

1910
Educational (190) Department.

ORDINARY MS.

G.O., No. 25

DATED 15-1-10

[Despatch Abstract.]

Building grant Agreement —

Approving the proposal of the Director of Public Instruction to exempt the authorities of the Deaf and Dumb School Palamcottah from executing a mortgage deed in respect of a building grant.

BACK PAPERS.

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

FURTHER PAPERS.

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

[E. & L.]
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2,400-15-3-00.

EDUCATIONAL DEPARTMENT.

CURRENT FILE.

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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.
4-1-8-08.

EDUCATIONAL DEPARTMENT.

Received 190 , Registered 26-12-1909

Subject.

Recommending that the authorities of the Deaf and Dumb School, Palamcottah may be exempted from executing the mortgage deed in respect of the building grant sanctioned on behalf of the institution.

ENCLOSURES.

No.

Spare copies.

Ref on Cur No. 3436/05

Station Madras, Dated the 22 December 1909.

From (Name) A.G. Bourne, Esquire, D.Sc., F.R.S., C.I.E

(Designation) Director of Public Instruction,

Madras

To The Secretary to the Government of Madras,

Educational Department.

Sir,

With reference to para 1 (5) of G.O. No. 810 Edl. dated 11th December 1906 sanctioning a grant towards the cost of additions and improvements to the Deaf and Dumb School, Palamcottah, I have the honour to request that I may be permitted to exempt the school authorities from executing the mortgage deed. It seems to me that this is a suitable case for the exercise of the discretion in regard to the exemption from the execution of deeds as ordered in G.O. No. 484 Educational dated 14th July 1905.

I have the honour to be,

Sir,

Your most obedient servant,

A. G. Bourne

For Director of Public Instruction.

N.V.S.

NOTES.

C. No. 2324 From the S.P.D. No. 3436, dated 22nd Decemb 1909.

SUBJECT: Exemption of the authorities of the Deaf and Dumb school, Palamcottah, from executing a mortgage deed.

J. In G.O. No. 810 Ed. dy 11th December 1906, the Government sanctioned a maximum grant of Rs 1,650 towards the cost of additions and improvements to the Deaf and Dumb school, Palamcottah, subject to the condition, among others, that the mortgage of the property should be executed by or on behalf of the Church of England Zenana Missionary Society either in the manner provided for the execution of deeds by such articles of association as the Society might be subject to or by the duly constituted attorneys of the Society.

Para. 1 (5) of the G.O.

Para. 5 of Director's letter.
Page 3 of G.O. No. 345 Ed. dy
15-5-06

S.P.D.'s letter on page 1 of
G.O. No. 411 Ed. dy 13-6-06

L. 2. The funds and property belonging to the school were originally vested in Miss Swainson, the promoter of the institution, who subsequently executed a deed transferring the school buildings to the Church of England Zenana Missionary Society upon trust to use them for the maintenance of a school for deaf mutes as long as it should be considered advisable for the Society to do so. The deed provided for the selling of the land and buildings and the utilization of the proceeds for the support of a similar institution elsewhere in India in the event of the Society determining to close the school.

Page 2 — do — M.

3. The Govt. Solicitor to whom the deed of transfer was referred by the S.P.D. was of opinion that in order to Safeguard

Page 2 of Gons 411 EdL
13. 6. 06.

M. Safeguard the interests of Government, ~~if~~ a grant was sanctioned, any mortgage of the property should be executed by or on behalf of the Church of England Zenana missionary Society either in the manner provided for the execution of deeds by such articles of Association to which the Society might be subject or by the duly constituted attorney of the Society. The D.P.I. recommended that the payment of the grant might therefore be made subject to the fulfilment of the above condition. Hence the Condition in para. 1 (5) of Gons 810 EdL 11th.

do — do —

J. December 1906.

Page 1 of C.F.

4. The D.P.I. now requests that he may be permitted to exempt the School authorities from executing the mortgage deed under article 53(ii) of the Grant-in-aid Code, as it seems to him to be a suitable case for such exemption. Please see also Gons 484 EdL 14th July 1905 in which the D.P.I. ^{was} ~~has been~~ empowered to issue special orders of exemption on his own discretion and to take the orders of Govt in any ^{case} ~~case~~ of doubt.

5. As pointed out in para. 3 ^{supra}, the condition that a mortgage deed should be executed was specially imposed by Government on the advice of the Govt. Solicitor and the D.P.I., in order to safeguard the interests of Government. The D.P.I., however, now thinks that this is a suitable case for exemption. But he has not given any reason whatever as to why he thinks so. In the absence of such information it seems difficult to come to a decision in the matter. It is therefore for

Consideration

Consideration whether the D.P.I. may be requested to submit to Govt a copy of the deed of transfer of the school buildings to the C.E.Z.M. Society and also to explain why he considers that it is a suitable case for exemption. On receipt of a copy of the deed, the opinion of the Advocate-General may, perhaps, be obtained.

D.P.
6.6.10.

When the D.P.I. first submitted the appⁿ for building grant on account of the Deaf and Dumb School, Palamcottah, the funds and property belonging to the school were vested in Miss Swainson. The school buildings were subsequently transferred by Miss Swainson to the C.E.Z.M. Society and the school is now managed by that body. When ~~the~~ a building grant was sanctioned to this school in G.O. No. 810 Edⁿ dy 11th December 1906, the condition in regard to the execution of a mortgage deed on the school buildings in accordance with Art. 53(ii) of the Grant in aid Code was inserted with reference to the D.P.I.'s remarks in the latter part of his letter No 3436 dated 1st June 1906, ^{but} apparently without reference to para. 2 of G.O. No. 484 Edⁿ dy 14. 7. 05, in which the Govt had decided to exempt responsible persons or associations from executing a mortgage deed in

Vide D.P.I.'s letter No. 3436 dy 26. 3. 06-L.
in G.O. 345 Edⁿ dy 15. 5. 06.

J.

Imp. 29/8. 4/11 Edⁿ. M.
13. 6. 06

A

in Such cases. Please see also Dr. Bourne's Do. dated 17th June 1905 on pages of the notes with Go. No. 484 Est. of 14. 7. 05, wherein he expressed the opinion that responsible bodies and associations receiving large monthly grants from Govt might be exempted from the execution of mortgage deeds. The C.E.L.M. Society is such a responsible body and the D.P.D.'s recommendation to exempt it from the execution of a mortgage deed may be accepted.

AD
8. 1. 10

Sec.

Submit do.

Chd
8/1

HM.

A Attention is invited to the note at pp 8 & 9 of Go. 484 - 14. VII. 05 Sir J. Thomson apparently contemplated that exemption should generally be granted except in the case of managers of doubtful responsibility & adventurers. I see no reason to object to exemption in the present case.

Link

10/100

Yes. Grant to exemption in this case -
 Understand that in most of these large
 Societies there are great difficulties in
 the way of their mortgaging their property.
 & with these old well known Societies
 it is really unnecessary -

11. 1. 10

Please draft.

12. 1. 10

12. 1. 10

The draft order placed below is submitted for
 approval.

PR
 12. 1. 10

Done
 15. 7. 10

READ ALSO:—

” ” ” ” ” ” ” ” 190 .

99 99 99 99 99 99 99 99 190

No. 25, dated 15-1-1906

Miss,

The Government approve the pro-
posal of the D.P. I to exempt the authori-
ties of the Deaf and Dumb School,
Palameottah, from executing a
mortgage deed as required in para. 1(5)
of G.O. 810 Ed by Hth December 1906.

PTD
12.1.10

15.7.10

Chs
1571

2

The D. P. S.
" A. G. S.

When given for copying
When copied
When examined
When signed

190

READ AGAIN G.O., No. , DATED
190

CURRENT No.

ENCLOSURES TO C. No

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

A A A A A A A

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