

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1910.

Enclosures

Spare copies

G.O., No. 21, 15th January 1910.

Mortgage-deed.

Approving the action of the Director of Public Instruction in exempting the authorities of the Madras Christian College from the execution of — in respect of a building grant towards the cost of the improvements to the College.

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GOVERNMENT OF MADRAS.
EDUCATIONAL DEPARTMENT.

READ—the following papers:—

I

G.O., No. 207, Educational, dated 5th April 1909.

ABSTRACT.—Sanctioning, subject to certain conditions, a building grant not exceeding Rs. 6,000 towards the cost of improvements to the accommodation of the school department of the Madras Christian College.

II

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

To—the Secretary to Government, Educational Department.

Dated—Madras, the 21st December 1909.

No.—R.C. 5010 of 1908.

With reference to G.O., No. 207, Educational, dated 5th April 1909, sanctioning a grant of Rs. 6,000 towards the cost of improvements to the accommodation of the School department of the Madras Christian College, I have the honour to report that I inadvertently overlooked paragraph 1 (5) of the said Government Order which specifically includes the execution of a mortgage-deed and have informed the authorities of the College that I propose to grant exemption from the execution of a mortgage-deed under article 53 (ii) of the Grant-in-Aid Code.

I request that my action may be ratified; to refuse exemption in this case seems hardly in accord with the decision of the Government announced in G.O., No. 484, Educational, dated 14th July 1905.

Order—No. 21, Educational, dated 15th January 1910.

In the circumstances stated, the Government approve the action of the Director of Public Instruction in exempting the authorities of the Madras Christian College from the execution of a mortgage-deed as required by paragraph 1 (5) of G.O., No. 207, Educational, dated 5th April 1909.

(True Extract.)

L. M. WYNCH,
Ag. Secretary to Government.

To the Director of Public Instruction.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 21, EDUCATIONAL, DATED
15TH JANUARY 1910.

[SUBJECT.—Exemption of the authorities of the Madras Christian College from executing a mortgage deed.]

Previous papers.

G.O., No. 484, Educational, dated 14th July 1905.
" " 404 " " 23rd May 1908.
" " 207 " " 5th April 1909.

From the Director of Public Instruction, dated 21st December 1909, No. 5010.

In G.O., No. 207, Educational, dated 5th April 1909, the Government sanctioned a grant not exceeding Rs. 6,000 towards the cost of improvements to the accommodation of the school department of the Madras Christian College subject to the condition, among others, that a mortgage-deed upon the College premises for the amount of the grant should be executed before the grant was paid.

2. Article 53 (ii) of the Grant-in-Aid Code runs:—

"Before the grant is paid the owner of the property shall, unless specially exempted, execute a mortgage of the property or a deed of acceptance in respect of the grant as may be required." G.O., No. 484, Educational, dated 14th July 1905, laid down that "the execution of deeds will only be required in cases in which the good faith of receivers of grants may reasonably be doubted, responsible persons and associations being treated as trustworthy and exempted from executing any deed."

The Government considered that the Director ought to be able to differentiate doubtful cases and apply the rules thereto and accordingly delegated the power of issuing special orders of exemption to the Director, subject to the ordinary powers of control and revision of the Government.

Ibid.

The Director was at the same time informed that he should take the orders of Government in any case of doubt.

3. In the case now before Government, namely, that in which a grant of Rupees 6,000 was sanctioned towards the cost of improvements to the school department of the Madras Christian College, the condition that a mortgage-deed upon the College premises should be executed was advisedly put in by Government on the ground that the case was a rather unusual one in that the improvements consisted almost wholly

of the demolition of buildings and that it was therefore necessary to render the grant a charge upon the main buildings

and not upon the buildings upon which the money was to be spent—*vide* Mr. Butterworth's note on page 3 of the notes with G.O., No. 207, Educational, dated 5th April 1909.

4. The Director of Public Instruction now reports that he has inadvertently overlooked paragraph 1 (5) of G.O., No. 207, Educational, dated 5th April 1909, which specifically includes the execution of a mortgage-deed and that he has informed the authorities of the College that he proposes to grant exemption from the execution of a mortgage-deed under article 53 (ii) of the Grant-in-Aid Code. He accordingly requests that his action may be ratified.

5. It is for consideration whether the condition that a mortgage-deed upon the College premises should be executed may be withdrawn.

P.R.—5-1-10.

The condition in paragraph 1 (5) of G.O., No. 207, Educational, dated 5th April 1909, regarding the execution of a mortgage-deed on the College premises was specially put in having regard to the circumstances of the case—please see Mr. Butterworth's note, dated 18th March 1909, on page 3 of the notes with that Government Order. It is to be regretted that this condition was overlooked by the Director of Public Instruction, who says he has committed himself to exempting the authorities of the College from the execution of the mortgage-deed. In these circumstances there seems to be nothing to do except to modify paragraph 1 (5) of G.O., No. 207, Educational, dated 5th April 1909.

K. RANGASWAMI AIYANGAR—6-1-10.

There seems nothing else to do.

C. A. SOUTER—7-1-10

Attention is invited to Mr. Butterworth's notes, dated 13th March 1909 and 18th March 1909, on page 3 of notes to G.O., No. 207, Educational, dated 5th April 1909.

G.O., No. 484, Educational, dated 14th July 1905, says that mortgage-deeds will only be required in cases in which the good faith of receivers of grants may be doubted: responsible persons and associations being treated as trustworthy and exempted from executing any deed. But in the present case Mr. Butterworth seems to have insisted on a mortgage-deed because the grant was for an unusual purpose. There does not seem to be any objection to the Director of Public Instruction's action in granting exemption in this case, except that special reference to a mortgage-deed was made in G.O., No. 207 of 1909.

L. M. WYNCH—8-1-10.

The action of the Director of Public Instruction may be approved.

M. H[AMMICK]—10-1-10.

Draft please.

L. M. WYNCH—11-1-10.

Draft submitted for approval.

T.K.—11-1-10.

K. RANGASWAMI AIYANGAR—12-1-10.

Issue.

C. A. SOUTER—14-1-10.

[G.O., No. 21, Educational, dated 15th January 1910.]

Read again G.O. No.207 Edl., dated 5th April 1909.)-1 abstract.

Read also:-

C.No.2317, from the Director of Public Instruction, No.5010, dated 21-12-09.

ORDER:-
P. S.

No 21 dated 15-1-10.

NOT FOR E. T.

In the circumstances stated, the Government approve the action of the Director of Public Instruction in exempting the authorities of the Madras Christian College from the execution of a mortgage deed as required by paragraph 1 (5) of G.O. No.207 Educational, dated 5th April 1909.

T.K.
11-1-10.

12-1-10

To

The D.P.I.

2/1/10

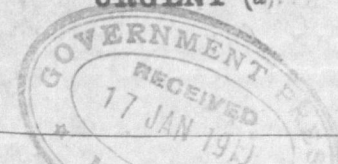
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URGENT (a).

EDUCATIONAL
LEGISLATIVE DEPARTMENT.



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Current No. 2317, dated 22 12 1909.
G.O., No. 21, dated 15 1 1910.

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Notes.....

Docket Building grant Agreement
Approving the action of the P. D. B. in
exempting the authorities of the Madras
Christian College from the execution
of mortgage deed in respect of a
building grant

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