs: Attention of Mr. Wannamaker

I duly received the duplicate originals of
"Terms and Conditions of Endowment Gift". I return
one of these herewith and enclose check No. 41 of the
Estate of Isabella Campbell, dated June 29, 1936, in
the amount of \$20,000 payable to James M. Henry and
Allan R. Campbell, and bearing the following endorse-
ment:

"Pay to the order of
James M. Henry and
Allan R. Campbell, Trustees
James M. Henry, D.D.
Allan R. Campbell

Pay to Trustees of Lingnan
University

Allan R. Campbell, Trustees"

On this being endorsed by Mr. Henry in the
place where I have written his name lightly in pencil
it should make the funds available to Trustees of
Lingnan University.

Will you please sign and return the enclosed
receipt?

Very truly yours,

Allan R. Campbell

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copy

RECEIVED from the Estate of Isabella Campbell,
Allan R. Campbell, Executor, the sum of Twenty Thousand
Dollars (\$20,000.00) in full of the legacy to us as
Trustees contained in Paragraph SIXTH of the Last Will
and Testament of Isabella Campbell.

Dated: June 30, 1936.

Allan R. Campbell

James M. Henry

Trustees

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June 30, 1936

DETERMINATION OF TRUSTEES UNDER SIXTH PARAGRAPH
OF WILL OF THE LATE ISABELLA CAMPBELL

Whereas, the will of the late Isabella Campbell, deceased, dated May 2nd, 1935, and admitted to probate and record by order of the Supreme Court of the District of Columbia on the 13th day of June, 1935, provides as follows in Paragraph Sixth thereof:

"SIXTH: I give and bequeath the sum of twenty thousand dollars (\$20,000) to JAMES M. HENRY, D.D., and ALLAN R. CAMPBELL, of Bronxville, New York, as trustees in trust for the purpose of perpetuating a memorial to my mother, Isabella W. Campbell in aid of Christian missions in Canton, China, which said memorial shall be in the form of an endowment gift of said trust fund by said trustees to one or the other of the following:

(a) To the CHURCH OF THE COVENANT in Canton, China, as an endowment fund to be permanently devoted to the extension of the work of that church; or

(b) To Lingnan University, as an endowment fund to be permanently devoted to some branch of the Women's Work of that university.

" I direct that my trustees shall determine as soon as possible after my death which of the above-mentioned institutions shall receive said fund, and that in making said determination they shall exercise their discretion, having regard to the best effectuation of the purposes above mentioned, especially the permanency, and that their determination when made shall be final and conclusive, and not be challenged by reason of the fact that said James M. Henry, D.D. is provost of Lingnan Univer-

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sity, or otherwise connected with either of said institutions, nor on any other ground. I direct that my trustees, in making said gift, shall employ such terms and conditions, as in all the circumstances at the time shall in their discretion seem to them necessary or proper for best carrying out the foregoing purposes, and that they shall in any event make it a condition that the recipient shall set up and permanently maintain a tablet evidencing said gift, which tablet shall be in form approved by the said trustees and shall contain the inscription:

'ISABELLA W. CAMPBELL MEMORIAL

To the Glory of God
and to the dear memory of
Isabella W. Campbell.' "

Whereas, paragraph SIXTH of said will bequeaths the sum of Twenty Thousand dollars (\$20,000.00) to James M. Henry, D. D., and Allan R. Campbell of Bronxville, New York, as trustees in trust for the purpose of perpetuating a memorial to decedent's mother, Isabella W. Campbell, in aid of Christian missions in Canton, China, in the form of an endowment gift to the Church of the Covenant in Canton or to Lingnan University, and

Whereas, the said trustees are directed in said paragraph of said will to determine, as soon as possible after the testatrix's death which of said institutions shall receive said fund, and

Whereas, the said trustees are further directed to make such determination in the exercise of their discretion having regard to the best effectuation of said purposes and their permanency, and

Whereas, the said James M. Henry, D.D., provost of Lingnan

University, Canton, China, has set forth in the attached memorandum a statement of the grounds for this designation, in which statement Allan R. Campbell has in writing concurred.

Now, therefore, the said James M. Henry, D.D., and Allan R. Campbell of Bronxville, New York, as trustees pursuant to power vested in them under the said paragraph of said will, after full and careful consideration, and in the exercise of their sound discretion, do now determine and appoint and designate Lingnan University, through the Trustees of the said University, as the institution to which said endowment gift is to be made, provided that the said designated institution shall on or before the making of said endowment gift indicate in writing to said trustees its acceptance of said gift subject to such terms and conditions as the said trustees in their discretion may then deem it necessary and proper under all the circumstances to impose for the best carrying out of the above purposes.
Dated: June 30, 1936.

James M. Henry
Allan R. Campbell
Trustees

STATE OF NEW YORK)
County of New York) ss.:

On this 9th day of July, 1936, personally appeared before me, the subscriber, a Notary Public in and for the county and state aforesaid, JAMES M. HENRY and ALLAN R. CAMPBELL, to me known and known to me to be the persons named in and who subscribed their names to the foregoing instrument, wherein they do record their determination as to which of two designated institutions shall

receive that certain fund of Twenty Thousand Dollars (\$20,000) bequeathed to them in trust under the sixth item or paragraph of the will of Isabella Campbell, deceased, their said determination therein expressed to become and be final and conclusive in all respects upon the said fund being accepted and received by such beneficiary under such terms and conditions as the said JAMES M. HENRY and ALLAN R. CAMPBELL shall hereafter prescribe regarding the use of same, and they jointly and severally acknowledged the said instrument in typewriting so subscribed to by them to be their joint and several act and deed.

(Notary seal)

Elizabeth M. Cloud

Notary Public New York County

Commission Expires

March 30, 1937

My commission expires _____

Memorandum of Grounds of Determination by Trustees Under
Paragraph Sixth of the Last Will and Testament of
the late Isabella Campbell.

The following facts and considerations of which I have a personal knowledge by reason of my residence of years in Canton, China, persuade me to reach a determination in which my cotrustee concurs, that the endowment gift of Twenty Thousand Dollars (\$20,000.00) referred to in the Sixth paragraph of the last will and testament of the late Isabella Campbell should be made to the Trustees of Lingnan University rather than to the Church of the Covenant in Canton, China:

1. Lingnan University was chartered by the Regents of the University of the State of New York on December 13, 1893. It was located and established at Canton, China. The physical plant of the University comprises six hundred acres of land and ninety-two buildings with their educational equipment, the aggregate value of which exceeds a Million Dollars (\$1,000,000.00). Its permanent endowment fund exceeds One Million Three Hundred Thousand Dollars (\$1,300,000.00). Title to the property and the endowment rests in the American Foundation, Trustees of Lingnan University. The University is also cherished and supported by the Chinese Board of Directors. It is a non-denominational Christian institution of higher learning serving all denominations in this area through the education of men and women for leadership in the Christian Church and all other Christian activities. It is the largest and most conspicuous single Christian Institution in South China and is visited by large numbers of Americans and Chinese. The grounds of the

University would afford a suitable site for the erection of the memorial tablet.

2. It has been held by the Supreme Court of the District of Columbia, administering the Estate of Isabella Campbell, that the Church of the Covenant in Canton, China, is not qualified to receive the gift because of the prohibition in the statutes of the District of Columbia.

3. In view of the foregoing facts with respect to the two institutions, and in view of the limitations imposed upon the trustees in making the selection by the provisions of the will of the decedent and by the Code of Law of the District of Columbia, I am constrained to decide in favor of Lingnan University. Lingnan University is well established for the perpetuation of a memorial to the decedent's mother; it has a broad field in which to make effective its aid of Christian missions in Canton, China; it offers permanency in effectuating the purposes of the gift; it is so organized as to readily devote the gift permanently to some branch of the women's work of the University.

Dated: June 30, 1936.

James M. Henry Trustee

JAMES M. HENRY, Trustee

I concur in the conclusions reached by my cotrustee, JAMES M. HENRY, in the foregoing memorandum.

Allan R. Campbell

ALLAN R. CAMPBELL, Trustee

JAMES M. HENRY
and
ALLAN R. CAMPBELL

Trustees under Paragraph
SIXTH of the Will of the late

ISABELLA CAMPBELL.

DETERMINATION
WITH MEMORANDUM ANNEXED

ALLAN R. CAMPBELL

~~ATTORNEY FOR~~

BAR BUILDING
WHITE PLAINS, NEW YORK

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July 9
1956

Frederick Osborn, Esquire
111 Broadway
New York City

Dear Mr. Osborn:

You will recall that the Trustees voted authorization for the President of the Board to sign any agreement satisfactory to him with reference to the use to be made of a legacy of \$20,000. in the will of Miss Isabella Campbell, provided the two trustees of that legacy should offer it to Lingnan University.

The check is ready to be paid over to us, but we must first have your signature to the conditions attaching to the legacy.

The sole condition of any consequence is that this must be held as a Trust Fund and the income used in connection with the women's work at the University. As to the precise manner in which this condition would be carried out, the Trustees can later determine, and Dr. Henry will have some definite suggestions to make.

If the document sent you is satisfactory, please sign two copies. If you sign it early enough to get it back to my office by Western Union messenger before five o'clock, please send it in that way since I am anxious to get the check from the executor, in White Plains, tomorrow forenoon.

Sincerely yours,

ODW/MB

Via Western Union Messenger

Olin D. Wannemaker
Secretary, Board of Trustees

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Mrs. Wainwright

MEMORANDUM

FROM James M. Henry
RE \$20,000. Bequest from Miss Campbell

July 13, 1936

Since this money was left as a specific memorial to Mrs. Campbell for some phase of women's work at Lingnan University it would seem desirable to consider the following possibilities:

1. Strengthen the Home Economics Department work by the appointment for one, two, or three years, as the case may be, of an older American woman thoroughly experienced and qualified in this field. If such a woman could be found to go out in the fall of 1937 she might be appointed for two years. Any amount in her budget which exceeded the income from the Campbell fund over that period might be carried as an Account Receivable to be wiped out later on from interest on the fund.
2. One year's interest on the fund might be considered at some time or another as applicable to what is known as a "practice house" regarded as of primary importance in domestic science.
3. Failing other outstanding needs for the use of this fund, it might be worth while to let the interest accumulate from time to time so as to help complete the funds necessary for a second woman's dormitory.

JMH:MRT

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TRUSTEES LINGNAN UNIVERSITY

Canton Christian College of Arts and Sciences

The Lingnan College of Agriculture

OLIN D. WANNAMAKER
American Director

Telephone: WAtkins 9-8703

150 FIFTH AVENUE
NEW YORK, N. Y.

April 8, 1941

Memorandum to File:

Re: Expenditure from Income on Campbell Fund

This fund is an endowment fund. Income is to be used for the "women's work" of the University. No income has thus far been expended, because Dr. Henry advised that it accumulate until we had a sufficient accumulation to do an important piece of work in behalf of the women.

Mr. Wannamaker suggested that, in order to help the Chinese Directors in their present critical difficulties, the Trustees appropriate \$1,000. of this accumulated income and request the Chinese Directors to report its use for women's work. Mr. Hoskins enlarged the idea to \$1,500., and Dr. Henry was asked whether he would raise any objection to such a proposal.

On March 16, 1941, Dr. Henry replied that he warmly approved of our using \$1,500. from the income of this fund to help the Directors but requested that we should not be too exacting in expecting them to send a report showing the use of this money exclusively in behalf of the women students. He thought that some kind of accounting might be given which would cover the requirements of the auditors, in which a sort of pro rata benefit to the women students including a portion of all overhead of the University chargeable to them in proportion to their numbers might be made.

At the time of writing this memorandum, we have not secured the final confirmation from Mr. Hoskins for the remittance of the \$1500.

It is important to bear in mind in this connection that the Finance and Executive Committees approved of a total appropriation of \$8,000. for the second semester to the Chinese Directors, but that Mr. Hoskins reduced the actual authorization to \$5,000. and that the addition of this \$1,500., to be taken from the Campbell Fund, would still leave the payment to the Directors below the total appropriated by the Trustees.

ODW/MB

O.D.W.

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ALLAN R. CAMPBELL
VILLAGE SQUARE BUILDING
BRONXVILLE, N. Y.
BRONXVILLE 2-2460

July 30th, 1942.

Trustee of Lingnan University,
150 Fifth Avenue,
New York City.

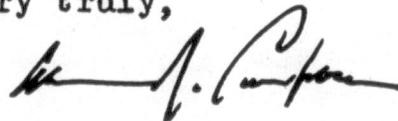
Dear Sirs: Re: Estate of Isabella Campbell, dec'd.

The terms and conditions of the endowment gift in trust under paragraph Sixth of the Will of Isabella Campbell contain the following paragraph:

If at any time Lingnan University or the Women's Work therein should be abandoned or discontinued or radically changed from its present purposes the said trust fund shall revert to the estate of Isabella Campbell, the deceased donor.

As Executor of the Estate, I suggest to you that this condition must have happened. Won't you let me know just what the facts are on this point.

Yours very truly,



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July 31, 1942

Allan R. Campbell, Esquire
Village Square Building
Bronxville, New York

My dear Mr. Campbell:

I reply immediately to your inquiry of July 30.

The condition you quote from the will of the late Isabella Campbell has by no means come about. Lingnan removed from its own campus in October 1938, but it reestablished, continued, and slightly expanded its work, partly in Hongkong and partly in Free China. The University had to move again when the Japanese took Hongkong, but it has secured a splendid site in the interior of China, a large part of the faculty and the student body are already in residence at this new place, and a full schedule of work will be resumed with the beginning of the autumn semester. I shall be glad to establish the accuracy of any of these statements if you wish confirmatory evidence.

Very truly yours,

Olin D. Wannemaker
American Director

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THE ISABELLA CAMPBELL FUND

The following documents show the origin and purpose of this fund. Developments beyond the period represented in these documents have been as follows, as indicated in the active files which are about to be transferred to the United Board for Christian Colleges in China. This Board is to act as agent of the Trustees of Lingnan University for the present.

Mr. Allan Campbell, Executor of the Isabella Campbell estate and co-trustee with Dr. James M. Henry, of the Lingnan Board, of this special fund, demanded the return of the fund to the estate on the ground that conditions in China have rendered it impossible for the Trustees of Lingnan to comply with the conditions under which the fund was given to the Trustees. These conditions are stated in the agreement entered into by Mr. Campbell and Dr. Henry and ratified by the Lingnan Trustees. Two lawyers on the Lingnan Board, Mr. Francis T. P. Plimpton and Mr. Charles Hilles, disagreed, holding that the agreement in question had no basis in the will of Miss Campbell. Mr. Plimpton, acting legally for the Trustees, has long endeavored to reach a compromise with Mr. Campbell. His proposed compromise was accepted some time ago by Mr. Campbell-subject, however, to the satisfaction of certain relatives of Miss Campbell in which behalf Mr. Campbell was acting. This tentative compromise was formally ratified by the Lingnan Trustees at a meeting in May 1953. The office of the Trustees has received no later information from Mr. Plimpton since that meeting. The President of the Lingnan Board is in Europe.

The tentative compromise appears in the minutes of the meeting in question, which are being transferred to the United Board for Christian Colleges in China, which is about to become agent for the Lingnan Trustees in all functions hitherto performed in this office.


Olin D. Wannamaker
Secretary

June 30, 1953

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