

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

1908.

Enclosures

Spare copies

order
page no. 21

23

G.O., No. 125, 18th February 1908.



Building grant.

Extending the time fixed for the completion of the building for the St. Aloysius' High school, Vizagapatam, up to the 30th April 1908 and sanctioning a further advance of Rs. 6,500 out of the — of Rs. 22,000 previously sanctioned; and stating that separate orders will issue on the question of exempting the management of the school from executing a trust deed in respect of the — previously sanctioned.

[B.]
506-4-10-07.

Educational (1908) Department.

ORDINARY PRINTED.

G.O., No. 125

DATED 18th Feb. 1908.

N. P. C.

RECEIVED
FEB 1908

Building grant

[Despatch Abstract.]

St. Aloysius High School, Vijayapalan

Extending the time fixed for the completion of the building and for the — up to the 30th Apr. 1908. Sanctioning a further advance of Rs 6000 out of the building grant of Rs 12000 previously sanctioned; and stating that separate orders will issue on the question of exempting the management of the school from incurring a — in respect of the building grant.

25

Rep. 18th 18

malapogay? Inde first and second

malpogay? of first and all given

board of Rs 6000 out of the building grant of Rs 12000

separate orders will issue on the question of

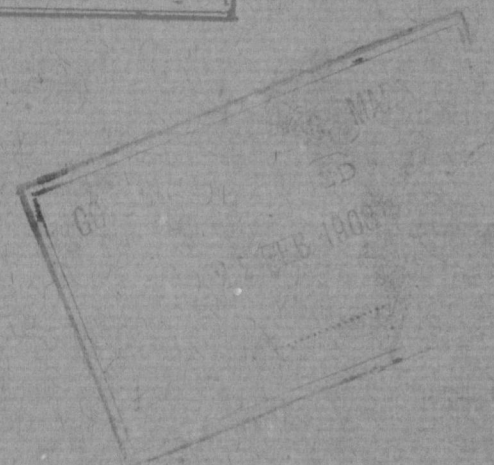
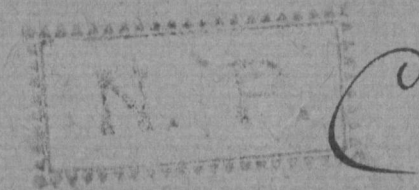
506-4-10-97.

Educational (1908) Department.

ORDINARY PRINTED.

G.O., No. 125

DATED 18th Feb. 1908.



Building Grant [Despatch Abstract.]

St. Aloysius High School, Vijayapalaim

Extending the time fixed for the completion of the building and for the — up to the 30th Apr. 1908 / Sanctioning

a further advance of Rs 6000 out of the building grant previously sanctioned; and stating that separate orders will issue on the question of

Exempting the management of the school from executing a bond in respect of the building grant previously sanctioned.

malayalam? Letter just received

reference to the grant and all given to

the 25th

order of the school

Sanctioned for the building

order of the school

order of the school

BACK PAPERS.

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

FURTHER PAPERS.

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

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

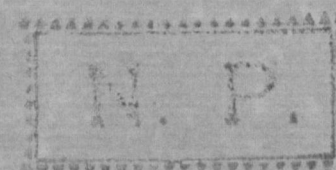
Regd.

1908.

Enclosures

Spare copies

G.O., No. 125, 18th February 1908.



Building grant.

Extending the time fixed for the completion of the building for the St. Aloysius' High school, Vizagapatam, up to the 30th April 1908 and sanctioning a further advance of Rs. 6,500 out of the — of Rs. 22,000 previously sanctioned; and stating that separate orders will issue on the question of exempting the management of the school from executing a trust-deed in respect of the — previously sanctioned.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers:—

I

G.O., No. 232, Educational, dated 29th March 1906.

II

G.O., No. 776, Educational, dated 29th November 1906.

III

G.O., No. 165, Educational, dated 22nd March 1907.

IV

Letter—from the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., Director of Public Instruction.

To—the Secretary to Government, Educational Department.

Dated—Madras, the 28th January 1908.

No.—Ref. on C. 5157/5

I have the honour to submit, for the orders of Government, an application from the Bishop of Vizagapatam, Manager of the St. Aloysius' High school, Vizagapatam, for exemption from the execution of a trust-deed required under Code of Regulations for European schools, article 59 as a preliminary to payment of a building grant of Rs. 22,000 sanctioned in G.O., No. 232, Educational, dated 29th March 1906. It is within the power of the local Government to grant this exemption—note 1 to Code of Regulations for European schools, article 59.

The Manager's request seems to be a reasonable one. A sum exceeding Rs. 10,000 is being paid annually in the shape of grants from public funds to the 27 schools under the same management and this may be regarded as security.

If exemption is granted the Manager may be asked to sign a declaration to the effect that the building will be properly maintained and used for school purposes only and that Government will have a prior lien on the building for recovery of grant in the event of its being diverted to other than educational purposes.

2. (i) In this connection, I have to report that an advance of Rs. 8,500 from the sanctioned grant of Rs. 22,000 has already been paid to the management in accordance with G.O., No. 165, Educational, dated 22nd March 1907, and that the Manager now applies for a further advance of Rs. 6,500 to enable him to complete work as speedily as possible and to face current expenditure.

(ii) In accordance with the conditions laid down in G.O., No. 776, Educational, dated 29th November 1906, the building should have been completed by 31st January 1908. The District Executive Engineer has certified on 16th November 1907 that the value of the work done up to that date amounts to nearly Rs. 38,000. I am given to understand by the management that the building is now complete so far as the external structure is concerned, but that the insertion of doors and other fittings may not be finished before the close of April—up to which time they desire the period allowed for completion to be extended. No explanation for the delay in the work has been given by the management. It is possible that it may have been due to some difficulty in readily providing funds for current expenditure.

(iii) The necessary funds are available for payment of the advance now recommended. I request, however, the favour of early orders so as to ensure the utilisation of this amount in the event of the present request for an advance not meeting with the approval of Government.

ENCLOSURE.

Petition—from the Right Reverend JOHN MARY CLERC, Bishop of Vizagapatam and Manager of the St. Aloysius' High School, Vizagapatam.

To—His Excellency the Governor in Council of Fort St. George.

Dated—the 21st January 1908.

No.—431.

RESPECTFULLY SHEWETH,—That in April 1906 the Government of Madras was pleased to sanction the liberal grant of Rs. 22,000 for the rebuilding of an extensive portion of the St. Aloysius' High school at Vizagapatam.

2. That the work, the estimate of which amounted to Rs. 46,580, being nearly completed, the Manager is called upon to execute the trust-deed required by the Code of Regulations for European schools as one of the conditions of the building grant.

3. That, as Bishop of the Vizagapatam Diocese and the responsible Manager of the St. Aloysius' High school, I am prepared to make an authentic declaration, in whatever terms it may be deemed necessary, that the building, for which the Government has contributed Rs. 22,000, will be used by me and my successors in office for school purposes only; but that, for the reasons hereinafter mentioned, I feel I am bound in duty to petition Government for an exemption from executing the trust-deed given in Appendix III of the Code of Regulations.

4. The site on which the new building stands, the comparatively large premises that enclose it, and the considerable sums of money which the Mission, helped by our society at home, has been spending on them during the past sixty years, are all church property, of which I am only the legal administrator.

5. The new building covers not more than one-tenth of the total area of the premises of the institution which measure 8,359 square yards, and one-third of the block of houses connected with it, independently of the new Industrial department for which alone an outlay of nearly Rs. 25,000 has been made by the Mission in the years 1906–1907 and 1907–1908.

6. Moreover, the new structure, being raised on the same spot and compass as the portion of the old one which had to be demolished, is, in fact, no "additional building" to the whole block; and it might as well, I venture to think, be registered as "extensive and thorough repairs" to the main building.

7. The Manager of the Institution, considering such circumstances, and relying also on a gracious interpretation of the note (1) of article 59 of the Code of Regulations which specifies that "the execution of trust-deeds need only be insisted upon . . . where the Local Government considers such a document necessary", may not unreasonably expect to be dispensed with the formality of the aforesaid trust-deed.

Your Excellency's humble petitioner prays therefore that, inasmuch as this Mission has had that encouragement and support from the Local Government in the past which enabled us to do good educational work in the Northern Circars (the Diocese extending from the Górávari to the Mahanadi), and bring the St. Aloysius' High school and orphanage to its present state of efficiency and usefulness, Your Excellency in Council will be pleased to pass the necessary orders to the satisfaction of all concerned.

And your humble petitioner as in duty bound will ever pray, etc.

Order—No. 125, Educational, dated 18th February 1908.

In the circumstances stated, the time fixed for the completion of the buildings for the St. Aloysius' High school will be extended up to the 30th April 1908. A further advance of Rs. 6,500 will also be sanctioned under article 61 of the Code of Regulations for European Schools, out of the building grant of Rs. 22,000 sanctioned in G.O., No. 232, Educational, dated 29th March 1906.

2. Separate orders will issue on the question of exempting the management of this school from executing the trust-deed required by article 56 of the Code. In the meantime, the Director of Public Instruction will be requested to report what action has been taken by the management to provide separate accommodation for the native children attending the school, with reference to paragraph 1 (5) of G.O., No. 232, Educational, dated 29th March 1906.

(True Extract.)

H. D. TAYLOR,
Ag. Secretary to Government.

To the Director of Public Instruction.
,, Accountant-General.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 125, EDUCATIONAL,
DATED 18th FEBRUARY 1908.

[SUBJECT.—*Exemption from the execution of trust-deed in respect of a building grant of Rs. 22,000 sanctioned for the St. Aloysius' High school, Vizagapatam.*]

*From the Director of Public Instruction, dated 28th January 1908,
No. 5157/5.*

In G.O., No. 232, Educational, dated 29th March 1906, as modified by G.O., No. 776, Educational, dated 29th November 1906, the Government sanctioned a grant of Rs. 22,000 towards the cost of constructing additional buildings for the St. Aloysius' High school, Vizagapatam, subject to the following among other conditions:—

G.O., No. 776, Educational, dated 29th November 1906. (1) that the work should be completed before the 31st of January 1908, and

G.O., No. 232, Educational, dated 29th March 1906. (2) that the usual trust-deed should be executed providing for the legal ownership of the premises, for the proper maintenance of the building and for the inspection and management of the school and declaring the building to be held in trust for school purposes only.

2. In G.O., No. 165, Educational, dated 22nd March 1907, the Government sanctioned the payment, in advance, of Rs. 8,500 out of the grant of Rs. 22,000 sanctioned in G.O., No. 232, Educational, dated 29th March 1906, towards the cost of these additional buildings.

3. The Bishop of Vizagapatam, who is the manager of the St. Aloysius' High school, now requests—

(1) that the period for the completion of the work may be extended to 30th April 1908,

(2) that the manager of the school may be exempted from the execution of the trust-deed required by article 59 of the Code of Regulations for European schools, and

(3) that a further advance of Rs. 6,500 may be sanctioned so as to enable him to complete the work as speedily as possible to face current expenditure.

4. *Extension of the period for completion of the work.*—No explanation has been given by the management for the delay in the execution of the work. Dr. Bourne, however, observes that it is possible that the delay may have been due

C. A. SOUTER.
It is a very short extension.

H. D. TAYLOR.

to some difficulty in readily providing funds for current expenditure. The extension asked for may, it is submitted, be granted.

5. (2) *Exemption from the execution of a trust-deed.*--As regards the exemption from the execution of a trust-deed, the manager states that the site on which the new building stands, the large premises and the large sums of money spent thereon by the mission at home are all church property of which he is only the legal administrator. He, however, observes that as Bishop of the Vizagapatam diocese and as the responsible manager of the St. Aloysius' High school, he is prepared to make an authentic declaration in whatever terms it may be deemed necessary, that the building for which the Government have contributed Rs. 22,000 will be used by him and his successors in office for school purposes only. He further urges that under note (1) to article 59 of the Code, the Local Government can sanction such exemption. The Director of Public Instruction seems to support the above contention.

6. Note (1) to article 59 of the Code of Regulations for European schools runs—

"The execution of trust-deeds need only be insisted upon in the case of the erection or purchase of buildings, or in other cases, where the Local Government considers such a document necessary."

The clause "where the Local Government considers such a document necessary" seems only to qualify the expression "other cases", and appears to refer only to cases other than those specifically mentioned in the earlier part of the note, namely, erection and purchase of buildings, and does not appear to authorise the Local Government to grant exemptions from the execution of a trust-deed in any case. In paragraph 32 of Dr. Bourne's special report on the draft European Code (page 8 of G.O., No. 220, Educational, dated 26th March 1906) he suggested that provision should be made for exempting managers from executing the trust-deed in cases where its execution was deemed unnecessary and suggested that the words "unless specially exempted" might be inserted between "shall" and "undertake" in article 56 of the Code. The Government, however, did not see any sufficient reason to modify the rule as suggested;

Paragraph 9 of G.O., No. 220, Educational, dated 26th March 1906, but it was observed that "the Government may grant exemption in any special case in which it may seem proper to do so and that considering the small number of schools and the value of the premises there was no reason why the rule should not ordinarily be followed in each case." The legal difficulty which has now been raised was apparently not then anticipated. The question of exempting from the execution of trust-deeds has been raised in connection with two other schools, namely, St. Philomenas' High school, Bellary, and St. Peters' European school, Rayapuram, and in both of these cases a reference has been made to the Director of Public Instruction asking for information as to the proportion of European and Eurasian

A boys in the schools to the total number on rolls. Similar information may be called for in this case, so that the three files may be considered together on receipt of the further information.

7. *Further advance of Rs. 6,500.*--Under article 61 of the European Code "advances may be made from time to time out of the sanctioned building grant on receipt of a report from the Public Works Department that the work is proceeding satisfactorily." The total estimated cost of the building is Rs. 45,780 and out of the grant of Rs. 22,000 sanctioned in G.O., No. 776, Educational, dated 29th November 1906, an advance of Rs. 8,500 has already been sanctioned in G.O., No. 165, Educational, dated 22nd March 1907. The Director of Public Instruction now recommends that a further sum of Rs. 6,500 may be advanced to the management. Dr. Bourne reports that according to the Executive Engineer the value of the work up to the 16th November 1907 amounted to nearly Rs. 38,000. Dr. Bourne states that he understands from the management that the building is complete so far as the external structure is concerned, but that the insertion of doors and other fittings may not be finished before the close of April next. He observes that funds are available in his budget for 1907-1908 for the payment of the advance of Rs. 6,500

now recommended by him and requests early orders so as to ensure the utilization of that amount, in case his recommendation does not meet with the approval of Government.

The Director of Public Instruction has obtained a certificate from the Executive Engineer. No further reference seems necessary. The advance may be paid.

H. D. TAYLOR.

un-officially to the Public Works Department for report on this point.

K. RANGASWAMI AIYANGAR—10-2-08.

C. A. SOUTER—11-2-08.

The "notes" to article 59 were, I think, inserted by Government. They were not in the original draft of the Government of India? Please put up a copy of G.O., No. 220, dated 26th March 1906, with notes.

H. D. TAYLOR—12-2-08.

Submitted that the note to article 59 of the Code was not inserted by the Local Government, but was in the draft Code forwarded by the Government of India—vide page 12 of the draft Code in G.O., No. 599, Educational, dated 5th September 1905.

2. A copy of G.O., No. 220, Educational, dated 26th March 1906, with notes is put up.

K. RANGASWAMI AIYANGAR—12-2-08.

See at page 10 of the notes with G.O., No. 220, Educational, dated 26th March 1906. The meaning of the note (1) to article 59 was not discussed but in regard to article 56 Honourable Member apparently thought that an exemption could be given executively. I submit that the matter is not free from doubt and the meaning of the note would seem to be that Government may ask for the execution of a trust-deed, if they think it necessary, in cases other than the erection and purchase of buildings. The commas after "buildings" and "cases" seem to convey this meaning.

C. A. SOUTER—13-2-08.

I don't think we can set much store by punctuation. Press often makes mistakes with its commas. (In the Land Bill it inserted in a revised proof a comma which had been expressly omitted in a previous proof.)

But on the whole it would be better to set matters at rest by a reference to India. The reference suggested at A does not seem necessary with reference to the notes on page 2, K.W. G.O., No. 232, dated 29th March 1906, and Director of Public Instruction's letter on pages 5-6 of that Government Order. But a reference may be made as to the action which is being taken to provide separate accommodation for native pupils. I would grant the extension and make the additional payment of Rs. 6,500 at once. The object of fixing a date like 1st January for the completion of a work is to enable the Director of Public Instruction to form some reliable estimate of the grants to be paid in each year. Please draft for approval.

H. D. TAYLOR—13-2-08.

The draft order placed below is for approval.

2. Orders are solicited as to whether the reference to India in regard to exemption from the execution of trust-deeds may be made at once or whether the receipt of the information called for in paragraph 2 of the draft order may be awaited.

K. RANGASWAMI AIYANGAR—14-2-08.

H. D. TAYLOR.

The question of exemption is quite general and need not be delayed. We have merely to ask whether the Local Government have the option of requiring a trust-deed or whether it is intended in the note to article 59 that a deed must always be executed when buildings are erected or purchased.

C. A. SOUTER—14-2-08.

No. 125, EDUCATIONAL, 18TH FEBRUARY 908.

A separate draft will be put up on the point marked **B** after this order, which is urgent, has issued.

H. D. TAYLOR—15-2-08.

Draft approved.

H. B[RADLEY]—16-2-08.

Issue.

(Now take up the general question **B**.)

H. D. TAYLOR—17-2-08.

[G.O., No. 125, Educational, dated 18th February 1908.]

CURRENT FILE.

CONTENTS.

From	Number.	Date.	Pages.
[215] O.P.S.	5157	5157	28.1-08

PAPERS PUT UP WITH CURRENT No.

Papers of the department to which the current belongs.

Number.	Date.	Original (=O.) or spare copy (=S. C.).	Remarks. (In this column such of the papers as have been removed —for copying, printing, etc., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.

Papers of other departments.

Department.	Number.	Date.	Original (=O.) or spare copy (=S. C.).	Despatcher to note the return of the papers to the departments concerned.

Stock Form No. 135.
4,000—27-4-06.

EDUCATIONAL DEPARTMENT.

Received 30 JAN 1908

190 , Registered

190

Subject.

Submitting for orders of Government an application from the Manager of the St. Aloysius High School, Vizagapatam requesting exemption from the execution of a trust deed required under article 59 of the Code of Regulations for European Schools in respect of a building grant sanctioned applied for on behalf of the institution.

ENCLOSURES.

No.

Spare copies

Ref. one. No. 6157/5

Station Madras, Dated the 28th January 1908.

From (Name) The Hon'ble Mr. A. C. Bourne, D.Sc., F.R.S.,
(Designation) Director of Public Instruction,

To the Secretary to the Government of Madras,
Educational Department.

I have the honour to submit for the orders of Government an application from the Bishop of Vizagapatam, Manager of the St. Aloysius High School, Vizagapatam, for exemption from the execution of a Trust Deed required under Code of Regulations for European Schools, Article 59 as a preliminary to payment of a Building Grant of Rs. 22000 sanctioned in G.O. No. 232, Educational, dated 29th March 1906. It is within the power of the Local Government to grant this exemption - Note 1 to Code of Regulations for European Schools, Article 59.

The Manager's request seems to be a reasonable one. A sum exceeding Rs. 10000 is being paid annually in the shape of grants from Public Funds to the 27 schools under the same

Management

✓ 9 2P

Management and this may ^{be} regarded as security.

If exemption is granted the Manager may be asked to sign a Declaration to the effect that the building will be properly maintained and used for school purposes only and that Government will have a ^{proper} ~~proper~~ lien on the building for recovery of grant in the event of its being diverted to other than educational purposes.

2. In this connection, I have to report that an advance of Rs. 8500 from the sanctioned grant of Rs. 22000 has already been paid to the Management in accordance with G.O. No.

F 165, Educational, Mis., dated 22nd March 1907 and that the Manager now applies for a further advance of Rs. 6500 to enable him to complete the work as speedily as possible and to face current expenditure.

M. In accordance with the conditions laid down in G.O. No. 776, Educational, dated 27th November 1906 the building should have been completed by 31st January 1908. The District Executive Engineer has certified on 16th November 1907 that the value of the work done up to ~~that~~ ^{date} amounts to nearly Rs. 38000. I am given to understand by the Management that the building is now complete so far as the external structure is concerned, but that the insertion of doors and other fittings may not be finished before the close of April - up to which time they desire the period allowed for completion to be extended. No explanation for the delay in the work has been given by the Management. It is possible that it may have been due to some difficulty in readily providing funds for current expenditure.

(M) The necessary funds are available for payment of the advance now recommended. I request, however, the favour of early orders so as to ensure the utilisation of this amount in the event of the present request for an advance not meeting with the approval of Government.

I have the honour to be,

Sir,

Your most obedient servant,

Arthur Hughes 28-1-08

For Director of Public Instruction.

K.P.D.

6P
28-1-08

431
21.1.08.

3

10

3 1/2

To
His Excellency the Governor of the Presidency
of Fort St George in Council.

The humble Representation of the Right Reverend
John Mary Clerc Bishop of Vizagapatam and Manager
of the St Aloysius' Boys High School Vizagapatam.

Respectfully sheweth,

1. That in April 1906 the Government of Madras was pleased to sanction the liberal Grant of Rs 22,000 for the rebuilding of an extensive portion of the St Aloysius' High School at Vizagapatam.
2. That the work, the estimate of which amounted to Rs 46,580, being nearly completed, the Manager is called upon to execute the trust-deed required by the Code of Regulations for European Schools, as one of the conditions of the Building Grant.
3. That, as Bishop of the Vizagapatam Diocese and the responsible Manager of the St Aloysius' High School, I am prepared to make an authentic declaration, in whatever terms it may be deemed necessary, that the building, for which the Government has contributed Rs 22,000,

will be used by me and my successors in office for school purposes only; but that, for the reasons hereinafter mentioned, I feel I am bound in duty to petition Government for an exemption from executing the trust-deed given in Appendix III of the Code of Regulations.

4. The site on which the new building stands, the comparatively large premises that enclose it, and the considerable sums of money which the Mission, helped by our Society at home, has been spending on them during the past sixty years, are all Church property, of which I am only the legal Administrator.

5. The new building covers not more than one-tenth of the total area of the premises of the Institution which measure 8,359 square yards, and one-third of the block of houses connected with it, independently of the new Industrial Department for which alone an outlay of nearly 25,000 Rupees has been made by the Mission in the years 1906-07 and 1907-08.

6. Moreover, the new structure, being raised on the same spot and compass as the portion of the old one which had to be demolished, is, in fact, no "additional building" to the whole block; and it might as well, I venture to think, be registered as "extensive and thorough repairs" to the Main Building.

12
598 3

7. The Manager of the Institution, considering such circumstances, and relying also on a gracious interpretation of the Note (H) of Art. 59 of the Code of Regulations which specifies that "the execution of trust-deeds need only be insisted upon.... where the Local Government considers such a document necessary", may not unreasonably expect to be dispensed with the formality of the afore-said trust-deed.

Your Excellency's humble petitioner prays therefore that, inasmuch as this Mission has had that encouragement and support from the Local Government in the past which enabled us to do good educational work in the Northern Circars (the Diocese extending from the Godavary to the Mahanady), and bring the St. Aloysius' High School and Orphanage to its present state of efficiency and usefulness, your Excellency in Council will be pleased to pass the necessary orders to the satisfaction of all concerned.

And your humble Petitioner as in duty bound will ever pray etc.

Vizagapatam
21st January 1908.

+ John Mary Clerc, Bishop of Vizagapatam
and Manager of the St. Aloysius' High School
Vizagapatam

NOTES.

Read

(No. 125, 201, 7 (15/2/08))
Educational Department.

13

C.No.215, from the Director of Public Instruction, No.5157/5 dated 28-1-08

1P

Subject.

Exemption from the execution of trust deed in respect of a building grant of Rs.22,000 sanctioned for the St. Aloysius High School, Vizagapatam.

G.

M.

In G.O. No.232, Educational, dated 29th March 1906, as modified by G.O. No.776, Educational, dated 29th November 1906, the Government sanctioned a grant of Rs.22,000 towards the cost of constructing additional buildings for the St. Aloysius High School, Vizagapatam, subject to the following among other conditions:-

G.O. 776 dt. 29.11.06 M.

232 Edl. 29.3.06 G.

- (1) that the work should be completed before the 31st of January 1908; and
- (2) that the usual trust deed should be executed providing for the legal ownership of the premises, for the proper maintenance of the building and for the inspection and management of the school and declaring the building to be held in trust for school purposes only.

F.

G.

2. In G.O. No.165, Educational, dated 22nd March 1907, the Government sanctioned the payment, in advance, of Rs.8,500 out of the grant of Rs.22,000 sanctioned in G.O. No.232, Educational dated

dated 29th March 1906 towards the cost of these additional buildings.

3. The Bishop of Vizagapatam, who is the manager of the St. Aloysius High School, now requests

- (1) that the period for the completion of the work may be extended ~~to~~ to 30th April 1908;
- (2) that the manager of the school may be exempted from the execution of the trust deed required by Article 59 of the Code of Regulations for European Schools, and
- (3) that a further advance of Rs.6,500 may be sanctioned so as to enable him to complete the work as speedily as possible to face current expenditure.

4. Extension of the period for completion of the work. No explanation has been given by the management for the delay in the execution of the work. Dr. Bourne, however, observes that it is possible that the delay may have been due to some difficulty in readily providing funds for current expenditure. The extension asked for may, it is submitted, be granted.

5. (2). Exemption from the execution of a trust-deed. As regards the exemption from the execution of a trust deed, the manager states that the site on which the new building stands, the large premises and the large sums of money spent thereon by the mission at home are all

Para 2 (II) of D.P.L.
letter - page 2 of Cf.

Page 1 of Cf.

Para 2 of D's letter -
page 2 of Cf.

Do. do.

It is a very short
extension.

Cut
1102

Para 3 of manager's letter
page 3 & 4 of Cf.

Page 2 of 4 of cf.

Page 12 of the Book / p. 12 of -

Manuscript to give
the same as the
the same as the
the same as the

U.

3.

3P
15

Church property of which he is only the legal administrator. He, however, observes that as Bishop of the Vizagapatam diocese and as the responsible manager of the St. Alosiyus High School, he is prepared to make an authentic declaration in whatever terms it may be deemed necessary, that the building for which the Government has contributed Rs.22,000 will be used by him and his successors in office for school purposes only. He further urges that under note (1) to Article 59 of the Code, the Local Government can sanction such exemption. The Director of Public Instruction seems to support the above contention.

6. Note (1) to Article 59 of the Code of Regulations for European Schools runs

"The execution of trust-deeds need only be
"insisted upon in the case of the
"erection or purchase of buildings, or
"in other cases, where the Local
"Government considers such a document
"necessary."

The clause "where the Local Government considers such a document necessary" seems only to qualify the expression "other cases", ^{it appears to refer} only to cases other than those specifically mentioned in the earlier part of the note, ^{namely erection & purchase of buildings} and does not appear to authorise the Local Government to grant ~~an~~ exemptions from the execution of a trust-deed in any case. In paragraph 32 of Dr. Bourne's special report on the draft European Code (page 8 of G.O. No.220 Educational, dated 26th March 1906) he suggested

that

that provision should be made for exempting managers from executing the trust-deed in cases where its execution was deemed unnecessary and suggested that the words "unless specially exempted" might be inserted between "shall" and "undertake" in Article 56 of the Code. The Government, however, did not see any sufficient reason to modify the rule as suggested, *but it* was ~~also~~ observed that the Government may grant exemption in any special case in which it may seem proper to do so and that considering the small number of schools and the value of the premises there was no reason why the rule should not ordinarily be followed in each case. The legal difficulty which has now been raised was *apparently* not then anticipated. The question of exempting from the execution of trust-deeds has been raised in connection with two other schools, namely, St. Philomenas High School, Bellary, and St. Peters European School, Rayapuram, and in both of these cases a reference has been made to the Director of Public Instruction asking for information as to the proportion ^{on} of European and Eurasian boys in ^{the} Schools to the total number on rolls. Similar information may be called for in this case, so that the three files may be considered together on receipt of the further information.

Para 9 of Govt. 220 226
26.3.06

D.

Page 12 of the book put up.

7. Further advance of Rs 6500
Under Article 61 of the European Code
"Advances may be made from time to time

"out of the sanctioned building grant
"on receipt of a report from the
"Public Works Department that the
"work is proceeding satisfactorily".

17 SP

M.

F.

Para 2 of Director's letter
page 2 of cf.

Do. Do.

A

Do. Do.

The BPS La Manies a
certificat for the
Dr. B. to further
reference seen necessary
above
The fund may be
paid

1423/10/20/28

The total estimated cost of the building is Rs.45,780 and out of the grant of Rs.22,000 sanctioned in G.O. No.776 Educational, dated 29th November 1906, an advance of Rs.8,500 has already been sanctioned in G.O. No.165 Educational, dated 22nd March 1907. The Director of Public Instruction now recommends that a further sum of Rs.6,500 may be advanced to the management. Dr. Bourne reports that according to the Executive Engineer the value of the work up to the 16th November 1907 amounted to nearly Rs.38,000. Dr. Bourne states that he understands from the management that the building is complete so far as the external structure is concerned, but that the insertion of doors and other fittings may not be finished before the close of April next. ^{He observes} ~~The Director of Public Instruction states~~ that funds are available in his budget for 1907-1908 for the payment of the advance of Rs.6,500 now recommended by him and requests orders so as to ensure the utilization of that amount, in case his recommendation does not meet with the approval of Government. As under Article 61 of the Code, an advance can be granted only "on receipt of a report from the Public Works Department" that the work is proceeding satisfactorily, it is for consideration whether the papers may be sent u.o. to the Public Works Department for report on this point.

10-2-08

11.2.8.

The 'notes' to 21 59 were I think inserted by G.B. They were under the

6 18 6P

original draft of the Govt of India? There
put up a copy of G.O. 220 dt 26/3/06
into notes.

1722 ayar
12.2.08

Submitts that the note to Art. 59 of the
Code was not inserted by the Local Govt, but
was in the draft Code forwarded by the Govt.
of India - vide page 12 of the draft Code at
II, in G.O. No 599 Educational, dated 5th
September 1905.

U 2. A copy of G.O. No 220 Edl dated 26th March
1906, with notes is put up.

1722 ayar
12.2.08

U See at p. 10 of the notes ^{late} of G.O. No.
220 Edl. dt 26.3.06. The ~~present~~ meaning
of the note (1) to Art. 59 was not
discussed but in regard to Art. 56
& M. apparently thought that an
exemption could be given executively.
I submit that the matter is not
free from doubt & the meaning ~~of~~
the note, would seem to be that Govt.
may ask for the execution of a trust-
deed, if they think it necessary, in
cases other than the erection & purchase
of buildings. The commas after 'building'

Has III.

Rev

7 19 7P

4 'cases' seem to convey this meaning.

Chamber

13.2.8.

I don't think we can set much store by
punctuation. Pres of Ben Lely, notes, etc
it comes (in the Law Bk it is inserted
in a ~~revised~~ revised prof account which
has been expressly omitted in previous
prof/.

But on the whole it is better to set
written at least by a reference to the
~~original reference~~
~~reference~~ - The reference suggested
at A does not seem necessary
into reference to the notes on p 2. Kls

for 232 & 294 Kelsos a BP2 letter
on pp 5-6 of Vol 9.0. But a reference
may be made as to the action which is
being taken to provide separate
amendation for relative papers. ~~After~~

~~of the~~ I would prefer the
exclusion & make the add payments
of Rs 6500 at once. The date
of fixing a date like 'Tag' for the
completion of work is to make
the BP9 to form some reliable estimate
of the funds to be paid in each case
Please draft for approval (to) J. J. J.
K. J. J.

8 20 8P

The draft order placed below is for approval.

2. Orders are solicited as to whether the reference to India in regard to exemption from the execution of trust deeds may be made at once or whether the receipt of the information called for in paragraph 2 of the draft order may be awaited.

R.D. [signature]
14/12-08 [signature]
Rec.

A
The question of exemption is quite general & need not be delayed. We have been back whether the Local Govt. have ^{the} option of requiring a trust deed or whether it is intended in the note to Art. 59 that a deed must always be executed when buildings are erected or purchased.

Ch. [signature]
14.12.8.

A separate Rep will be put up on the point noted 'A' after this note, which is meant for mind.

CIRCULATED IN EDL.
AND LEG. DEPT.
Box Ordinary No. 29
Reg. Confidential 15/208

HM

H. D. [signature]
15 208

Draft approved

H. B. [signature]
16 208

Extra [signature]
Issue
(has late up the parcel section A)
H. [signature] 2008

READ AGAIN G.O., No. 232601, dated 29th march 1906

77688 29th Aug 1906

READ ALSO:-

C. No. 215, From the S.P.P., No. 5757, dated 28.1.1908.

" " , " , " , " 190

[illegible]

ORDER.

No. 125, dated 18th Feb 1908

In the circumstances stated, the time fixed for the completion of the buildings for the St. Aloysius' High School will be extended up to the 30th April 1908. A further advance of Rs 6,500 will also be sanctioned under Art. 61 of the Code of Regulations for European Schools, out of the building grant of Rs 22,000 sanctioned in G.O. No. 232 Vol. I, dated 29th March 1906.

2. Separate orders will issue on the question of exempting the Management

22 7/2 (2)

management of this school from
executing the trust deed required
by Article 5th of the Code. In the
meantime the Director of Public
Instruction ^{directly} requested to report
~~whether~~ what action has been
taken by the management to
provide separate accommodation
for the native children ^{attending} in the
school with reference to paragraph
(5) of G.O. no. 232 Col. dated 29th
March 1906.

80
14.2.08
162 5/8

14.2.5/
15.2.08

To the D.P.S. ✓
Accountant General -
1928

Pres
Please Shm-pup
Q
21-rod

A
not A