

# Government of Madras.

EDUCATIONAL DEPARTMENT.

*Recd.*

*Regd.*

} 1908.

*Enclosures*

*Spare copies*

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G.O., No. 222, 23rd March 1908.

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PP-10

## Code of Regulations for European Schools.

Directing that the Government of India be addressed on the subject of the amendment of article 56 of the — so as to exempt managers of European schools in certain cases from executing trust-deeds.



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## GOVERNMENT OF MADRAS.

## EDUCATIONAL DEPARTMENT.

READ—the following papers:—

## I

*Letter*—from the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., Director of Public Instruction, Madras.  
*To*—the Secretary to Government, Educational Department.  
*Dated*—the 12th December 1907.  
*No.*—Ref. on Cur. 8296.

As the accommodation in St. Philomena's High School, Bellary, a European institution, was inadequate, the management were advised to improve it. They are prepared to erect additional buildings with the help of a Government grant, but they are unable to apply for a grant under article 56 of the Code of Regulations for European Schools owing to their inability to undertake to execute a trust-deed required by that article. It would appear from the letter of the Correspondent to the Inspectress of Girls' Schools, No. 273, dated 23rd July 1907, and from the Right Reverend Archbishop Colgan's letter to the Correspondent, dated 18th July 1907, copies of which are submitted herewith, that the inability arises from the fact that the Archbishop who is reported to hold in trust for the Catholic Mission of Madras the lease of the ground on which St. Philomena's School building is situated has no authority to alienate the property of the Mission and could not, therefore, agree to the terms of the deed. There may, I think, be similar cases where the same difficulty will arise. Note (1) to article 59 of the Code of Regulations for European Schools provides for no exemptions from the execution of the trust-deed. In the Grant-in-aid Code, however, provision is made in rule 53 (ii) for exemption in the case of non-European schools. It seems reasonable and necessary that the same concession should be extended to European schools also, and I have, therefore, the honour to suggest that the Director may be empowered to grant exemption in the case of St. Philomena's High School and in the case of other schools similarly circumstanced.

2. If my suggestion is approved, the necessary amendments may be made to articles 56 and 59 of the Code of Regulations for European Schools.

## ENCLOSURES.

*Letter*—from the Correspondent, St. Philomena's High School, Bellary.  
*To*—the Inspectress of Girls' Schools, Northern Circle.  
*Dated*—the 23rd July 1907.  
*No.*—273.

Referring to my letter No. 227, dated 19th December 1906, enclosing a plan and estimate of proposed additions to St. Philomena's School house, I have the honour to inform you that on receipt of your letter No. 44, dated 4th January 1907, asking for the trust-deed required in article 56 of the European Code, I duly communicated with the Right Reverend Archbishop Colgan, who holds in trust, for the Catholic Mission of Madras, the lease of the ground on which St. Philomena's is situated, and he replied that he had not authority to alienate Mission property and therefore could not agree to the terms of the deed required. Again I wrote to the Archbishop on the same subject and enclose a copy of his reply, also a copy of deed to the terms of which the Archbishop expresses his willingness to agree. Under these circumstances I request that the plan and estimate of the proposed building be kindly returned. I sincerely regret our inability to erect the building in question unassisted by a good Government grant and hope that ere long the terms of the deed of contract may be modified so as to admit of our being able to comply with them.

*Letter*—from the Right Rev. J. COLGAN, Archbishop of Madras.  
*To*—the Correspondent, St. Philomena's High School, Bellary.  
*Dated*—Yercaud, the 18th July 1907.

In reference to the guarantee required by the new Code of Regulations for building grants for European schools, I am obliged to inform you that I have no power or authority vested in me to alienate the Mission property to the extent required by the new Code.

The guarantee required by the old Code would be within the authority given to me, and this I would be willing to give.

## II

## Memorandum No. 2963-1, Educational, dated 17th January 1908.

With reference to his letter No. 8296, dated 12th December 1907, requesting that the management of the St. Philomena's High School, Bellary, be exempted from executing the trust-deed required by article 56 of the Code of Regulations for European Schools, the Director of Public Instruction is requested to report the number and proportion of European and Eurasian children in this institution.

(By Order.)

C. A. SOUTER,  
*Asst. Secretary to Government.*

To the Director of Public Instruction.

## III

*Letter*—from the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., Director of Public Instruction, Madras.  
*To*—the Secretary to Government, Educational Department.  
*Dated*—the 11th March 1908.  
*No.*—Ref. on Cur. 8296.

With reference to Government Memorandum No. 2963-1, Educational, dated 17th January 1908, I have the honour to state that it is reported that there are 121 pupils on the rolls of the institution of whom 114 are Europeans as defined in chapter 1 (2) of the Code of Regulations for European Schools and the rest non-Europeans.

## Order—No. 222, Educational, dated 23rd March 1908.

The Government of India will be addressed.

(True Extract.)

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



GOVERNMENT OF MADRAS.  
EDUCATIONAL DEPARTMENT.  
No. 223.

From

H. D. TAYLOR, Esq., I.C.S.,  
Acting Secretary to the Government of Madras,  
Educational Department.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,  
HOME DEPARTMENT.

*Dated Fort St. George, the 23rd March 1908.*

SIR,

I am directed to address the Government of India on the subject of amending article 56 of the Code of Regulations for European Schools as in operation in this Presidency.

2. Article 56 of the Code lays down that in making an application for a building grant on behalf of any institution, the manager should undertake to execute a trust-deed in the prescribed form. Under article 59 such trust-deed should provide for the legal ownership of the premises, for the proper maintenance of the building and for the inspection and management of the school, and must also declare that the building or the land on account of which a grant is to be made is held in trust for school purposes only.

3. The Director of Public Instruction has brought to the notice of Government that although the management of St. Philomena's High School, Bellary, a European institution, are prepared to improve the present inadequate accommodation with the help of a Government grant, they are precluded from applying for a grant under article 56 of the Code, owing to their inability to undertake to execute a trust-deed as required by that article, as the Archbishop of Madras who is holding in trust, for the Catholic Mission of Madras, the lease of the ground on which the school is built, has no authority to alienate the property of the Mission and cannot therefore agree to the terms of the deed. The Director of Public Instruction accordingly considers, and the Governor in Council agrees with him, that in order to meet this case and also cases where a similar difficulty may in future arise, it is desirable to modify article 56 of the Code so as to empower the Director of Public Instruction to make an exception to the rule in special cases. Article 53 (ii) of the Grant-in-aid Code in force in this Presidency, which is applicable to schools other than European schools, authorizes the Director of Public Instruction to exempt, in special cases, the owner of the school building in respect of which a grant has been sanctioned from executing a mortgage of the property, and it appears desirable that a similar concession should be shown in the case of managers of European schools.



4. I am therefore directed to request that under article 14 of the Code of Regulations for European Schools the Government of India will be pleased to accord sanction to the modification of article 56 of the Code so as to empower the Director of Public Instruction to exempt, in special cases, managers of European schools from executing the trust-deed required by that article.

I have the honour to be,

Sir,

Your most obedient servant,

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

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., Nos. 222, 223, EDUCATIONAL,  
DATED 23RD MARCH 1908.

[SUBJECT.—*Requesting that article 59 of the Code of Regulations for European schools may be amended so as to exempt managers from executing trust-deeds in certain cases.*]

*From the Director of Public Instruction, dated 12th December 1907, No. 829.*

Pages 11 and 12 of the Code.

Articles 56 and 59 of the Code of Regulations for European Schools run :—

"56. In making an application for a building grant, the managers shall undertake to execute a trust-deed in the standard form given in appendix III to the Code, or in such other form as may be sanctioned by the Local Government.

"59. The trust-deed must provide for the legal ownership of the premises, for the proper

Pages 11 and 12 of the Code.

"maintenance of the building, and for the inspection and management of the school, and must declare the building or the land on account of which a grant is to be made, to be held in trust for school purposes only."

"Note.—(1) 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."

2. The Director of Public Instruction (Dr. Bourne) now points out the inability of the management of St. Philomena's High school to ask for a grant for improving the school accommodation because they cannot undertake to execute a trust-deed required by article 56 quoted above inasmuch as the Archbishop of Madras who is holding in trust, for the Catholic Mission of Madras, the lease of the ground on which St. Philomena's school building is situated, has no authority to alienate the property of the Mission and cannot therefore agree to the terms of the deed. The Director observes that while provision is made in article 53 (ii) of the Grant-in-Aid Code for exemption from executing mortgage deeds in the case of non-European schools, note (1) to article 59 of the Code of Regulations for European Schools provides for no such exemptions. Dr. Bourne states that it seems reasonable and necessary that the same concession should be extended to European schools also and requests that the Director may be empowered to grant exemption in the case of St. Philomena's High school from executing a mortgage deed and in the case of other schools similarly circumstanced.

3. In paragraph 32 of Dr. Bourne's special report on the draft Code of Regulations for European schools (page 8 of G.O., No. 220, 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 pointed out that the words "unless specially exempted" might be inserted between "shall" and "undertake" in article 56 of the Code for European schools.

Page 10 of K.W. G.O., No. 220, Educational,  
dated 26th March 1906.

4. The Honourable Member then remarked—

"The Code may stand. The managers are merely to undertake. Government can exempt them executively in any special case, etc."

5. It is for consideration whether any exemption may be granted; and if so, whether the Director of Public Instruction may be given general powers to give such exemptions whenever necessary or whether the power should be reserved by Government and each case decided on its merits.



6. In G.O., No. 753, Educational, dated 13th November 1907, the Government held that the execution, by the manager of a school, of a mortgage deed under article 53 (ii) of the Grant-in-Aid Code was unnecessary as the building, for the improvement of which the grant was applied for, was a Government building. It is not clear whether, in the present case, any exemption should be granted from the execution of a trust-deed.

K. RANGASWAMI AIYANGAR—22-12-07.

But can the Local Government so amend the Code? or must India do so?

C. A. SOUTER—3-1-08.

Please see article 14 of the Code of Regulations for European Schools, under which the Local Government may, with the previous approval of the Governor-General in Council, cancel or modify any articles of the Code.

Page 3 of the Code.

K. RANGASWAMI AIYANGAR—3-1-08.

The proposed amendments seem to require India's sanction and it does not seem certain that Government can grant the exemption in the present case without such sanction. The Director of Public Instruction's proposal appears, however, unobjectionable and India may be addressed.

C. A. SOUTER—4-1-08.

Please draft accordingly.

H. D. TAYLOR—6-1-08.

The draft letter to India placed below is for approval.

K. RANGASWAMI AIYANGAR—10-1-08.

C. A. SOUTER—11-1-08.

H. D. TAYLOR—11-1-08.

Ask Director of Public Instruction by official memorandum.

G. S. F[ORBES].

What is the number and proportion of European and true Eurasian children in this institution. I do not know of any Roman Catholic institutions on the plains where the so-called European children are not a mere handful among a crowd of Native Christians so-called.

G. S. F[ORBES]—13-1-08.

Please draft official memorandum accordingly.

H. D. TAYLOR—15-1-08.

The draft memorandum placed below is for approval.

K. RANGASWAMI AIYANGAR—15-1-08.

C. A. SOUTER—16-1-08.

[Memorandum No. 2963-1, Educational, dated 17th January 1908.]

From the Director of Public Instruction, dated 11th March 1908, No. 8296.

The Director of Public Instruction states that the St. Philomena's High school is reported to have on its rolls 121 pupils, of whom 114 are Europeans as defined in Chapter I, article 2,\* of the Code of Regulations for European schools and the rest non-Europeans. Under article 7 (d)† of the Code, the proportion of non-Europeans should not exceed 15 per cent. of the total number.

\* On page 14 of G.O., No. 220, Educational, dated 26th March 1906.

† On page 15 *ibid.*

2. It is for consideration whether the draft letter to India placed below may issue.

K. RANGASWAMI AIYANGAR—15-3-08.

C. A. SOUTER—16-3-08.

The letter may, it is submitted, go on to India.

H. D. TAYLOR—19-3-08.

Yes.

H. B[RADLEY]—21-3-08.

Issue.

H. D. TAYLOR—21-3-08.

[G.O., Nos. 222, 223, Educational, dated 23rd March 1908.]



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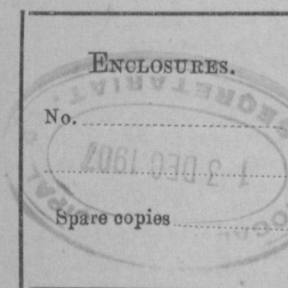
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EDUCATIONAL DEPARTMENT.

Received.....190 , Registered 13 / 12 1907

Subject.

Requesting that, in the circumstances explained, the management of the St. Philomena's High School, Bellary, be exempted from executing the trust deed and suggesting certain amendments to articles 56 and 59 of the Code of Regulations for European Schools.



Ref on Current No. 8 2 9 6/07

Station M a d r a s, Dated the 12 December 1907.

From (Name) The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.,

(Designation) Director of Public Instruction,

M a d r a s

To the Secretary to the Government of Madras,

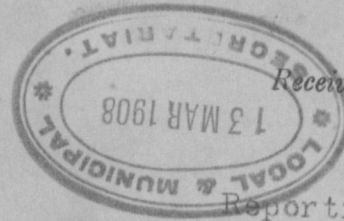
*Educational Department*

Sir,

As the accommodation in St. Philomena's High School, Bellary, a European institution was inadequate, the management were advised to improve it. They were prepared to erect additional buildings with the help of a Government grant, but they are unable to apply for a grant under article 56 of the Code of Regulations for European Schools owing to their inability to undertake to execute a trust deed required by that article. It would appear from the letter of the correspondent to the Inspectress of Girls' Schools, No. 273 dated 23rd July 1907 and from the Right Reverend Archbishop Colgan's letter to the correspondent dated 18th July 07, copies of which are submitted herewith, that the inability arises from the fact that the Archbishop who is reported to hold in trust for the Catholic Mission of Madras the lease of the ground on which St. Philomena's School building is situated has no authority to alienate the property of the mission and could not therefore



EDUCATIONAL DEPARTMENT.



Received

190 , Registered

1908

Subject.  
Reporting the number and proportion of European and Eurasian  
children in the St Philamena's High School, Bellary.

ENCLOSURES.

No.

Ref on Cur

No. 8296/07

Spare copies

Station Madras, Dated the 11 March 1908.

From (Name) The Hon'ble Mr. A.G. Bourne, B.Sc., F.R.S.,

(Designation) Director of Public Instruction,

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

With reference to Government Memorandum No. 2963-1  
Educational dated 17th January 1908, I have the honour to state  
that it is reported that there are 121 pupils on the rolls of  
the institution of whom 114 are Europeans as defined in Chapter  
I (2) of the Code of Regulations for European Schools and the  
rest non-Europeans.

I have the honour to be,

Sir,

Your most obedient servant,

Arthur D. J. 11-3-8

For Director of Public Instruction.



C.No.2963., from the Director of Public Instruction, No.829, dated 12-12-07

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ORDER:- 222 d 23/3/08  
P. S.

The Government of India will be addressed.

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LETTER:- 223 d 23/3/08

To

The Secretary to the  
Government of India,  
Home Department.

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Sir,

I am directed to address the Government of India on the subject of amending Article 56 ~~and 58~~ of the Code of Regulations for European Schools as in operation in this Presidency.

Defd  
23/3/08

2. Article 56 of the Code lays down that in making an application for a building grant on behalf of any institution, the manager should undertake to execute a trust-deed in the prescribed

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prescribed form. Under Article 59 such trust deed should provide for the legal ownership of the premises, for the proper maintenance of the building and for the inspection and management of the school, and must also declare that the building or the land on account of which a grant is to be made is held in trust for school purposes only.

3. The Director of Public Instruction has brought to the notice of Government that, <sup>altho</sup> the management of St. Philomena's High School, Bellary, a European institution, are prepared to improve the present inadequate accommodation with the help of a Government grant, ~~but~~ ~~was~~ they are precluded from applying for a grant under Article 56 of the Code, owing to their inability to undertake to execute a trust-deed as required by that Article, as the Archbishop of Madras who is holding in trust, for the Catholic Mission of Madras, the lease of the ground on which the school is built, has no authority to alienate the property of the Mission and cannot therefore agree to the terms of the deed. The Director of Public Instruction accordingly considers, and the Governor in Council agrees with him, that in order to meet this



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this case and also cases where a similar difficulty may in future arise, it is desirable to modify Article 56 of the Code so as to empower the Director of Public Instruction to make an exception to the rule in special cases. Article 53 (ii) of the Grant-in-Aid Code in force in this Presidency, which is applicable to ~~non-European~~ <sup>Other than European Schools</sup> Schools, authorizes the Director of Public Instruction to exempt in special cases, the owner of the school building in respect of which a grant has been sanctioned from executing a mortgage of the property, and it appears to be <sup>desirable</sup> ~~reasonable and necessary~~ that a similar concession should be shown in the case of managers of European schools, ~~also~~.

4. I am therefore directed to request that under Article 14 of the Code of Regulations for European Schools the Government of India will be pleased to accord sanction to the modification of Article 56 of the Code so as to empower the Director of Public Instruction to exempt, in special cases, managers of <sup>European</sup> schools from executing the trust deed required by that Article.

I have -

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