Government of Madras

LAW (EDUCATION) DEPARTMENT

G.O. No 452 ... arch 1925

... mund—Transfer ... Board of Trustees—Scheme—Final orders issued.

READ—the following papers :—

Telegram from the Government of India, ... ication, to the Secretary to the Government of Madras, Law (Educatio... dated Delhi, the 6th March 1923, No. 259, Education.

Your letter 1576, dated 18th December ... are issuing to-day that scheme for provincializing Lawrence Memorial ... otacamund, as sanctioned by Secretary of State, should be proceeded with ... from 1st April.

Telegram from the Secretary to Governm... on) Department, to the Rev. W. H. G. PADFIELD, Secretary and ... Memorial School, Ootacamund, dated the 7th March 1923.

Following telegram receive... lia : *Begins*—" Your letter 1576, dated 18th December. O... at scheme for provincializing Lawrence Memorial School, ... ned by Secretary of State should be proceeded with with el... t "—*Ends*. Please wire any remarks you wish.

III

Telegram from the Rev. W. H. G. PADFIELD, Secretary and Principal, Lawrence Memorial School, Ootacamund, to the Secretary to Government, Law (Education) Department, dated Lovedale, the 8th March 1923.

Your telegram of seventh. Urge Madras Government to request reconsideration by Government of India of trustee scheme with view to acceptance ; provincialization appears unworkable and uneconomic under new conditions. Shall represent this personally at Delhi and if so when. In provincialization draft no account apparently taken of pensions for staff counting back service and of rule 21 in draft rules providing for school banking account. Trustee scheme ensures high standard in teaching staff and educational efficiency. Am consulting Committee and will wire again later.

IV

Telegram from the Secretary to Government, Law (Education) Department, to the Rev. W. H. G PADFIELD, Principal and Secretary, Lawrence Memorial School, Ootacamund, dated the 8th March 1923.

Your telegram to-day. Regret that until India's letter ... we cannot form any opinion as to urging reconsideration. No objec... r proceeding Delhi on behalf of your Committee to press their views but ... should be immediately as provincialization ordered to take effect from ...

V

Letter from the Hon'ble Mr. M. S. D. BUTLER, C.B., C.I.E., ..., Secretary to the Government of India, Department of Educatio... cation), to the Secretary to the Government of Madras, Law (Educ... dated Delhi, the 6th March 1923, No. 260.

[Scheme of provincialization of the Lawrence Memo... camund.]

In your letter No. 1576, dated the 18th Decem... e Government of Madras support the proposals made by the Committee ... ment for the abandonment of the scheme of provincialization of the Law... norial School, Ootacamund, and for the transfer of its management to a Board of Trustees. The main

reason for these proposals appears to be the apprehension felt by the Co
Management in regard to the position to be occupied by the school under th
onstitution. The suggestion is that the school would be safer if it we
ered under the control of the Central Government. The Government of
given the proposal their careful consideration and are of opinion that th
he Committee of Management are based on a misapprehension of the rele
Whether the school is under the Local or the Central Government the g
made to it by the Government of India will have to be voted each year b
lative Assembly. There is no reason to suppose that the grant will be m
voted if the school is administered directly by a department of the Gov
India, which of necessity can have no local knowledge than if it is part
of the educational system of a Local Government. Experience in the Pun
the Lawrence Memorial School was provincialized in 1913, also goes to b
contention that there is no more danger in Provincial than in Central ma
In the circumstances the Government of India regret that they are una
the unusual step of asking the Secretary of State to alter radically a schem
sanctioned by him. They prefer that the scheme of provincialization shou
ceeded with on the expiry of the sanction conveyed in this departmen
No. 1169, dated the 28th September 1922, viz., from the 1st April 1923.

VI

Memorandum No. 1191/B-1, Law (Education), dated 13th Marc

[Provincialization of the Lawrence Memorial School, Ootacamund—Letter from
ment of India, Department of Education and Health, No. 260, dated 6th Mar

Communicated to the Committee of the Lawrence Memorial School, C
who are requested to furnish the Government with their remarks at a very

P. L Moore
Acting Secretary to Go

To the Principal and Secretary, Lawrence Memorial School.
Copy to the Director of Public Instruction.

VII

Telegram from the Secretary to the Government of Madras, Law (Education) De
the Secretary to the Government of India, Department of Education, dated
1923, No. 1191/B-2.

Your letter No. 260 [dated the] 6th March. Provincialization,
Memorial School. Letter communicated [to] School Committee for consid
remarks [and a] reply will be sent in due course; but India's orders
received too late for it to be possible to complete transfer [to] Provincial by
Invested endowments have to be transferred to Government control, ar
committee [has to be] appointed and their duties settled, and rules for g
[the] Principal particularly on matters of finance must be drawn up in c
with Director [of] Public Instruction and [the] Accountant-General.

VIII

Letter from the Rev. W. H. G. Padfield, m.a., Secretary to the Committee of M
Lawrence Memorial School, to the Secretary to Government, Law (Educati
ment, dated Lovedale, Nilgiris, the 17th March 1923, No. C. 4760.

With reference to your Memorandum No. 1191-B–1, dated the 13th M
I have the honour to submit herewith the remarks of the Committee as req

Enclosure.

*Remarks of the Committee on the letter from the Government of India, Depa
Education and Health, No. 260, dated the 6th March 1923, on the Pr
zation of the Lawrence Memorial School.*

The Government of India seem to have entirely misapprehended the position.
tion, which it will be remembered was made with the full approval of the Gove
Madras, was, not that the school should be administered by the Local or the Central G
but that it should be taken away from Government control and put under a body of t

give a brief resume of the negotiations:

1918 the Committee, owing to continued deficits, due to the increased cost of education,
the uncertainty as to which department of Government was responsible for meeting these
suggested to the Government that the school should be provincialized subject to certain
ns. These conditions were:—

1) That the military and religious character of the school should be maintained, the
al being a clergyman of the Church of England, and the rules regarding religious
ion, as laid down by Sir Henry Lawrence, should be agreed to.

2) That all past services of the staff should be counted under the new conditions.

3) That the school should continue to have its own banking account subject to the
udit, as before, by the Accountant-General.

hese three conditions under which the Committee agreed to provincialization, the latter
e not been granted.

e provincialization scheme as now sanctioned by the Government of India is therefore
nacceptable to the Committee, and the Committee therefore respectfully continue in their
endations that the school should go on under its present conditions instead of being
ialized.

re are two other points in the Government of India's letter under reference which should
cked on:—

1) The analogy of this school to the Lawrence school at Murree is hardly suitable.
rence school at Murree is no longer a military school, it keeps vacancies for only thirty
pupils, and has no endowments of any value. The analogy should be drawn between
ol and Sunawar which is now said to be under a strong body of Military Governors.
takes the same place in the Northern Command that this school does in the Southern
and in both cases these schools are for the children of British soldiers only.

e note that the Legislative Assembly has to vote the grant to the school this year
clearly indicate the position. A certain portion of this grant is not a grant, but
gally due to the school. Furthermore over 70 per cent of the funds of the school are
rom fees, endowments and grants over which the Government have not in the past,
not ordinarily, in the future, exercise any detailed control.

he Committee note that the Government of India are not prepared to ask the
of State to alter *radically* the scheme sanctioned by him.

itions (1), (2) and (3) mentioned above have however apparently been agreed to by
ary of State. Regarding condition (2), the Secretary of State by stating that 'the
cost is due. . . . to the much needed revision of the superior staff and the
of pensions for them' virtually agrees, in principle at least, to condition (2). The
nt of India suggest that 'as the members of the staff are enjoying the benefit of a
Fund' the existing members of the staff should either continue to belong to the
Fund or to count pension service from the date of ceasing to belong to this fund.

words "enjoying the benefits" seem to show that the Government of India consider
rovident Fund would provide a reasonable provision for old age, whereas it is probably
worst Provident Fund in existence; and has been strenuously objected to by the staff
inception, e.g., one member of the staff now 60 years old and having about 30 years'
aves with a total amount of about Rs. 1,500 upon which to exist for the remainder of
of which over Rs. 800 was contributed by the Member.

In case the Trustee Scheme has now to be discarded, which the committee would very
ret, the Committee would suggest the following scheme which does not apparently con-
the orders of the Secretary of State on the provincialization of the school, and which
ths they are aware, very much on the lines of the constitution now sanctioned for
The Committee would propose that the school be run as now under the Committee
the final authority of the Government of Madras.

Committee should have the power to fulfil their obligations to the staff especially in
an adequate Provident Fund or Pension which would definitely take in all past
his is a very important matter, not only as a just due which members of the staff
been waiting for, but as a necessity if an adequate and suitable class of staff is to be
ad in the school. The present staff would naturally appeal to the National Union of
and other educational bodies in England, and unless satisfaction was obtained, these
England would naturally strongly dissuade any other teacher from being exposed to
osition in future.

Committee should also be allowed their own Banking account to which all grants, fees,
rest on endowments, would be paid. The Committee would guarantee not to exceed
above without the specific consent of the Government of Madras. This was the basis
eme submitted by the Committee in 1915 and which developed into the provincializa-
me. Any money granted by the Government of Madras would naturally be for a
ecified by them and would be spent only for that purpose.

IV. The Committee would desire again to draw attention to paragraph 3 in Annexure B of the Trustee Scheme and to emphasize the uneconomic and difficult position of the school under purely Government rules.

The school would be involved in useless expenditure, will be unable to progress on suitable educational lines, and will at the same time have to run on a fixed income.

V. The Committee feel that they inherit a trust which represents the devotion of many generations. They have also obligation to members of the staff who have served them loyally and well for many years. The Government will no doubt approve of their unwillingness to agree to any scheme which does not fully safeguard their trust and fulfil their obligations.

IX

Letter from M.R.Ry. Diwan Bahadur R. Ramachandra Rao Avargal, C.S.I., Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Department of Education, Health and Lands, Simla, dated the 4th June 1923, No. 1191-B-3.

[Lawrence Memorial School, Ootacamund—Provincialization—Correspondence ending with this Government's telegram No. 1191-B-2, dated 13th March 1923.]

I am directed to state that the question of transfer of the school is still under discussion with the school committee and that provincialization will have to be postponed to the end of September next. I am to add that a further communication will be sent as soon as a conclusion is arrived at on the subject.

X

Letter from M.R.Ry. Diwan Bahadur R. Ramachandra Rao Avargal, C.S.I., Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Department of Education, Health and Lands, dated the 27th August 1923, No. 1191-B-7.

[Lawrence Memorial School, Ootacamund.]

In continuation of my letter No. 1191-B-3, dated the 4th June 1923, I am directed to say that the letter of the Government of India No. 260, dated 6th of March, has been the subject of earnest consideration by the Government of Madras and the Committee of the school.

2. The Government of India expressed the opinion that the views of the Committee of Management were based on a misapprehension of the relevant facts and they were unwilling to ask the Secretary of State to alter radically the scheme he had recently sanctioned. They preferred therefore that the scheme of provincialization should be proceeded with on the expiry of the sanction conveyed in their telegram No. 1169, dated 28th September 1922. This Government have since informed the Government of India that it would be impossible to carry out the provincialization before the end of September.

3. In my previous letter prominence was given to the views of the existing Committee of Management, to which this Government considered it only right that the greatest importance should be attached. They communicated the Government of India's letter to that Committee for remarks, and I am to append a copy of the remarks submitted. It will be observed that the Committee gives reasons for its disinclination to fall in with the scheme of provincialization and points out that the conditions on which it was willing to accept the scheme as orginally propounded have not been fulfilled. The Government are advised that the school cannot be legally transferred from its present management except on fulfilment of these conditions; but in any case, for the satisfactory management of the institution, it is essential that the willing co-operation of the Committee should be enlisted.

4. Apart from the considerations advanced by the Committee, it has been deemed desirable to examine the constitutional aspect of the matter and particularly what is connoted by the term "provincialization". The Government of India apparently contemplate a complete transfer of the school as a part of the educational system of the Provincial Government, the Central Government being concerned only in providing a fixed grant annually towards its maintenance. The Madras Government are advised however that this will not be in accordance with the law; and before taking steps to obtain possession of the endowments of the school, to appoint an Advisory Committee and settle its duties, and to draw up rules

for the guidance of the Principal they consider it necessary to put their conclusions before the Government of India. As pointed out in paragraph 5 of the Secretary of State's Despatch, Public No. 153, dated 24th November 1921, the education of the children of members of His Majesty's Forces is a Central subject. While it is true that under section 45 (1) of the Government of India Act, it is incumbent on a Local Government to obey the orders of the Governor-General in Council and under Rule 46 of the Devolution Rules the Governor-General in Council may employ the agency of the Governor in Council of any Province in the administration of central subjects in so far as such agency may be found convenient, it appears that it is only as the Agent of the Governor-General in Council that the Governor in Council can deal with any matter which has been excluded from the list of Provincial subjects; and under Rule 47 of the Devolution Rules the cost of the establishment exclusively employed on the business of agency must be a charge against all-India revenues.

5. If the law is correctly stated above, provincialization in the strict sense of the term is beyond the powers of the Government without an alteration of the Devolution Rules; but the object which it is understood that the Government of India wish to attain is not so much to impose upon the Provincial revenues a burden which is legitimately and statutorily a charge on the Central revenues as to ensure that no burden shall be thrown on the Central revenues in addition to the fixed recurring grant already promised and that the Local Government shall make themselves responsible for the proper conduct of the school and for the proper expenditure of the Imperial grants. This appears to this Government to be a perfectly legitimate demand to make of the Governor in Council in his capacity as agent of the Governor-General in Council, but His Excellency in Council is still of opinion that his duties in this respect can best be carried out under the Trustee Scheme set forth in my letter No. 1576, dated 18th of December 1922, and in fact that that is the only satisfactory way in which his responsibilities can be discharged. The constitution of the body of Trustees should in itself be enough to ensure the proper maintenance of the institution and the judicious expenditure of the funds available.

6. It may be observed further that the only way in which any portion of the cost of the maintenance of the school can be met from Provincial funds is by treating it as a private institution. As such it would be eligible for a share of the grants distributed annually among schools under private management. This can be done if the management is handed over to a Board of Trustees but not otherwise.

7. The Government of Madras trust that they have now given sufficient reasons to show that the scheme of provincialization cannot be worked, and if the Government of India are convinced of the inherent soundness of the scheme of management outlined in paragraph 3 of my letter No. 1576, dated 18th December 1922, there would appear to be no obvious reason why the Secretary of State should not be asked to reconsider his former decision. I am therefore directed to request that the Government of India will be pleased to obtain his sanction to the revised scheme at an early date.

XI

Letter from H. R. Pate, Esq., I.C.S., Officiating Secretary to the Government of India, Army Department, to the Secretary to the Government of Madras, Law (Education) Department, dated Simla, the 20th May 1924, No. 27055 (A.D.)

[Lawrence Memorial School, Ootacamund.]

I am directed to refer to your letter No. 1191-B-7, dated the 27th August 1923, to the address of the Department of Education, Health and Lands, and to say that, with the approval of the Right Hon'ble the Secretary of State for India, the Government of India sanction the abandonment of the scheme for the provincialization of the Lawrence Memorial School at Ootacamund, sanctioned in Department of Education and Health letter No. 261, dated the 2nd March 1922, and agree to the transfer of the management of the school to a Board of Trustees on the lines indicated in paragraph 3 of your letter No. 1576, dated the 18th December 1922, and on the

understanding that the Local Government will make itself responsible for the proper conduct of the school and for the proper expenditure of the Imperial grants—vide paragraph 5 of your letter No. 1191-B-7, dated the 27th August 1923.

2. I am also to convey the sanction of the Government of India to—

(i) The transfer to the Board of Trustees of all right, title and interest vested in the Government of India over the buildings and lands of the school; provided that, if the buildings and lands cease to be used for the purposes of the Lawrence Memorial School, or any similar purpose approved of in writing by the Government of India, the buildings and lands shall revert to that Government.

(ii) The transfer of the control of the lands and buildings of the institution from the Military Engineer Services to the Board of Trustees.

3. I am to add that the annual grant-in-aid of Rs. 2,30,000 will, in future, be charged to the Army estimates and that such control as will continue to be vested in the Government of India will be exercised primarily by the Army Department. It must, however, be distinctly understood that the grant-in-aid of Rs. 2,30,000 cannot be guaranteed in perpetuity, but will be subject to revision every five years, or from year to year in the event of its being subject to the vote of the Legislature.

The draft indenture enclosed with your letter No. 1576, dated the 18th December 1922, to the address of the Department of Education and Health, will no doubt be amended to conform with the limitation now placed on the grant, and the point should be made clear that if the grant becomes votable and the whole vote is refused, nothing will be payable. The addition of the words "approved of in writing by the Government of India" after "purpose" in clause 3 of the draft indenture is also suggested.

4. A further communication will be addressed to you with regard to the balance of the non-recurring Imperial grant—*vide* your letter No. 697-B-4, dated the 15th March 1924, and Army Department telegram No. 27055/1 (A.D.), dated the 29th March 1924.

XII

Letter from M.R.Ry. Rao Bahadur V. T. Krishnama Achariyar Avargal, Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Army Department, dated the 25th June 1924, No. 1693 B-1.

I am directed to refer to your letter No. 27055-A.D., dated 20th of May, conveying the Government of India's sanction to certain proposals in connexion with the future of the Lawrence Memorial School at Ootacamund.

2. I am to say that the Governor in Council has read with much concern that portion of paragraph 3 of your letter which stipulates that the annual grant of Rs. 2,30,000 promised by the Government of India will be subject to revision every five years. The fact that the grant in question might at some future time be subject to the vote of the Legislature and could not therefore be guaranteed was recognized by this Government which considered that this risk might be taken; but the new proposal that the Trust should now be constituted with the knowledge that the major portion of its income will be definitely subject to revision every five years puts an entirely different complexion on the whole position. I am to point out that in the original negotiations regarding provincialization (vide paragraph 4 of this department's letter No. 1394, dated 29th of November 1920, and also paragraph 9 of the Government of India's despatch to the Secretary of State, No. 21, dated the 7th of July 1921) the proposed settlement was intended to be final and there was no suggestion that the recurring grant should be subject to revision. It would be impossible in the opinion of the Governor in Council to ask the body of Trustees to make themselves responsible for the school on the temporary basis now suggested by the Government of India. His Excellency the Governor in Council trusts that in these circumstances the Government of India will not insist upon the periodical revision but will agree that the grant should be a fixed and permanent one to continue so long as the school is maintained on its present basis and so long as the Government of India have the power to make the grant.

3. I am to say that His Excellency the Governor in Council will be glad to be favoured with a very early reply as it is very desirable that the opportunity of his presence in Ootacamund should be taken to settle in personal consultation with the Committee the details of the proposed reorganization.

XIII

Letter from E. Burdon, Esq., C.I.E., I.C.S., Secretary to the Government of India, Army Department, to the Secretary to the Government of Madras, Law (Education) Department, dated Simla, the 23rd August 1924, No. 27055 (A.D.).

[Lawrence Memorial School, Ootacamund.]

I am directed to refer to your letter No. 1693-B-1, dated the 25th June 1924 in which the Government of Madras take exception to the stipulation, imposed in Army Department letter No. 27055 (A.D.), dated the 20th May 1924, that the annual grant-in-aid of Rs. 2,30,000 to the Lawrence Memorial School, Ootacamund, shall be subject to revision every five years.

2. I am to explain that, in view of the financial liability which they have undertaken, the Government of India consider it essential that they should reserve to themselves such control over the working of the institution as is provided by the stipulation in question. At the same time the Government of India are prepared to give an assurance that, subject to the consent of the legislature in the event of the grant becoming votable, they will continue the annual payment of the amount in question for so long as they are satisfied that the school is being properly maintained and that the amount cannot be reduced without prejudice to the efficiency of the institution.

3. I am to express the hope that this assurance will satisfy the requirements of the Government of Madras.

XIV

Letter from M.R.Ry. Rao Bahadur V. T. Krishnama Achariyar Avargal, Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Army Department, dated the 12th September 1924, No. 2008 B-2.

[Lawrence Memorial School, Ootacamund.]

I am directed to acknowledge the receipt of your letter No. 27055 (A.D.), dated the 23rd August 1924, regarding the annual grant-in-aid of Rs. 2,30,000 to the Lawrence Memorial School, Ootacamund. I am to say that the Governor in Council accepts the assurance given in paragraph 2 of that letter and is proceeding with the amendment of the trust deed.

2. The Lawrence Memorial School now enjoys certain 'military' privileges a list of which is enclosed. The Governor in Council considers it essential that these privileges should be continued after the new scheme comes into force. I am, therefore, to request that the Government of India will be so good as to sanction their continuance and communicate the sanction to this Government at a very early date so that the new arrangements may be brought into force by the 1st January 1925.

Enclosure

Military privileges now enjoyed by the Lawrence Memorial School.

1. Permission to send pupils when necessary to military hospitals and to receive the services of military specialists as required.

2. The issue of medicines (free supply) and appliances on the required scale.

3. The grant of passages for pupils to England and warrants in accordance with A.R.I., Vol. X, S. 101.

4. The concession of obtaining clothing and supplies on payment from Army authorities if so required.

5. Permission to appoint five non-commissioned officers on the unattached list who are nearing the end of their service in the Army and whose salaries are to be paid from the school funds, provided that no suitable pensioners are available.

6. Privilege of purchasing flour and kerosene oil from the Supply and Transport Corps when required.

XV

Memorandum No. 2008 B-4, Law (Education), dated 20th September 1924.

[Lawrence Memorial School, Ootacamund—Transfer to a Board of Trustees.]

The Committee of the Lawrence Memorial School is informed that, with the approval of the Right Hon'ble the Secretary of State for India, the Government of India have sanctioned the abandonment of the scheme for the provincialization of the school, and have agreed to the proposal to transfer the management of the school to a Board of Trustees. The Government of India have stipulated that the annual grant-in-aid of Rs. 2·30 lakhs, sanctioned by them to the school, will be subject to revision every five years, or from year to year in the event of its being subject to the vote of the Legislative Assembly. They have, however, given an assurance that, subject to the consent of the Legislature in the event of the grant becoming votable, they would continue the annual payment of the grant for so long as they are satisfied that the school is being properly maintained and that the amount cannot be reduced without prejudice to the efficiency of the institution.

2. The Government of India have asked that the draft trust deed should be amended to conform with the limitation now placed on the grant and that it should be made clear that, if the grant becomes votable and the whole vote is refused, nothing will be payable. The draft trust deed has now been amended with reference to the orders of the Government of India and the suggestions of the Committee conveyed in the letter * of the Principal and Secretary, C. No. 4701, dated 23rd February 1924. A copy of the deed as amended is forwarded to the Committee which is requested to state whether it approves of the deed.

V. T. Krishnama Achariyar,
Secretary to Government.

To the Principal and Secretary, Lawrence Memorial School, Lovedale.

XVI

Letter from the Rev. W. R. Ramshaw, Acting Principal and Secretary, Lawrence Memorial School, Ootacamund, to the Secretary to Government, Law (Education) Department, dated the 2nd October 1924, No. C. 2386.

With reference to Government Memorandum No. 2008 B-4, dated 20th September 1924, I have the honour to inform you that the terms of the trust deed scheme is approved by the Committee of Management of the Lawrence Memorial School, subject to the following alterations in paragraph 9 regarding the mode of electing a Principal.

Paragraph 9, page 2 of the draft trust deed to read as follows :—

"That the Principal of the Institution shall be appointed by the Board of Governors, subject to the final approval of the trustees, and shall 'ex officio' be the Secretary to the Board of Trustees and to the Board of Governors."

XVII

Letter from M.R.Ry. Rao Bahadur V. T. Krishnama Achariyar Avargal, Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Army Department, dated 15th October 1924, No. 2008 B-7.

[Lawrence Memorial School, Ootacamund—Correspondence ending with my letter No. 2008-B-2, dated 12th September 1924.]

I am directed to submit for the approval of the Government of India the revised draft of the trust deed relating to the Lawrence Memorial School, Ootacamund. The amendments suggested in your letter No. 27055 (A. D.), dated the 20th May 1924, have been carried out in the revised draft. Provision has been inserted enabling a trustee to resign his office. A clause has also been added to the effect that a trustee vacates office in case of absence from India for more than six months. The other alterations in the deed are of minor importance.

I am to request that the Government of India may be pleased to approve of the alterations and to communicate their approval by telegram to this Government, so that the new arrangements may be brought into force as early as possible.

* Not printed.

Enclosure.

Draft trust deed.

This indenture made day of 192 by constituting the Committee of Management of the Lawrence Memorial School, Lovedale, Nilgiri Hills (hereinafter referred to as the Committee) for the purpose of establishing a Board of Trustees (hereinafter referred to as the Trustees) as hereunder described.

Whereas an institution styled 'The Lawrence Asylum' was founded at Ootacamund in 1858 in honour of the memory of the late Sir Henry Lawrence, K.C.B., and managed by a Committee of gentlemen residing at the place.

And whereas the 'Madras Military Male Orphan Asylum' and the 'Madras Military Female Orphan Asylum' were amalgamated on the 1st September 1871 and the 1st October 1904, respectively, with the Lawrence Asylum aforementioned on the conditions—

(i) that the rules regarding religious instruction laid down by the late Sir Henry Lawrence and specified in the schedule to this indenture should be adopted;

(ii) that the Principal of the institution should invariably be a clergyman of the Church of England; and

(iii) that at least 200 boys and 100 girls of the classes eligible for admission to the late military male and female orphan asylums should be maintained;

and were placed under the management of the Committee of Management of the said Lawrence Asylum and the united asylums henceforth were designated the 'Ootacamund Lawrence Asylum' till 15th January 1913, when under G.O. No. 38, Educational, of even date the name of the institution was changed into 'Lawrence Memorial School.'

And whereas the object of the institution is to provide, for the orphan and other children of British officers and soldiers serving or having served in India, a school wherein they may obtain the benefits of a bracing climate, a good and, above all, a religious education, so that, with Divine blessing, they may be consistent Christians and useful citizens of the Empire.

And whereas the Government of India with the sanction of His Majesty's Secretary of State for India have agreed to make a recurring grant of Rs. 2,30,000 per annum to the institution, subject to the conditions that the grant be subject to revision every five years and further be subject to the approval of the Legislative Assembly, if at a future date the grant should become votable.

And whereas the Committee in the best interests of the institution and with the approval of the Government of India deems it necessary and expedient that the management of the institution should vest in a Board of Trustees constituted as hereunder subject to the conditions and limitations hereunder mentioned.

This indenture witnesseth—

(1) That the Committee do hereby agree to relinquish the management of the institution and place it in the hands of the Trustees constituted as hereinafter set forth.

(2) That the Committee hereby undertake to transfer to the Trustees the endowments of the face value of Rs. 13,01,119 and consisting of the following :—

Item.	Amount.	Particulars of securities.
	Rs.	
1. Government promissory-notes and treasury notes transferred by the Military Male Orphan Asylum, Madras, on its amalgamation with the Lawrence Asylum at Ootacamund, including the Brennen Legacy and Sir Hope Grant's bequest.	5,10,100	In the custody of the Accountant-General, Madras, deposited under articles 164 and 171, Civil Account Code (VII Edition).
2. Sale-proceeds of the Lawrence Asylum Press, the property of the late Military Male Orphan Asylum.	5,08,700	Held by the Treasurer of Charitable Endowments, Madras, under Act VI of 1890.
3. Government promissory-notes and treasury notes, etc., transferred by the Military Female Orphan Asylum on its being incorporated with the Ootacamund Asylum.	2,82,319	Held by the Treasurer of Charitable Endowments, Madras, under Act VI of 1890.
Total ...	13,01,119	

(3) That the Committee hereby transfer to the trustees all the right, title and interest vested in them over the buildings and lands now under their control and also hereby transfer to such Trustees with the approval and under the orders of the Government of India all the

right, title and interest vested in such Government over such buildings and lands; provided that, if the buildings and lands cease to be used for the purposes of the Lawrence Memorial School, or any similar purpose approved of in writing by the Government of India, the buildings and lands shall revert to the Government of India.

(4) The Trustees shall be—

(i) His Excellency the Governor of Madras for the time being;

(ii) The Lord Bishop of Madras for the time being;

(iii) The General Officer Commanding-in-Chief, Southern Command, for the time being;

(iv) A military officer to be nominated by His Excellency the Commander-in-Chief in India; and

(v) A person, not himself a member of the staff, to be nominated by the staff of the institution.

If, at any time, the office of the General Officer Commanding-in-Chief, Southern Command, ceases to exist, His Excellency the Commander-in-Chief shall decide what other officer should be regarded as having succeeded to his functions.

(5) That British origin and membership of the Church of England or of the Church of Scotland shall be indispensable conditions of trusteeship.

(6) That if a Trustee is absent from India for more than six months, his office shall be deemed to have become vacant.

(7) (*a*) That if any Trustee refuses to act, is disqualified from acting under clause (5), resigns, or vacates office under clause (6), his place shall be filled in the case of an *ex officio* Trustee by co-optation by the remaining Trustees and in the case of a nominated Trustee by nomination under sub-clause (iv) or sub-clause (v) of clause (4), as the case may be.

(*b*) A co-opted Trustee shall cease to hold office when the *ex officio* Trustee concerned is willing to act and is not disqualified from acting under clause (5).

(8) That the Trustees shall observe and cause to be observed the conditions of the transfer of the institution and shall manage the funds for the benefit of the institution.

(9) That the Trustees shall appoint a Board of Governors for the internal management of the institution consisting of such number of members as they consider necessary. Every member of the Board of Governors shall have the qualifications required for a Trustee in clause (5) and a majority of the members shall, so far as possible, be military officers.

(10) That the Principal of the institution shall be appointed by the Board of Governors subject to the final approval of the Trustees and shall *ex officio* be the Secretary to the Board of Trustees and to the Board of Governors.

(11) That the Trustees do also agree to impart religious instruction in accordance with the rules laid down by the late Sir Henry Lawrence and specified in the schedule to this indenture.

In witness whereof—

The schedule above referred to.

The following rules shall be observed regarding religious services and instruction:—

(*a*) In the religious lessons given in open school, all the leading truths of Christianity shall be inculcated but without unnecessary allusion to disputed points of faith or practice.

(*b*) The respective catechisms of the various Protestant denominations may be taught in private to the children of each denomination.

(*c*) The authorized version of the Bible shall be read in the school.

(*d*) At the hours in which religious instruction is given in the school, priests of the Roman Catholic Church and accredited Ministers of Evangelical denominations may attend and give instruction to the children of their respective persuasions, in places set apart for that purpose, on giving previous notice of their wish to do so to the Principal.

(*e*) Roman Catholic priests and accredited Ministers of other denominations shall have free access to the sick of their communities in the infirmary at all times.

(*f*) Divine Service, in accordance with the usage of the Church of England, shall be celebrated twice on each Sunday in the chapel of the institution, all the inmates of the establishment being required to attend, subject however to the provisions of rule (*g*).

(*g*) On the application of a clergyman of the Roman Catholic Church or accredited Minister of an Evangelical denomination of Christians, requesting permission to celebrate Divine Service on a Sunday with the members of his communion, a place shall be set apart for the purpose, and such members shall have permission to attend. Such application must, however, be made in writing on the previous Saturday.

(*h*) The form of prayers sanctioned for use in the school shall be read every morning and evening throughout the year by the Principal or such officers as he may appoint for the purpose.

XVIII

Telegram from the Secretary to the Government of India, Army Department, to the Secretary to the Government of Madras, Law (Education) Department, dated Delhi, the 21st November 1924, No. 27055 A.D.

Your 2008-B-7, 15th October, Trust deed, Lawrence Memorial School. Government of India are advised that speaking generally the trusts cannot be altered without consent of creators thereof or an order of the proper court and that committee cannot convey land which does not belong to them. Please say whether these matters have been taken into consideration in preparing the draft trust deed.

XIX

Telegram from the Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Army Department, dated Fort St. George, the 28th November 1924.

Your telegram 27055 A.D., [dated] 21st November Lawrence Memorial School trust deed. Both [the] points mentioned [therein] have been considered. Order of proper court will be taken for vesting property in new trustees. Madras Government would suggest issue of [a] resolution under section 30 (2) of Government of India Act authorizing committee to execute deed in so far as [the] transfer of [the] Government of India's interests in [the] lands and buildings are concerned.

XX

Letter from M.R.Ry. Rao Bahadur V. T. Krishnama Achariyar Avargal, Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Army Department, dated Fort St. George, the 3rd December 1924, No. 3257/B-3.

[Lawrence Memorial School, Ootacamund—Trust deed.]

In continuation of my telegram of the 28th November, I am directed to say that this Government have considered both the points referred to in your telegram No. 27055 A.D., dated the 21st November 1924, and also taken legal advice thereon.

2. In regard to the first point this Government are advised that the school committee cannot legally transfer the trust to another body of trustees and that the order of a court would be required for vesting the property in the new trustees. This Government accordingly propose to institute a suit under section 92 of the Civil Procedure Code and to obtain the necessary directions from the court. I am in this connexion to invite reference to paragraph 7 of this Government's letter No. 1576, Law (Education), dated 18th December 1922.

3. As regards the second point, I am to say that the question of ownership of the lands and buildings of the school is not quite clear. A large extent of land (760·76 acres) at Lovedale is attached to the school. It cannot be ascertained when this land was acquired, but there is nothing to show that the ownership does not vest in the institution. As regards the buildings, I am to invite a reference to paragraph 3 of this Government's letter No. 928, dated the 29th July 1919. As stated therein, the buildings were transferred by the local Public Works Department to the Department of Military Works in 1914 and have since then been under the control of the latter. The entire cost of these buildings was not met by the Government of India though that Government contributed the major portion. A portion of the assets of the original Lawrence Asylum (amounting to Rs. 87,402) consisting mainly of collections from private persons was also utilized in the construction of the buildings. The inference appears to be that the properties vest in the Military Department for the purposes of the institution and there would be no objection to the committee transferring on behalf of the Government of India whatever interest that Government may have in the lands or buildings. The committee in making such transfer would act as the agent of the Government of India.

4. If, however, there should be any papers in the possession of the Military Department showing that the lands or buildings belong to the Government of India and are not vested in them for the benefit of the institution, the Advocate-General,

Madras, suggests that the Government of India might issue a resolution under section 30 (2) of the Government of India Act authorizing the committee to execute the deed in so far as the transfer of the Government of India's interests in the lands and buildings are concerned. I am to request that the Government of India will be pleased to issue a resolution as suggested.

XXI

Letter from the Secretary to the Government of India, Army Department, to the Secretary to the Government of Madras, Law (Education) Department, dated Delhi, the 3rd January 1925, No. 29259/1 (A.D.).

[Lawrence Memorial School, Ootacamund—Military privileges enjoyed by the —.]

I am directed to refer to the correspondence ending with your letter No. 3074-B-2 *, dated the 7th November 1924, on the above subject, and to say that the Government of India sanction the continuance of the privileges enumerated in the attached statement, subject to the conditions mentioned there.

* Not printed.

ANNEXURE.

Military privileges authorized for the Lawrence Memorial School, Ootacamund.

1. Permission to send pupils when necessary to military hospitals and to receive the services of military specialists as required. This concession is confined to the children of *serving* military men and is subject to the condition that accommodation is available. The services of military specialists, when required, in military hospitals, will be contingent on those officers being present in the station.

2. The issue of medicines (free supply) and appliances on the required scale.

3. The grant of passages for pupils to England and warrants in accordance with Army Regulations, India, Volume X, paragraph 101. The former concession is confined to pupils, who are eligible for free passage consequent on the title of the head of the family to such passage, under Army Regulations, India, Volume X.

4. Clothing and supplies, on payment, from the Army authorities, if so required.

5. Permission to appoint five non-commissioned officers on the India Unattached List, who are nearing the end of their service in the Army and whose salaries are to be paid from the school funds, provided that suitable pensioners are not available. The transfer to the India Unattached List of non-commissioned officers appointed to the school is a matter for the local brigade authorities (Army Regulations, India, Volume II, Appendix XXVII).

6. Purchase of flour and kerosene oil from the Supply and Transport Corps, when required.

XXII

Memorandum No. 3074-B/24-3, Law (Education), dated 17th January 1925.

[Military privileges enjoyed by the Lawrence Memorial School—Correspondence ending with the letter * from the Principal and Secretary, C. No. 2747, dated 4th November 1924.]

The Committee of the Lawrence Memorial School is informed that the Government of India have sanctioned the continuance, after the trustee scheme comes into force, of the military privileges enumerated in the attached statement, subject to the conditions mentioned in it.

2. The Government of India's approval of the trust deed is still awaited. Consideration of the matter is being expedited as much as possible.

* Not printed.

V. T. KRISHNAMA ACHARIYAR,
Secretary to Government.

To the Principal and Secretary, Lawrence Memorial School.

XXIII

G.O. Mis. No. 147, P.H., dated 19th January 1925.

As long as the existing arrangement under which this Government provide employment for a certain number of military assistant surgeons remains in force, the Government undertake to provide the services of one of these assistant surgeons for the Lawrence Memorial School, Lovedale, for appointment as Resident Medical Officer of the school. The pay of the officer will be met out of Provincial funds.

2. If and when the above arrangement ceases, the Government will be prepared to give a money grant to the authorities of the school towards the pay of the Resident Medical Officer.

(By order of the Government, Minister of Local Self-Government)

V. PANDRANG ROW,
Deputy Secretary to Government.

To the Surgeon-General, Madras.
,, Finance Department.
,, Accountant-General, Madras (through the Finance Department).
,, Law (Education) Department.

XXIV

Endorsement No. 181 B/25-1, Law (Education), dated 23rd January 1925.

Communicated to the Director of Public Instruction and the Committee of the Lawrence Memorial School, Ootacamund.

(By order)

K. RAMUNNI MENON,
Under Secretary to Government.

To the Director of Public Instruction.
,, Principal and Secretary, Lawrence Memorial School.

XXV

Letter from the Secretary to the Government of India, Army Department (Schools), to the Secretary to the Government of Madras, Law (Education) Department, dated Delhi, the 23rd January 1925, No. 27055 (A.D.).

[Lawrence Memorial School, Ootacamund—Trust deed.]

With reference to the correspondence ending with Army Department * telegram No. 27055 (A.D.), dated the 10th January 1925, on the above subject, I am directed to say that the proprietary title of the Government of India to the lands and buildings of the Lovedale School, Ootacamund, cannot be substantiated by any documentary evidence and that, as stated in your letter of the 3rd December 1924, the inference is "that the properties vest in the Military Department for the purposes of the institution."

2. The Government of India are, however, advised that whatever may be the exact nature of their right, title and interest over the lands and buildings, they cannot authorize the Committee of Management under section 30 of the Government of India Act, to transfer such right, title and interest to any third party. The transfer will have to be effected in the usual way, that is, by a deed to which the Secretary of State for India is a party; and, in accordance with section 30 (1) and (2) of the Government of India Act, read with item M-1 of Home Department Resolution No. 713, dated the 2nd June 1913, the document evidencing the transfer of the Government of India's rights in the property, which is in the territories under the administration of the Government of Madras, should be executed for and on behalf of the Secretary of State for India, by a Secretary to Government.

3. The Government of India agree to the institution of a suit under section 92 of the Civil Procedure Code, as proposed by the Government of Madras, to obtain directions from the High Court for the transfer of all rights now vesting in the Government of India to the new Board of Trustees. When these directions have issued the transfer can be carried out in the manner indicated above.

* Not printed.

Order—No. 452, Law (Education), dated 31st March 1925.

In G.O. No. 431, Law (Education), dated 6th April 1922, sanction was accorded to a scheme for the provincialization of the Lawrence Memorial School, Lovedale. It was, however, decided subsequently to hold the above scheme in abeyance pending consideration of a proposal made by the committee of the school to transfer the control of the institution to a Board of Trustees. The Government of India have, with the approval of the Secretary of State for India, now sanctioned the abandonment of the scheme for provincialization of the institution and have agreed to the proposal to transfer the management of the school to a Board of Trustees on the understanding that the Local Government make themselves responsible for the proper conduct of the school and for the proper expenditure of the Imperial grant sanctioned for it. The Government of India have stipulated that the annual grant-in-aid of Rs. 2,30,000 sanctioned by them to the school will be subject to revision every five years, or from year to year in the event of its being subject to the vote of the Legislative Assembly. They have, however, given an assurance that, subject to the consent of the Legislature in the event of the grant becoming votable, they would continue the annual payment of the grant for so long as they are satisfied that the school is being properly maintained and that the amount cannot be reduced without prejudice to the efficiency of the institution.

2. In order to give effect to the scheme for the transfer of management of the school to the Board of Trustees, a suit under section 92 of the Code of Civil Procedure was instituted in the sub-court of the Nilgiris. The court has approved the scheme and a copy of the judgment of the court is printed as Annexure I to these proceedings.

3. The Board of Trustees will consist of—

(i) His Excellency the Governor of Madras for the time being;
(ii) The Lord Bishop of Madras for the time being;
(iii) The General Officer Commanding-in-Chief, Southern Command, for the time being;
(iv) A military officer to be nominated by His Excellency the Commander-in-Chief in India; and
(v) A person, not himself a member of the staff, to be nominated by the staff of the institution.

The other details relating to the new scheme are embodied in the judgment of the court.

4. The Government of India have sanctioned the transfer to the Board of Trustees of all right, title and interest vested in that Government over the buildings and lands of the school provided that, if the buildings and lands cease to be used for the purposes of the Lawrence Memorial School or any similar purpose approved of in writing by the Government of India, the buildings and lands shall revert to that Government. A deed providing for such transfer has been executed and it is printed as Annexure II to these proceedings.

5. The revised scheme referred to above will come into force from 1st April 1925.

(By order of the Governor in Council)

V. T. Krishnama Achariyar,
Secretary to Government.

To the Committee of the Lawrence Memorial School, Lovedale.
,, Director of Public Instruction.
,, Accountant-General.
,, Finance Department.
,, Public Works Department.
Copy to the Government of India, Army Department (with C.L.).

ANNEXURE I.

IN THE COURT OF THE SUBORDINATE JUDGE, THE NILGIRIS, OOTACAMUND.

Present:

C. GOVINDAN NAYAR, Esq., B.A., B.L., *Bar.-at-Law,*
Subordinate Judge.

Friday the 27th day of February One thousand nine hundred and twenty-five

Original Suit No. 23 *of* 1925.

The Advocate-General, Madras ... ... *Plaintiff*

against

(1) The General Officer Commanding Madras District, Wellington, (2) The Collector of the Nilgiris, (3) The Deputy Assistant Quartermaster-General, Madras District, Wellington, (4) The Executive Engineer, Nilgiri division, (5) The Officer Commanding British Infantry Regiment, Wellington, (6) The Civil Surgeon, Ootacamund, (7) Major A. M. Urquhart, R.A., Aruvankadu, (8) B. A. Brendon, Esq., St. Margarets, Ootacamund, (9) P. W. Woolley, Esq., Woodcote, Coonoor and (10) H. Wood, Esq., Ayrdale, Ootacamund ... ... *Defendants.*

This suit coming on for final hearing this day in the presence of Mr. H. J. Graham, Attorney for the plaintiff and all the defendants having been served and the plaintiff's Attorney having filed memoranda from all the defendants consenting for a decree as prayed for by the plaintiff, the Court delivered the following

JUDGMENT.

Suit for a decree for (1) removing, if necessary, the present committee of management of the plaint institution, viz: The Lawrence Memorial School, Lovedale, Ootacamund, (2) appointing a Board of Trustees to the said institution in accordance with the proposals detailed in paragraph 7 of the plaint, (3) vesting the properties of the trust in the said Board of Trustees and directing the defendants to transfer possession of the properties to such Board, and (4) sanctioning the scheme set out in paragraph 7 of the plaint for the due and proper management of the said institution.

It is alleged that the defendants are the members of the committee of management of an institution known as the Lawrence Memorial School, Lovedale, Ootacamund, that the properties of the said institution are set out in Schedules A and B of the plaint and are within the jurisdiction of this Court, that the members of the committee (defendants) in the best interests of the institution deem it necessary and expedient that the management of the institution should be provided for in the manner proposed in paragraph 7 of the plaint and agree to transfer the property to the new trustees should this Court sanction the proposal and direct them to do so and that plaintiff accordingly in his capacity as Advocate-General, Madras, has brought this suit.

2. The defendants are absent but they have all been served and Mr. Graham filed memoranda from all the defendants agreeing to a decree as prayed for by the plaintiff. It is also alleged in the plaint that the defendants agree to the plaint-mentioned decree.

3. I do not also see any reason to disapprove of the proposal scheme. It is approved and sanctioned.

4. Therefore, judgment for plaintiff as prayed for. No costs.

C. GOVINDAN NAYAR,
Subordinate Judge.

DECREE.

In the Court of the Subordinate Judge, the Nilgiris, Ootacamund.
Original Suit No. 23 *of* 1925.

The Advocate-General for the Presidency of Madras, Madras ... ... *Plaintiff.*

against

(1) The General Officer Commanding Madras District, Wellington, (2) The Collector of the Nilgiris, (3) The Deputy Assistant Quartermaster-General, Madras District, Wellington, (4) The Executive Engineer, Nilgiri division, (5) The Officer Commanding, British Infantry Regiment, Wellington, (6) The Civil Surgeon, Ootacamund, (7) Major A. M. Urquhart, R.A., Aruvankadu, (8) B. A. Brendon, Esq., St. Margarets, Ootacamund, (9) P. W. Woolley, Esq., Woodcote, Coonoor, (10) H. Wood, Esq., Ayrdale, Ootacamund ... ... *Defendants.*

Suit for a decree for (1) removing, if necessary, the present committee of management of the plaint institution, viz., the Lawrence Memorial School at Lovedale, Ootacamund, (2) appointing a Board of Trustees to the said institution in accordance with the proposals detailed in paragraph 7 of the plaint, (3) vesting the properties of the trust in the said Board of Trustees and directing the defendants to transfer possession of the properties to such Board, and (4) sanctioning the scheme set out in paragraph 7 of the plaint for the due and proper management of the said institution.

It is alleged that the defendants are the members of the committee of management of an institution known as the Lawrence Memorial School, Lovedale, Ootacamund, that the properties of the said institution are set out in Schedules A and B of the plaint and are within the jurisdiction of this Court, that the members of the committee (defendants) in the best interests of the institution deem it necessary and expedient that the management of the institution should be provided for in the manner proposed in paragraph 7 of the plaint and agree to transfer the property to the new trustees, should this Court sanction the proposal and direct them to do so and that plaintiff accordingly in his capacity as Advocate-General, Madras, has brought this suit.

Date of plaint—20th February 1925.

Value of the claim—Rs. 28,33,174.

Cause of action arose on 20th February 1925.

This suit coming on for hearing this day, before C. Govindan Nayar, Esq., B.A., B.L., Bar.-at-Law, Subordinate Judge, in the presence of Mr. H. J. Graham, Attorney for the plaintiff and all the defendants having been served and the plaintiff's Attorney having filed in Court memoranda from all the defendants consenting for a decree as prayed for by the plaintiff, this Court doth order and decree—

(1) that the present committee of management consisting of the defendants be removed;

(2) that the scheme set out in paragraph 7 of the plaint and mentioned hereunder be and the same hereby is approved and sanctioned for the due and proper management of the said institution;

(3) that the following Board of Trustees be appointed in accordance with the proposals contained in the said scheme:—

(*a*) His Excellency the Governor of Madras for the time being,
(*b*) The Lord Bishop of Madras for the time being,
(*c*) The General Officer Commanding-in-Chief, Southern Command, for the time being,
(*d*) A military officer to be nominated by His Excellency the Commander-in-Chief in India, and
(*e*) A person not himself a member of the staff to be nominated by the staff of the institution;

NOTE.—If at any time the Office of the General Officer Commanding-in-Chief, Southern Command, ceases to exist, His Excellency the Commander-in-Chief shall decide what other officer should be regarded as having succeeded to his functions.

(4) That the properties of the trust including those set out in schedules A and B hereto be vested in the Board of Trustees now appointed and the defendants are hereby directed to transfer the possession of the properties to the said Board of Trustees; and

(5) That the plaintiff do bear his own costs.

Scheme for a succession of trustees and the management of the institution known as the Lawrence Memorial School at Lovedale, Ootcamund.

(i) The following rules regarding religious services and instruction laid down by the late Sir Henry Lawrence shall be adopted:—

(*a*) In the religious lessons given in open school, all the leading truths of Christianity shall be inculcated but without unnecessary allusion to disputed points of faith or practice.

(*b*) The respective catechisms of the various Protestant denominations may be taught in private to the children of each denomination.

(*c*) The authorized version of the Bible shall be read in the school.

(*d*) At the hours in which religious instruction is given in the school priests of the Roman Catholic Church and accredited Ministers of Evangelical denominations may attend and give instruction to the children of their respective persuasions, in places set apart for that purpose, on giving previous notice of their wish to do so to the Principal.

(*e*) Roman Catholic Priests and accredited Ministers of other denominations shall have free access to the sick of their communities in the infirmary at all times.

(*f*) Divine service, in accordance with the usage of the Church of England, shall be celebrated twice on each Sunday in the Chapel of the institution, all the inmates of the establishment being required to attend, subject however to the provisions of rule (*g*).

(*g*) On the application of a clergyman of the Roman Catholic Church or accredited Minister of an Evangelical denomination of Christians, requesting permission to celebrate divine service on Sunday with the members of his communion, a place shall be set apart for the purpose and such members shall have permission to attend. Such application must, however, be made in writing on the previous Saturday.

(*h*) The form of prayers sanctioned for use in the school shall be read every morning and evening throughout the year by the Principal or such officers as he may appoint for the purpose.

(ii) The Principal of the institution shall invariably be a clergyman of the Church of England.

(iii) That at least 200 boys and 100 girls of the classes eligible for admission to the late Military male and female orphan asylums shall be maintained.

(iv) The trustees shall be

(1) His Excellency the Governor of Madras for the time being;

(2) The Lord Bishop of Madras for the time being;

(3) The General Officer Commanding-in-Chief, Southern Command, for the time being;

(4) A Military Officer to be nominated by His Excellency the Commander-in-Chief in India; and

(5) A person, not himself a member of the staff, to be nominated by the staff of the institution.

If at any time the office of the General Officer Commanding-in-Chief, Southern Command, ceases to exist, His Excellency the Commander-in-Chief shall decide what other officer should be regarded as having succeeded to his functions.

(v) British origin and membership of the Church of England or of the Church of Scotland shall be indispensable conditions of trusteeship.

(vi) If a trustee is absent from India for more than six months his office shall be deemed to have become vacant.

(vii) (*a*) If any trustee refuses to act, is disqualified from acting under clause (v), resigns or vacates office under clause (vi), his place shall be filled in the case of an *ex officio* trustee by co-optation by the remaining trustees and in the case of a nominated trustee by nomination under sub-clause (4) or sub-clause (5) of clause (iv) as the case may be.

(*b*) A co-opted Trustee shall cease to hold office when the *ex officio* trustee concerned is willing to act and is not disqualified from acting under clause (v).

(viii) The trustees shall observe and cause to be observed the conditions of the transfer of the institution and shall manage the funds for the benefit of the institution.

(ix) The trustees shall appoint a Board of Governors for the internal management of the institution consisting of such number of members as they consider necessary. Every member of the Board of Governors shall have the qualifications required for a trustee in clause (v) and a majority of the members shall, so far as possible, be Military officers.

(x) The principal of the institution shall be appointed by the Board of Governors subject to the final approval of the trustees and shall *ex officio* be the Secretary to the Board of Trustees and to the Board of Governors.

Schedule A

List of immovable properties.

Village.	S. No.	Extent. Acs.
Keti in the Registration district of Coimbatore-Nilgiris and Registration sub-district of Coonoor.	1158	12·57
	1224 A/1 ...	49·26
	„ A/3 ...	606·55
	„ A/5 ...	25·34
	„ A/8 ...	4·20
	„ B/2 ...	0·74
	„ B/4 ...	1·06
	„ C ...	0·67
Ootacamund in the Registration district of Coimbatore-Nilgiris and Registration sub-district of Ootacamund.	1224 A/5 ..	1·66⅔
	„ A/7 ...	0·05⅝
	Total ...	702·11⅛

Schedule B.

Funds.

Item.	Amount.	Particulars of securities.
1. Government promissory notes and treasury notes transferred by the Military Male Orphan Asylum, Madras, on its amalgamation with the Lawrence Asylum at Ootacamund, including the Brennen Legacy and Sir Hope Grant's Bequest.	5,10,100	In the custody of the Accountant-General, Madras, deposited under articles 164 and 171, Civil Account Code (7th edition).
2. Sale-proceeds of the Lawrence Asylum Press, the property of the late Military Male Orphan Asylum.	5,08,700	Held by the Treasurer of Charitable Endowments, Madras, under Act VI of 1890.
3. Government promissory-notes and treasury notes, etc., transferred by the Military Female Orphan Asylum on its being incorporated with the Ootacamund Asylum.	2,84,319	Held by the Treasurer of Charitable Endowments, Madras, under Act VI of 1890.
Total ...	13,03,119	

Given under my hand and seal of the Court this 27th day of February 1925.

Institution fee (stamp for plaint Rs. 50.)

Other costs not certified.

C. GOVINDAN NAYAR,
Subordinate Judge.

ANNEXURE II.

THIS INDENTURE made the 31st day of March 1925 BETWEEN THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL hereinafter called "the Secretary of State" which expression shall where the context admits be deemed to include his successors and assigns of the one part and the BOARD of TRUSTEES of the LAWRENCE MEMORIAL SCHOOL at LOVEDALE in the NILGIRIS DISTRICT hereinafter called "the Trustees" which expression shall where the context so admits be deemed to include their successors in office of the other part WHEREAS in pursuance of a decree dated the 27th day of February 1925 passed in O.S. No. 23 of 1925 on the file of the Court of the Subordinate Judge at Ootacamund the management of the institution known as the Lawrence Memorial School established at Lovedale in the Nilgiri Hills, Southern Ir[illegible] was placed in the hands of the Trustees and its endowments were transferred to the Trustees and the right title and interest vested in the former Committee of Management over the buildings and land were also transferred to the Trustees subject to the conditions contained therein AND WHEREAS at the request of the Trustees the Secretary of State has agreed to transfer to them the right title and interest vested in him as such in the said lands and buildings comprising the said institution and which said lands and buildings are more particularly described in the schedule hereunder written NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement the Secretary of State hereby conveys and assigns unto the Trustees All the right title and interest vested in him in those lands comprising the said Lawrence Memorial School and buildings situate in the villages of Keti and Ootacamund in the Nilgiris district containing 702·11⅛ acres be the same a little more or less and being more particularly described in the schedule hereunder written TOGETHER with all trees commons hedges ditches fences ways waters watercourses rights liberties privileges easements advantages and appurtenances whatsoever to the same in any wise appertaining or heretofore occupied or enjoyed therewith AND all the estate right title interest property claim and demand of the Secretary of State in to and upon the same premises TO HAVE AND TO HOLD the same unto and to the use of the Trustees and their successors in trust as regards all the said lands and buildings to use the same and every part thereof in accordance with the provisions of the hereinbefore recited decree of the said Court of the Subordinate Judge of Ootacamund and the terms and directions thereof provided that in case the buildings and lands cease to be used for the purposes of the Lawrence Memorial School or any similar purpose approved of in writing by the Government of India the buildings and lands shall revert to that Government. IN WITNESS whereof Rao Bahadur V. T. Krishnama Achariyar, the Secretary to the Government of Madras, Law (Education) Department, by order and direction of the Government of Madras acting for and on behalf of the Secretary of State hath hereunto set his hand and seal the day and year first above written.

The schedule to which the above written indenture refers.

Registration sub-district. (1)	Registration district. (2)	Village. (3)	Serial number. (4)	Extent. (5)
Coonoor	Coimbatore-Nilgiris ..	Keti	1158	12·57 acres with all buildings.
			1224A/1	49·26 acres.
			1224A/3	606·55 acres with all buildings.
			1224A/5	25·34 acres.
			1224A/8	4·20 ,,
			1224B/2	0·74 ,,
			1224B/4	1·06 ,,
			1224C	0·67 ,,
Ootacamund ..	Coimbatore-Nilgiris ..	Ootacamund ..	1224A/5	1·66⅘ ,,
			1224A/7	0·05⅝ ,,
			Total ..	702·11⅛ acres.

Signed sealed and delivered by the above-named Rao Bahadur V. T. Krishnama Achariyar for and on behalf of the Secretary of State for India in Council in the presence of

S. KRISHNA AYYAR,
Superintendent, Law Department.

C. V. VISWANATHA AYYAR,
Clerk, Law Department.

V. T. KRISHNAMA ACHARIYAR.

S_C_H_O_O_L_S.

No.26376/1(A.D.)

Government of India

ARMY DEPARTMENT.

Simla, the 14th December 1923.

24-DEC 1923

To

The Secretary to the Government of Madras,
Law (Education)Department.

Scheme for vesting the control of the Lawrence Memorial School, Ootacamund, in a Board of Trustees.

Sir,

With reference to your letter No.1191-B-8, dated the 2nd November 1923, to the address of the Department of Education Health and Lands, on the above subject, I am directed to say that a reference will shortly be made to the Right Hon'ble the Secretary of State for India.

I am, Sir,

Your most obedient servant,

Asst. Secy. to the Govt. of India.

(UK)

Schools
DEC 1923

GOVERNMENT OF INDIA.

ARMY DEPARTMENT.

EXPRESS LETTER

[*N.B.—This is an ORIGINAL MESSAGE, sent by post to save telegraphic expense and undue use of the wires, but intended to be treated, on receipt, with the same expedition as if it had been telegraphed. To save time and formalities it is worded and signed as if it had been so despatched.*]

FROM

The Secretary to the Government of India,

Army Department, Delhi.

To

The Secretary to the Government of Madras,

Law (Education) Department.

No. 26376(A.D.) Dated the 22nd Decr. 1923.

Your telegram of the 20th instant. Lawrence Memorial School, Ootacamund. Your request has been noted and necessary action will be taken accordingly.

Deputy Secy. to the Govt. of India.

MBM.

S. 6.

copies sent
5/1/24.

22
13
Law (Edn)

[C.4742B]

memo: No. 4742 B-1 of 5-1-24.

Lawrence Memorial school — Transfer to Board of Trustees —

pp. 7-8 of (A)

A copy of the ~~Deed~~ Trust Deed ~~proposed~~ prepared in connection with the proposed transfer of the L. M. school to a Board of Trustees is forwarded to the committee of the school which is requested to state whether it has any alteration or addition to suggest.

2. The Govt. also propose to obtain an undertaking from the Govt. of India to the effect that the school will, after the proposed transfer is given effect to, continue to enjoy the same military privileges as it now possesses, e.g., the employment of sergeants from the Army, a military

asstt. surgeon etc. The committee is requested to enumerate the several military privileges now enjoyed by the school.

cov
·1·24
Stp
4·1·24.

5-1-24

5/1/24

To

The Principal Secy, L.M
School, Lovedale
(with copy & M. [illegible]
& A')

Lawrence Memorial School,

24 FEB 1924

LOVEDALE NILGIRIS,

C. No. 4701

23rd February 1924 / 92.

L. Dr. 799B

25/2/24

FROM

THE REVEREND W. H. G. PADFIELD. M.A.,

PRINCIPAL AND SECRETARY.

To

The Secretary to Government,

Law (Education) Department,

Madras.

SIR,

With reference to Government Memorandum No.4742 B-1, dated 5th January 1924, I am to submit herewith the proposed Trust Deed with suggested amendments shewn in red.

pp.8-9 ante

pp. 11-15 infra

The Trust Deed was kindly considered by Mr.Brendon, and then by a Sub Committee consisting of

W.G.McFarland Esq: I.C.S.,

B.A.Brendon Esq:

Major Shearer, D.A.Q.M.G. Madras District

and the Principal

and their report is unanimous.

The Sub Committee would further suggest that clause 1 be re-drafted, as the word "constituting" appears twice and "constituted" appears once in this clause.

p.7 (A)

2. The list of the Military privileges now enjoyed by the School is appended in Annexure B.

p.16 infra

I have the honour to be,

Sir,

Your most obedient servant,

Enclosures:-

1 Copy of Trust Deed with suggested amendments in red by Committee.

1 List of Military Privileges Annexure B.

Secretary to the Committee.

15

1. THIS INDENTURE MADE DAY OF 1922

See printed copy for acceptance × A on p.10 ante amendment Mr

x x x

vide suggestion in the covering letter,

2. Whereas an Institution styled "THE LAWRENCE ASYLUM" was founded at Ootacamund in 1858 in honour of the memory of Sir Henry Lawrence, K.C.B., and managed by a Committee of gentlemen residing at the place;

3. And Whereas the "MADRAS MILITARY MALE ORPHAN ASYLUM" and the "MADRAS FEMALE ORPHAN ASYLUM" were amalgamated on the 1st September 1871 and the 1st October 1904 respectively with the LAWRENCE ASYLUM aforementioned on the conditions:-

(i) that the rules regarding religious instruction laid down by Sir Henry Lawrence described in the schedule to this Indenture should be adopted,

(ii) that the Principal of the Institution should invariably be a clergyman of the Church of England, and

(iii) that at least 200 boys and 100 girls of the classes eligible for admission to the late Military Male and Female Orphan Asylums should be maintained,

and were placed under the management of the Committee of Management of the said Lawrence Asylum and the united Asylums henceforth were designated the "OOTACAMUND LAWRENCE ASYLUM" till 15th January 1913 when under G.O.No.38 Educational of even date the name of the Institution was changed into "LAWRENCE MEMORIAL SCHOOL".

See B on p.10 ante Letter dt. 9.2.23 (M) Mr's amendment accepted Mr

4. And Whereas the object of the Institution is to provide for the orphan and other children of British Officers and soldiers serving or having served in India, a school wherein they may obtain the benefits of a bracing climate, a good and above all a religious education, so that, with Divine blessing, they may be consistent Christians and useful citizens of the Empire.

5. And Whereas the Government of India with the sa... of His Majesty's Secretary of State for India have agreed t... make a recurring grant of Rs.2,30,000 per annum to the Institution;

6. And Whereas the Committee in the best interests of th... Institution and with the approval of the Government of India ... deems it necessary and expedient that the management of the institution should vest in a Board of Trustees constituted as... hereunder subject to the conditions and limitations hereunder... mentioned.——

7. THIS INDENTURE WITNESSETH

(i) That the Committee do hereby agree to relinquish... the management of the institution and place it in the hands of the Trustees constituted as hereinafter set forth...

(ii) That the Committee hereby undertake to transfe... to the Trustees the endowment of the present value of Rs.13,01,119 and consisting of the following:--

Item.	Amount.	Particulars of Securities.
(1) Government promissory notes and treasury notes transferred by the Military Male Orphan Asylum, Madras on its amalgamation with the Lawrence Asylum at Ootacamund; including the Brennen Legacy and Sir Hope Grant's bequest.	5,10,100	In the custody of the Accountant General, Madras deposited under Articles 164 and 171, Civil Account Code (VII Edition).
(2) Sale proceeds of the Lawrence Asylum Press, the property of the late Military Orphan Asylum	5,08,700	Held by the Treasurer of Charitable Endowments, Madras, under Act VI of 1890
(3) Government promissory notes and treasury notes &c., transferred by the Military Female Orphan Asylum on its being incorporated with the Ootacamund Asylum.	2,82,319	Held by the Treasurer of Charitable Endowments, Madras, under Act VI of 1890.
Total Rs.	13,01,119	

all the (vi.
buildings and re
transfer to such Tr
orders of the Government
interest vested in such Governmen
lands; provided that, if the building
be used for the purposes of the Lawrence Mem
or any similar purpose, the buildings and lands shall
revert to the Government of India.

17

(iv) The Trustees shall consist of

1. His Excellency the Governor of Madras for the time being;
2. The Lord Bishop of Madras for the time being;
3. The General Officer Commanding in Chief Southern Command, for the time being;
4. A Military Officer to be nominated by His Excellency the Commander-in-Chief in India;
5. A person, not himself a member of the staff, to be nominated by the staff of the Institution.

If at any time, the office of the General Officer Commanding in Chief Southern Command ceases to exist, His Excellency the Commander-in-Chief shall decide what other officer should be regarded as having succeeded to his functions.

The existing words are "the rest of the Trustees". ... accepted. ... filled. ...

(v) That if any one of the Trustees refuse to act, or is disqualified from acting under cl. ~~he shall be entitled to nominate a person to take his place subject to the approval of the remaining Trustees. In case he fail thus to nominate or where he nominates a person whom the remaining Trustees fail to approve,~~ the remaining Trustees shall have power to co-opt another Trustee.

on p. 6 of G.O. 18.12.22 ... been ... implified.

(V) ~~(vi)~~ That British origin and membership of the Church of England or of the Church of Scotland ~~or of a Church in Communion with the Church of England~~ shall be indispen... conditions of Trusteeship.

(vi.

observe

and shall ma

Institution.

(viii) That the Tru

Governors for the interna

consisting of such number of

necessary. [Membership of the Boa

be subject to the conditions in sub cla

majority of the members shall be Military Of

~~The senior Military Officer shall be the Chairman~~

~~Board.~~

(ix) That the Principal of the Institution shall be appointed by the Trustees ~~on the nomination of the Board of Governors~~ and shall be the Secretary to the Board of Trustees and to the Board of Governors.

(x) That the Trustees do also agree to impart religi instruction in accordance with the rules laid down by the late Sir Henry Lawrence and specified in the schedule to the Indenture.

8. IN WITNESS WHEREOF.--

The schedule above referred to.--

The following rules shall be observed regarding religious services and instruction.--

(a) in the religious lessons given in open school, all the leading truths of Christianity shall be inculcated but without unnecessary allusion to disputed points of faith or practice.

(b) The respective Catechisms of the various Protestant denominations may be taught in private to the children of each denomination.

(c) The authorised version of the Bible shall be read in the school.

(d) At the hours in which religious instruction is given in the school, priests of the Roman Catholic Church and accredited Ministers of Evangelical denominations may attend

and give instruction to the children of their respective persuasions, in a place set apart for that purpose, on giving previous notice of their wish to the Principal.

(e) Roman Catholic priests and accredited Ministers of other denominations shall have free access to the sick of their communities in the infirmary at all times.

(f) Divine service, in accordance with the usage of the Church of England, shall be celebrated twice on each Sunday in the chapel of the Institution, all the inmates of the establishment being required to attend, subject however to the provisions of rule (g)

(g) On the application of a Clergyman of the Roman Catholic Church or accredited Minister of an Evangelical denomination of Christians, requesting permission to celebrate Divine Service on a Sunday with the members of his communion, a place shall be set apart for the purpose, and such members shall have permission to attend. Such application must however be made in writing on the previous Saturday.

(h) The form of prayers sanctioned for use in the school shall be read every morning and evening throughout the year by the Principal or such officers as he may appoint for the purpose.

(ANNEAURE. B.)

MILITARY PRIVILEGES NOW ENJOYED BY THE

LAWRENCE MEMORIAL SCHOOL.

---

1. Permission to send pupils when necessary to Military hospitals and to receive the services of Military Specialists as required.

2. The issue of medicines (free supply) and appliances on required scale.

3. The grant of passages for pupils to England and warrants in accordance with A.R.I.Vol X Section 101.

4. The existing permission to be continued to obtain clothing and supplies on payment from army authorities if so required.

5. The services of a Military Assistant Surgeon as Resident Medical Officer of the School, the pay being met from Provincial funds.

6. Permission to appoint five non-commissioned officers on the unattached list who are nearing the end of their service in the army and whose salaries are to be paid from the school funds, provided that no suitable pensioners are available.

7. Privilege of purchasing flour and kerosene oil from the Supply and Transport Corps when required.

Law (Education) Department

Memo. No. 799 B-1, dt 30.6.24

Lawrence Memorial School - Milit
privileges - Rev.Mr. Padfield's lette
C.No. 4701 dated 23-2-24.

The Principal and Secretary of th
L.M. School is requested to report whe
ther it is the Government of India or
the civil Government of Madras which n
pays the military Assistant Surgeon
employed as Resident Medical Officer o
the school and to state exactly how hi
pay is drawn. He is also requested to
state whether the list of military pri
vileges enjoyed by the school, which
was furnished with the letter quoted
above, is complete in every detail, as
any such privilege which is not men-
tioned now and the continuance of whic
is not sanctioned will be impossible t
obtain in future.

2. The Principal is further re-
quested to report whether there are an
privileges granted by the Government o
Madras the continuance of which ought
to be stipulated for before the Trust
is completed, (for example,) permission to get the statio
ery required for the school from the
Superintendent of Stationery at Govern-
ment rates.

To

The Principal & Secretary,
L.M. School,
Ootacamund.

CVV 27.6.24
S/T 27.6.24.
V.TK 30.6.
27.6.24

Lawrence Memorial School,

LOVEDALE NILGIRIS,

C. No. 1038

2nd July 1924. 192 .

FROM

THE REVEREND W. H. G. PADFIELD, M.A.,

Ag: PRINCIPAL AND SECRETARY.

To The Secretary to Government,

Law (Education) Department.

SIR,

With reference to G.O.Memo No.799 B-1, Law (Education) Department, dated 30th June 1924, I have the honour to request that you will kindly furnish me with a copy of the list of the military privileges now enjoyed by the school, which was sent to you under this office letter No.4701, dated 23rd February 1924, (annexure B), as our office copy cannot be traced.

I have the honour to be,

Sir,

Your most obedient servant,

W. H. Padfield

Ag: Principal and Secretary.

33 / 23 Law Jour Sept

Memo: No. 799 B-2, Dt 4-7-24

Lawrence Memorial School
Military privileges – Correspondence
ending with the Municipal's letter
No. 1038, Dt 2-7-24.

The Principal and
Secretary, L.M. School, is
furnished with a copy of
the list of the military privileges
now enjoyed by the School.

V.TK
4-7

Deptd
28 4/7/24

MB
4-7-24.

To

The Principal & Secretary,
L.M. School
(with copy of list
on page 16 ef)

Lawrence Memorial School,

L.Edn. u. 2022B
10/7/24

C. No. 1100

LOVEDALE, NILGIRIS,

8th July 1924 192 .

SECRETARIAT TO GOVT. MADRAS
8 JUL 1924
LAW DEPARTMENT

18 JUL 1924
LAW DEPARTMENT

FROM W.R.Ramshaw,
THE REVEREND W.H.G.PADFIELD, M.A.,
Ag: PRINCIPAL AND SECRETARY.

TO The Secretary to Government,
Law (Education) Department,
Stone House Hill.

SIR,

In reply to Memorandum No.799 B-1, dated 30th June 1924, I have the honour to state

1.(a). The Civil Government of Madras pays the Military Assistant Surgeon employed as Resident Medical Officer of this school.
He draws his pay from the Accountant General, Madras, through the Treasury Officer, Ootacamund.

(b) Military privileges - In addition to those already submitted in Principal's letter C.No.4701 dated 23rd February 1924, should be added

(7) Privilege of purchasing flour and Kerosine oil from the Supply and Transport Corps when required

2.(a) The ~~privilege~~ Privilege granted by the Madras Govt. of obtaining all the stationery required for the school and office from the Superintendent of Stationery at Government rates. is requested.
The requirements for the school and office could be sent to the Superintendent of Stationery, 6 months in advance.

(b) The continuance of the free issue of a full copy of the Fort St.George Gazette (This issue of full copy was discontinued from 1923)

(c) The free supply of the Civil List.

(2) Waiving departmental charges for services rendered by the Public Works Department Staff, in connection with the buildings.

I have the honour to be,

Sir,

Your most obedient servant,

G. R. Ramsden

Ag: Principal and Secretary.

Schools.

14 JUL 1924 27055 (A.D.)

Government of India.

D E P A R T M E N T.

Simla, the 5th July 1924.

8-JUL-1924

To

The Secretary to the Government of Madras,

Law (Education) Department.

Subject:- Lawrence Memorial School, Ootacamund.

Sir,

I am directed to refer to the correspondence ending with your letter No. 1693 B-1, dated the 25th June 1924, on the above subject, and to say that the matter is receiving attention and that a further communication will be addressed to you as early as possible.

I am, Sir,

Your most obedient servant,

J. R. Leslie

Asstt. Secy. to the Govt. of India.

Subd. to Secretary for perusal.
A copy is being circulated to C2

V.TK
11.7

MBM.

C. 1

POSTS TELEGRAPHS.

Recd 30/4/15

2.11.14

NOTICE
This form must accompany any inquiry made respecting this Telegram.

Charges to pay. Rs. As.

MYLAPORE 2 NOV 24

Handed in at (Office of Origin).	Date.	Hour.	Minutes.	Service Instructions.	Words.
Simla	1	15			

TO

Dept Education)
Deputation to
Hon Ramamujachariar
28 Esplanade Mds

27055(ads) Your 40587-8 and
12 Sept re Lawrence School
estate amount please forward

N.B.—The name of the Sender, if telegraphed, is written after the text.

C. 6 POSTS TELEGRAPHS.

38

NOTICE. This form must accompany any inquiry made respecting this Telegram.	Charges to pay. Rs.	As.	Office Stamp.
			MYLAPORE 2 NOV 24

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
	11				

TO

Recd. here at 9 H. 36 M.

Copy of order sanctioning privileges numbered one and two and grant of passage to England for Pupils referred to in item 3 of enclosure to your letter

N.B.—The name of the Sender, if telegraphed, is written after the text.

Hrmy

28

39

Law (Education) Departm

(C.No.3074-B)

Telegram

No 3074 B-1. dt. 3-11-24

To

Reverend Wm. Padfield,
Principal and Secretary,
Lawrence Memorial School,
Lovedale.

Please refer list [of] military privileges enclosed [with] your lette [No.] 4701 dated [the] 23rd February last. Government of India ask for copy of orders sanctioning privile numbered one and two and grant of passages to England for pupils -- referred to in item three in list. Please forward copy for transmissio [to] Government of India.

CWW
3.11.24

S/4
3.11.24

Tel & P.C Ord
dt 3/11/24.

p. 16 cf. in linked file

p. 10 ibid

Post copy

V.T.K
3.11

S.

40.

29.

Lawrence Memorial School,

C. No. 2747

LOVEDALE, NILGIRIS,

4th November 1924. 192 .

ASSISTANT SECRETARY TO GOVERNMENT
6 NOV 1924
EDUCATIONAL AND LEGISLATIVE DEPARTMENT

FROM THE REVEREND W. H. G. PADFIELD, M.A.,
PRINCIPAL AND SECRETARY,

L-Ed 3109 B
6/XI/24.

To The Secretary to Government,
Law (Education) Department,
Madras.

SIR,

p.17 ante

With reference to your telegram MS LN 91, dated November 3rd, 1924, I have the honour to enclose

(1) Copy of list of military privileges p.19 infra
(2) Copy of orders sanctioning privilege No.2. pp.20-21 infra
(3) Remarks on privileges Nos. 1 & 3 - for which no definite orders are traceable. pp.22-23 infra

2. The Committee would be grateful if you could kindly inform them the exact date on which the Trustee Scheme is to come into force - and if necessary, the favour of a telegram to the Government of India on this point is kindly requested.

I have the honour to be,
Sir,
Your most obedient servant,

W. H. G. Padfield

Principal and Secretary.

41 - 30

Copy of Appendix B.

Military privileges now enjoyed by the Lawrence Memorial School.

1. Permission to send pupils when necessary to Military hospitals and to receive the service of Military specialists as required.

2. The issue of medicines (free supply) and appliances on required scale.

3. The grant of passages for pupils to England and warrants in accordance with A.R.I.Vol.X, Section 101.

4. The existing permission to be continued to obtain clothing and supplies on payment from Army authorities if so required.

5. The services of a Military Assistant Surgeon as Resident Medical Officer of the School.

6. Permission to appoint five non-commissioned officers on the Unattached List who are nearing the end of their service in the army and whose salaries are to be paid from the school funds, provided that no suitable pensioners are available.

Medical Department 31

Office of the Surgeon-General

Station (Camp) Government of Madras.

Memorandum.

No. 318-4468, dated 26th May 1920-191

Reference:-

To

The District Medical and Sanitary Officer,

The Nilgiris.

Reference:- Free supply of medicines to the Lawrence Memorial School Hospital, Lovedale on an "as required" scale.

(Copy) Forwarded for information in continuation of this office letter No.31/S.4276, dated 20th June 1918.

(Sd) Theodore,

For Surgeon General with the Government of Madras.

- - - - - - - - - -

Copy of a letter No.17326/1 (AD.), dated the 4th May 1920, from the Deputy Secretary to the Government of India, Army Department, to the Director-General, Indian Medical Service, India.

- - - - - - - - - -

I am directed to refer to your letter No.633/9531/8/19, dated the 4th December 1919 and to say that, in the circumstances represented the Government of India sanction the free supply to the Lawrence Memorial School Hospital, Lovedale, of Medical stores from the Medical Store Department, on an "asrequired" scale.

2. The expenditure involved is debitable to the ordinary grant and head of account affected in the Army estimates.

No.135/3345/1/20. Simla the 11th May 1920.

Forwarded for information, with reference to the correspondence ending with your letter No.31.S/9653, dated the 13th November 1919.

(sd) X

Lieut: Col. I.M.S.

for Director-General, Indian Medical Service.

True copy to the Resident Medical Officer, Lovedale, through the

Principal, Lawrence Asylum School, Lovedale, for information in continuation of this office No.1299 d/ 25-6-1918.

(Sd) E.H.Roberts

Lt.Col. I.M.S.,

District Medical and Sanitary Officer, The Nilgiris

1-6-1920.

(True Copy)

Lawrence Memorial School,
Lovedale, 4th November 1924.

Principal and Secretary.

Note regarding privilege No.1.

"1. Permission to send pupils when necessary to Military hospitals and to receive the service of Military specialists as required

---

There is, as far as I know, no definite orders on this - but it has been the custom for many years, possibly because the General Officer Commanding, Madras District, is Ex-officio Chairman of the Committee and the principal Medical Officer, Madras District, has almost invariably been a member of the Committee.

For the last few years, I remember only 2 or 3 cases - (1) a boy whose father was killed in the war, and who developed symptoms of insanity was sent to Wellington Military Hospital and (2) last year, a boy, whose father (Lt.Allan) also was killed in the war, and who was suffering from an obscure form of Sarcoma, had the services of the Specialists at Wellington on certain occasions. & (3) Colonel Pridmore P.M.O. last year, very kindly inspected the eyesight of all pupils as no ~~xxxxxx~~ Eye-specialist was available of Wellington. But the Army Medical Officers have been most kind ~~xxxxxx~~ in giving their services when required in consultation- and have apparently considered that, as all our pupils are the children of officers or soldiers of the British Army, it has been part of their duty.

To withdraw this privilege, which costs the Government nothing, would deprive soldiers' children of the best medical advise obtainable, and may mean the loss of some lives.

In addition, the Army Dental Surgeon visits the school twice a year, and inspects the teeth of the pupils.

Lawrence Memorial School,
Lovedale, 4th November 1924.

Principal and Secretary.

45 33

Note regarding privilege No.3.

" 3. The grant of passages for pupils to England and warrants in accordance with A.R.I.Vol.I, Section 101."

I regret that I can find no definite orders other than those mentioned in Art.101, of Vol.I, A.R.I. Government of India, Army Department, 1917.

We usually have atleast 2 or 3 pupils who are sent home each year, and the orders to send these pupils home invariably come from the Government of India Army Department to us.

Lawrence Memorial School,
Lovedale, 4th November 1924.

W. A. Hoskyns
Principal and Secretary.

C.No.3109 B

Page 16 of c.f.

K on page 20 of c.f.

Page 9 of c.f.

—do—

Pages 22 + 23 of c.f.

Page 13 of c.f.

46 34

Law (Education) Department

Letter Ref. 3074 B-2. 8/7. 11-24

To

The Secretary to the Govt. of India

Army Department.

(with copy of 'K' on page
c.f. and pages 22 & 23 c.

Sir,

Military privileges enjoyed by the Lawrence Memorial school - Your telegram No.27055 (A.D.) dated 1-11-2

I am directed to forward herewith a copy of the letter from the Governm of India, Army Department, to the Direc General, Indian Medical Service, No.17 (A.D.), dated the 4th May 1920, sanctioning t privilege numbered two in the list fo warded with my letter No.2008 B-2, date 12-9-24. As regards the privileges nu bered one and three in the list, no spe fic orders sanctioning them are traceab I am, however, to enclose a copy of the notes prepared by the Principal of the school in regard to these privileges. I am to request that the early sanction of the Govt. of India may be obtained to t continuance of all the military privile enjoyed by the school.

2. I am also to request that very early orders may be passed on my letter No.2008 B-7, dated 15-10-24, forwarding fo approval the revised draft of the Trust

Deed relating to the school.

47

I have etc.,

C.V.V.
6-11-24.

8A
7.11.24

V.T.K
7/11

7/11

Sectt. II-8 (e)—10,002—22-8-22.

48

35
Law (Edn.)

	Initials.	Date.
Received in Fair-copying Section.		15/12
Copied ..		
Examined ..		
Signed ..		
Despatched ..		

[C.3257B]

memo: 3257 B.4 dt. 3-12-24

Lawrence Memorial school, Ootacamund —

The Lawrence Memorial school, Ootacamund, possesses a large extent of land at Lovedale. The Collr. of the Nilgiris is requested to report at a very early date whether the ownership of the whole of this land is vested in the committee of the school, or whether any portion of it belongs to Govt.

CVV
3-12-24

8A
1.12.24.

V.T.K
1.12

To

The Collr. of the Nilgiris.

BRAM 3/12.

L. Edn 3617 B. 31-12-24

Very urgent.

Law Department.

(Education) Branch.

C.F. 98.

SECRETARY TO GOVT. OF MADRAS 2 DEC '24 THE KILPAUK GIRLS' ...

SECRETARY TO GOVT. OF MADRAS 1 DEC 1924 LAW DEPARTMENT

REMINDER.

To

The Collector of the Nilgiris

To

The Secretary to Government Law (Education) Department Fort St George.

The undersigned ~~has the honour to invite~~ is directed to invite ~~invites~~ attention to the communication noted in the margin and to request that this reminder may be returned at once with information as to—

Memo: No. 3257/B-4, dated 3-12-24 ✓ 31 ante

(1) the stage at which the matter now is, and

(2) the date by which a reply may be expected, ~~and~~

~~(3) the circumstances which have caused the delay.~~

~~2. It is requested that the reply to this reminder may be sent not later than~~

The reply will be submitted on receipt of reports called for from the Taluk officers of Coonoor and Ootacamund

Office Law dept.

Station ~~Fort St. George~~

Dated

Signature.

Designation. under Secretary

CW 22.12.24

829 29.12.24

29/12/24

DEC 30 DEC 1924

for Collector

29-12-24

SUBJECT.

Lands of the Lawrence Memorial school, Ootacamund — Ownership

Law (Edn)

Lodged.

May be reminded again, if need be, on 15.1.25.

CW 3.1.25

Lawley Corr. 89 B
11. 1. 25

C. 0 0 POSTS TELEGRAPHS. 524/37

NOTICE.
This form must accompany any inquiry made respecting this Telegram.

Charges to pay. Rs. As.

Office Stamp. SECRETARY TO GOVT. MADRAS GENERAL DEPARTMENT 10 JAN 1925 MYLAPORE 10 JAN 25

Handed in at (Office of Origin). Date. Hour. Minutes. Service Instructions. Words.

Re 58

O Madras Law

Reed. here at 1917 M.

Madras x

2705 5 ad dear telegram 33 wds
28th deer Lawrence monas
school trust deed matter
being expedited as much
as possible - Army =

N.B.—The name of the Sender, if telegraphed, is written after the text.

[C 29 B]

57

38

Law (Education) Department.

Rule 1 on page 48 of Report [illegible]

Page 3 of school Report for 1923-24.

Memo. 294 B/25-2 dt. 4. 2. 25

The Lawrence Memorial School, Lovedale, which is an institution intended for the orphan and other children of British officers and soldiers, is at present under the management of a committee consisting of the following members:-

(1) The General Officer Commanding, Madras District, (Wellington), ex-officio Chairman.

(2) The Collector of the Nilgiris, (Vice) ex-officio Chairman.

(3) The (Deputy) Assistant Quarter Master General, Madras District, Wellington.

(4) The ~~Assistant Commanding, Royal Engineer, Madras District~~ Executive Engineer, the Nilgiris Division.

(5) The Officer Commanding, 1st/1 British Infantry Regiment at Wellington.

(6) The Civil Surgeon, Ootacamund.

(7) Major A.M. Urquhart R.A.

(8) Col. J.P. Cameron, C.I.E., I.M.S.,

(9) P.W. Woolley Esq.,

(10) H.R. Dunk Esq.,

& (11) B.A. Brendon Esq., I.C.S.

A précis of the correspondence containing the early history of the institution is enclosed. The school is maintained at present mainly out of grants given by the Government of India and income from endowments.

52

2. With the approval of the Government of India and with the concurrence of the Committee of management, it has been decided to transfer the control of the school to a Board of Trustees, the constitution of which and the terms of transfer thereto are set out in the draft trust deed enclosed.

3. Besides the funds specified in the draft deed, the school also owns a large extent of land and buildings at Lovedale, full particulars of which will be furnished if required. The nature of the right exercised by the Government of India and the Committee over this property is explained in this Government's letter to the Government of India No. 3257 B-3, dated 3-2-24, and the reply thereto (copies enclosed).

4. The Govt. of India have agreed to the proposal of this Government that a suit may be instituted under section 92 of the Civil Procedure Code to obtain directions from the court for the transfer of all rights now vesting in the Govt. of India to the new Board of Trustees. The Government Solicitor is accordingly requested to take very early steps, in consultation with the Advocate General, for the institution of the suit. He is also requested to prepare and submit to Government a draft of the deed referred to in paragraph 2 of the Government of India's letter No. 27055, dated 23-1-25.

V.IK 4/2

Mp 14-15 CF

ibid

⊗ A telegram has been sent to the Collector to report particulars of the survey numbers & extent of land.

Mp. 28-30 CF

p. 38 CF

DESPATCHED with encls.
5th FEB 1926

To

The Government Solicitor.

Copy to the Principal Secretary, L.M. School. (with copy of Mp. 28-30 & 38 CF)

⊗ with
(1) Precis at flag ⊙
(2) Report of the school for 1923-24
(3) Letter to India & reply pp. 28-30
(4) copy of Mp 14-15 CF

53

39

[C. 294 300 B]

Law (Edn)

Telegram No. 294 B-1 D. 3. 2. 25

To

The Collector of the Nilgs

Tel & C
Dft 3/2

Please ~~send report~~ send a list immediately of immoveable properties in possession of ~~committee~~ Lawrence Memorial school, Lovedale ~~survey~~ survey numbers extent and ~~description~~ description required.

Sd 3/2

52

2. With the approval of the Government of India and with the concurrence of the Committee of management, it has been decided to transfer the control of the school to a Board of Trustees, the constitution of which and the terms of transfer thereto are set out in the draft trust deed enclosed.

3. Besides the funds specified in the draft deed, the school also owns a large extent of land and buildings at Lovedale, full particulars of which will be furnished if required. The nature of the right exercised by the Government of India and the Committee over this property is explained in this Government's letter to the Government of India No. 3257 B-3, dated 3-2-24, and the reply thereto (copies enclosed).

4. The Govt. of India have agreed to the proposal of this Government that a suit may be instituted under section 92 of the Civil Procedure Code to obtain directions from the court for the transfer of all rights now vesting in the Govt. of India to the new Board of Trustees. The Government Solicitor is accordingly requested to take very early steps, in consultation with the Advocate General, for the institution of the suit. He is also requested to prepare and submit to Government a draft of the deed referred to in paragraph 2 of the Government of India's letter No. 27055, dated 23-1-25.

V.Tk 4/2

Mp. 14-15 CF

ibid

(x) A telegram has been sent to the Collector to report particulars of the survey numbers & extent of [illegible].

Mp. 28-30 CF

p. 38 CF

DESPATCHED with encls.
5th FEB 1925

To

The Government Solicitor

Copy to the Principal & Secretary, L.M. School.
(with copy of Mp. 28-30 & 38 CF)

(x) with
(1) Precis at flag (a)
(2) Report of the school for 1923-24
(3) Letter to India & reply on Mp. 28-30 & 38 CF
(4) copy of Mp. 14-15 CF

53

39

[C. 294 300 B]

Law (Edn)

Telegram No. 294 B-1 D. 3. 2. 25

3/2

To

The collector of the Nilg

Tel to C
Dated 3/2.

Please ~~Lend report~~ a list immediately of immoveable properties of ~~the~~ committee in possession of ~~lawrence~~ Lawrence Memorial school, Lovedale ~~Survey~~ numbers extent and ~~description~~ required.

3/2

Recd at 1-40 P.M.

C. Class / Prefix } Code

POSTS TELEGRAPHS. No. MADRAS 08126

Recd. from

By

Sent at H. M.

To

By

Office Stamp

Handed in at (Office of Origin)	Date.	Hour.	Minute.	Service Instructions.	Words.
Edmund	4	12			20

Recd. here at 12 H. 3 M.

Madras taus Madras

Reference 2748 Particulars Laurence Memorial school lands lease to be granted from date

N.B.—The name of the Sender, if telegraphed, should be written after, but separated from, the text.

SECRETARY TO GOVT. OF MADRAS
4 FEB 1945
LAW DEPARTMENT

Edn Circ. 324B. 4.2.25

Put up papers

Put up papers

1p.45

1p.45 ante

3. From the note at page 4 of the descriptive memoir [illegible]

the/-

Recd at 1-40 P.M.

Class C.
Prefix

POSTS TELEGRAPHS.

NOTICE.
Recd. from ... must accompany any inquiry made respecting this Telegram.

Charges to pay. Rs. As.

Office Stamp. KARACHI 4 FEB 25

Handed in at (Office of Origin.)	Date	Hour.	Minute.	Service Instructions.	Words.

TO

Recd. here at H. M.

collector

collector

N.B.—The name of the Sender, if telegraphed, is written after the text.

Karim Bux Bros.—Printers—Cal.—1274—26-11-24—1,50,000—Bks.

3. From the note at page 4 of the descriptive memo[illegible]

the/-

-24,264 4-4 21.

Law (Education) **DEPARTMENT.**

56 35 42

Received ..... 192 . *Registered* 192

L-3085 A
21/2/25

Subject.

SECRETARY TO GOVT. 9- FEB. 1925 LAW DEPART.

ENCLOSURES.

No.

.....

.....

Spare copies .....

D. Dis. No. A-1-3082-24.

Station Ootacamund. *Dated the* 6th February 1925

From (Name) C.D'A.Crofton Esq.,I.C.S.,

(Designation) Collector of the Nilgiris.

To The Secretary to the Government of Madras,

Law (Education) Department.

Fort St.George.

Sir,

Lawrence Memorial School - Lovedale - Lands - Ownership

--

p.31 ante

Ref:-Government Memorandum No. 3257 B-4 dated 3rd December 1924.

I beg to append in the margin a list of lands belonging to the Lawrence Memorial School.

p.45 infra

2. All the fields are registered in the revenue accounts in the name of the "Lawrence Asylum Committee"and are held free of assessment.

3. From the note at page 4 of the descriptive Memoir in the/-

the Settlement Register of Keti Village, Coonoor taluk, it seems to me that the lands are Government lands handed over to the Lawrence Memorial Committee for purposes of the school and that they revert to Government if used for any other purpose.

4. Survey No. 1328 of Cotacamund village, though registered as Lawrence Asylum poramboke is stated by Principal Lawrence Memorial School as not being shown on his map. I am investigating the matter.

List of lands

* Village.	S No.	Extent.
Keti.	1158.	12.57 acres.
	1224 A/1.	49.26 acres.
	1224 A/3.	606.55 "
	" A/5.	25.34 "
	" A/8.	4.20 "
	" B/2.	0.74 "
	" B/4.	1.06 "
	" C.	0.67 "
Ootacamund.	1224 A/5.	1.66 4/8 "
	" A/7.	0.05 5/8 "
	1328.	6.30 4/8
	Total.	708.41 5/8 "

for Collector.

Reland - vide p76 infra

P.P./6-2-25p.

58

43

Law (Edn.)

Telegram

Revd. Mr. Padfield,
[Principal + Sec.?
Lawrence [Memo
school, Coved

Please wire whe
present members of commit
are same as those give
in school report for 1923-24 an
also wire addresses of membe
other than ex-officio.

CVV
11.2.25

VTK
11.2

Telegraphed

DESPATCHED
10th FEB 1925

L-Ex 408B
0311 12/2/25

C...

POSTS TELEGRAPHS:

NOTICE.
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Charges to pay.
Rs. | As.

Office Stamp.

Handed in at (Office of Origin) | Date. | Hour. | Minute. | Service Instructions. | Words.

Received here at H. M.

TO

Madras Law Madras 2nd

Sporge

Ex officio members as before
nominated and elected members
as follows major Urquhart crawf
adh B a Brendon esq M margarid
Otty p w wooley esq Waddoke

N.B.—The name of the Sender, if telegraphed, is written after the text.

Karim Bux Bros.—Printers—Cal.—1274—26-11-24—1,50,000—Bks.

POSTS TELEGRAPHS.

60 45

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Handed in at (Office of Origin.)	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Recd. here at H. M.

Connor H Wood esq ayrdale orby
H R Dunk esq absent on leave

Radfield Lawrence
School

N.B.—The name of the Sender, if telegraphed, is written after the text.

Karim Bux Bros.—Printers—Cal.—1274—26-11-24—1,50,000—Bks.

Principal and Secretary.

61 L & L 429B
13/2/25

Lawrence Memorial School,

C. No. 4590

SECRETARY TO GOVT. OF MADRAS
13 FEB 1925
LAW DEPARTMENT

LOVEDALE, NILGIRIS,

12th February 1925.

From

The Reverend W. H. G. PADFIELD, M. A.,

PRINCIPAL AND SECRETARY.

To

The Secretary to Government,

Law (Education) Department,

Madras.

SIR,

I have the honour to confirm the telegram despatched to you under this date as follows :-

Madras Law

Fort St. George

Madras.

EX OFFICIO MEMBERS AS BEFORE NOMINATED AND
ELECTED MEMBERS AS FOLLOWS ST
ARAVANKADU B A BRENDON ESQ MARGARETS
OOTACAMUND P W WOOLEY ESQ WOODCOTE COONOOR
H WOOD ESQ AYRDALE OOTACAMUND H R DUNK ESQ
ABSENT ON LEAVE

PADFIELD LAWRENCE SCHOOL

I have the honour to be

Sir,

Your most obedient servant,

Principal and Secretary.

	Initials.	Date.
Received in Fair-copying Section.		
Copied ..		
Examined ..		
Signed ..		
Despatched ..		

Pages 39-40 ante

Law (Education) Department. 47

Memo. No 294 B/25-4 dated 14.2.25

Lawrence Memorial School, Ootacamund - Trustee Scheme - Memo No. 294 B/25-2, dated 4-2-25.

The Government Solicitor is informed that he need not take any action on the Memo referred to above as it has been decided to file the suit in the Sub-Court, Ootacamund.

S.K.
14-2-25.

M.F. 14-2-25

To

The Government Solicitor, Madras.

DESPATCHED
16th FEB 1925

C.

POSTS TELEGRAPHS.

Con 460 B 16.2.25 248

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.

Rs.	As.

Office Stamp.

UNDER SECRETARY TO GOVT. OF MADRAS
16 FEB 1925
LAW DEPARTMENT

MADRAS
16 FEB 25
A.M.

Handed in at (Office of Origin) | Date | Hour | Minute | Service Instructions | Words

TO Madras Law

Recd. here at H. M.

Madras

Your telegram 14th no Rg
Government Suits dt
Sub Court Cuttack amount
Messrs Walker and Spaker
Solicitors to Edmonds appear

N.B.—The name of the Sender, if telegraphed, is written after the text.

Karim Bux Bros.—Printers—Cal.—1274—26-11-24—1,50,000—Bks.

C.

POSTS TELEGRAPHS.

49 64

NOTICE. This form must accompany any inquiry made respecting this Telegram.	Charges to pay. Rs.	As.	Office Stamp.

Handed in at (Office of Origin.)	Date.	Hour.	Minute.	Service Instructions.	Words.

TO 4

Recd. here at 11 H. 8 M.

In all Government work
= Collector =

N.B.—The name of the Sender, if telegraphed, is written after the text.

Karim Bux Bros.—Printers—Cal.—1274—26-11-24—1,50,000—Bks.

65 50

Law (Education) Dept.

O.M. No. 294B/25-5 dated 16-2-1926.

It has been decided to transfer the management of the Lawrence Memorial School, Lovedale, to a new Board of Trustees. In order to give effect to this decision and to vest the properties of the school in the Board it is proposed to institute a suit under section 92 of the Code of Civil Procedure. The enclosed* plaint relating to the suit which has been signed by the Advocate-General is forwarded to the Collector of the Nilgiris who is requested to ~~engage the services of a pleader~~ instruct a vakil for filing the suit in the Sub-Court at Cotacamund and for obtaining directions from the Court as early as possible. A vakil will be executed.

2. The plaint has not been verified. The Advocate-General desires that somebody who knows the facts personally may verify the plaint. The Collector is requested to arrange for the verification of the plaint by the Principal or by some other gentleman ~~person~~ who is connected with the school and acquainted with the facts.

3. The Advocate-General suggests that if the defendants immediately file a statement expressing their assent to the scheme for the transfer of management of the school the Court may pass a decree in a few days. The Collector is requested to arrange in consultation with the Principal of the

* copy at pp. 55-61 infra

Take the necessary steps

* Copy at p. 62 infra by the Adv. Genl.

the institution for filing such a statement.

4. The papers mentioned below are forwarded to the Collector who may cause them to be filed in the court if considered necessary: --

(1) Letter from the Govt. of India, Army Department, No. 27055(A. D.), dated 20-5-1924. Pages 1-2 CF
(2) -do- -do- No. 27055(A. D.,) dated 23-1-1925. Page 38 CF

If any documents are to be filed a list of them should be added to the plaint itself with the documents in a separate cover.

5. The Collector is requested to treat this matter as very urgent as the Government are anxious that the orders of the court should be obtained if possible before the end of this month. A request to this effect may be made formally to the Court

16/2.25.

2nd 16/2/25

V.T.F. 16.2

To the Collector of the Nilgiris. ✓
(To be registered) ✓
Copy to the Principal and Secretary, Lawrence Memorial School, Lovedale.

16/2

* with (1) Plaint
(2) Vakalat
(3) Copy of pages 1-2 + 38 CF.

67 51 52

IN THE COURT OF THE SUBORDINATE JUDGE AT OOTACAMUND.

O. S. No. of 1925.

BETWEEN

The Advocate-General, Madras. ... ... Plaintiff.

AND

1. The General Officer Commanding, Madras District, Wellington.
2. The Collector of the Nilgiris.
3. The Deputy Assistant Quarter Master General, Madras District, Wellington.
4. The Executive Engineer, Nilgiri Division.
5. The Officer Commanding, British Infantry Regiment, Wellington. } Defendants.
6. The Civil Surgeon, Ootacamund.
7. Major A. M. Urquhart, R. A., Aravankadu.
8. B. A. Brendon Esq., St. Margarets, Ootacamund.
9. P. W. Woolley Esq., Woodcote, Coonoor.
10. H. Wood Esq., Ayrdale, Ootacamund.
11. H. R. Dunk Esq., Yacht Club, Bombay.

Plaint presented under section 26 and section 92 of the Code of Civil Procedure, 1908.

The plaintiff begs to state as follows: --

1. The plaintiff is the Advocate-General for the Presidency of Madras.

2. The defendants are the Members of the Committee of Management of an institution now known as the Lawrence Memorial School in Lovedale, Ootacamund, within the local limits of the jurisdiction of this Court.

3. The properties of the institution are set out in Schedules A and B annexed hereto. The A Schedule properties are situate within this Court's jurisdiction.

4. The object of the institution is to provide, for the orphan and other children of British Officers and

68

52

soldiers serving or having served in India, a school wherein they may obtain the benefits of a bracing climate, a good and above all a religious education so that with Divine blessing they may be consistent Christians and useful citizens of the Empire.

5. The history of this institution is stated to be as follows:--

The Lawrence Asylum at Cotacamund was founded during 1858, in honour of the memory of Sir Henry Lawrence, K.C.B., by whom the establishment at some hill station within the Madras Presidency of an institution similar to the Lawrence Asylum at Sanawar had been suggested.

The school at Cotacamund was managed by a Committee of gentlemen residing at that place and was supported by donations and subscriptions from the general public; but in accordance with the Will of Sir Henry Lawrence in which he commended this school to the fostering care of the Hon'ble the Board of Directors it was adopted by Government in 1859 by despatch from the Secretary of State for India.

The Madras Military Male Orphan Asylum and the Madras Female Orphan Asylum were amalgamated with the Lawrence Asylum, the former on 1st September 1871 and the latter on 1st October 1904, the united asylum being designated the Cotacamund Lawrence Asylum. The name of this institution was changed to the Lawrence Memorial School in accordance with G.O. No. 38 Educational, dated 15th January 1913.

6. The Government of India with the sanction of His Majesty's Secretary of State for India have agreed to make a recurring grant of Rs. 2,30,000 per annum to the institution subject to the conditions that the grant be

subject

subject to revision every five years and further be subject to the approval of the Legislative Assembly if at a future date the grant should become votable.

7. It is now proposed with the approval of the Secretary of State and the Government of India to constitute a Board of Trustees and frame a scheme for a succession of Trustees and the management of the institution in the following manner:--

(i) The following rules regarding religious services and instruction laid down by the late Sir Henry Lawrence shall be adopted:--

(a) In the religious lessons given in open school, all the leading truths of Christianity shall be inculcated but without unnecessary allusion to disputed points of faith or practice.

(b) The respective catechisms of the various -- Protestant denominations may be taught in private to the children of each denomination.

(c) The authorized version of the Bible shall be read in the school.

(d) At the hours in which religious instruction is given in the school, priests of the Roman Catholic Church and accredited Ministers of Evangelical denominations may attend and give instruction to the children of their respective persuasions, in places set apart for that purpose, on giving previous notice of their wish to do so to the Principal.

(e) Roman Catholic priests and accredited Ministers of other denominations shall have free access to the sick of their communities in the -- infirmary at all times.

(f) Divine Service, in accordance with the usage of the Church of England, shall be celebrated twice on each Sunday in the chapel of the institution

institution, all the inmates of the establishment being required to attend, subject however to the provisions of rule (g).

(g) On the application of a clergyman of the Roman Catholic Church or accredited Minister of an Evangelical denomination of Christians, requesting permission to celebrate Divine Service on a Sunday with the members of his communion, a place shall be set apart for the purpose, and such members shall have permission to attend. Such application must, however, be made in writing on the previous Saturday.

(h) The form of prayers sanctioned for use in the school shall be read every morning and evening throughout the year by the Principal or such officers as he may appoint for the purpose.

(ii) The Principal of the institution shall invariably be a Clergyman of the Church of England.

(iii) That at least 200 boys and 100 girls of the classes eligible for admission to the late military male and female orphan asylums shall be maintained.

(iv) The Trustees shall be--

(1) His Excellency the Governor of Madras for the time being;

(2) The Lord Bishop of Madras for the time being;

(3) The General Officer Commanding-in-Chief, Southern Command, for the time being;

(4) A Military Officer to be nominated by His Excellency the Commander-in-Chief in India; and

(5) A person not himself a member of the staff to be nominated by the staff of the institution.

If

If at any time the office of the General Officer Commanding-in-Chief, Southern Command, ceases to exist, His Excellency the Commander-in-Chief shall decide what other officer should be regarded as having succeeded to his functions.

(v) British origin and Membership of the Church of England or of the Church of Scotland shall be indispensable conditions of Trusteeship.

(vi) If a Trustee is absent from India for more than six months his office shall be deemed to have become -- vacant.

(vii) (a) If any Trustee refuses to act, is disqualified from acting under clause (v), resigns or vacates office under clause (vi), his place shall be filled in the case of an ex-officio Trustee by co-optation by the remaining Trustees and in the case of a nominated Trustee by nomination under sub-clause (4) or sub-clause (5) of clause (iv) as the case may be.

(b) A co-opted Trustee shall cease to hold office when the ex-officio Trustee concerned is willing to act and is not disqualified from acting under clause (v).

(viii) The Trustees shall observe and cause to be observed the conditions of the transfer of the institution and shall manage the funds for the benefit of the institution.

(ix) The Trustees shall appoint a Board of Governors for the internal management of the institution consisting of such number of members as they consider necessary. -- Every member of the Board of Governors shall have the qualifications required for a Trustee in clause (v) and a majority of the members shall, so far as possible, be military officers.

(x) The Principal of the institution shall be appointed

appointed by the Board of Governors subject to the final approval of the Trustees and shall ex-officio be the Secretary to the Board of Trustees and to the Board of Governors.

8. The members of the committee in the best interests of the institution deem it necessary and expedient that the management of the institution should be provided for in the manner proposed and agree to transfer the property to the new Trustees should this court sanction the proposal and direct them to do so. The plaintiff has accordingly in his capacity as Advocate-General brought this suit which is a non-contentious one.

The plaintiff therefore prays for a decree

(a) removing if necessary the present committee of management consisting of the defendants,

(b) appointing a Board of Trustees in accordance with the proposals contained in paragraph 7 above,

(c) vesting the properties of the trust in the Board of Trustees and directing the defendants to transfer the possession of the properties to such board,

(d) sanctioning the scheme set out in paragraph 7 for the due and proper management of the institution, and

(e) granting such other reliefs as the nature of the case and the ends of justice may require.

[Signed]
T.R. Venkatarama Sastry
Advocate-General
Plaintiff.

SCHEDULE A.

LIST OF IMMOVEABLE PROPERTIES.

Village.	S. No.	Extent.
Keti.	1158	12.57 acres
	1224 A/1.	49.26 acres
	1224 A/3.	606.55 "
	" A/5.	25.34 "
	" A/8.	4.20 "
	" B/2.	0.74 "
	" B/4.	1.06 "
	" C.	0.67 "
Ootacamund.	1224 A/5.	1.66 4/8 "
	" A/7.	0.05 5/8 "
	1328	6.30 4/8 "
	Total.	708.41 5/8 "

708.11.78

SCHEDULE B.

F U N D S.

Item.	Amount. Rs.	Particulars of securities.
Government promissory notes and treasury notes transferred by the Military Male Orphan Asylum, Madras, on its amalgamation with the Lawrence Asylum at Ootacamund, including the Brennen Legacy and Sir Hope Grant's bequest.	5,10,100	In the custody of the Accountant-General, Madras, deposited under articles 164 and 171, Civil Account Code (VII Edition)
Sale proceeds of the Lawrence Asylum Press, the property of the late Military Male Orphan Asylum.	5,08,700	Held by the Treasurer of Charitable Endowments, Madras, under Act VI of 1890.
Government promissory notes and treasury notes, etc., transferred by the Military Female Orphan Asylum on its being incorporated with the Ootacamund Asylum.	2,82,319	Held by the Treasurer of Charitable Endowments, Madras, under Act VI of 1890.
Total.	13,01,119	

[Sd.] T.R. Venkatarama Sastri.

58

IN THE COURT OF THE SUBORDINATE JUDGE OF OOTACAMUND.

Original Suit No. of 1925.

Between

The Advocate-General, Madras. Plaintiff.

And

1. The General Officer Commanding, Madras District, Wellington.
2. The Collector of the Nilgiris.
3. The Deputy Assistant Quarter Master-General, Madras District., Wellington.
4. The Executive Engineer, Nilgiri Division.
5. The Officer Commanding, British Infantry Regiment, Wellington.
6. The Civil Surgeon, Ootacamund.
7. Major A. M. Urquhart, R.A., Aravankadu.
8. R. A. Brendon Esq., St. Margarets, Ootacamund.
9. P. W. Woolley Esq., Woodcote, Coonoor.
10. H. Wood Esq., Ayrdale, Ootacamund.
11. H. R. Dunk Esq., Yacht Club, Bombay.

Defendants.

I, T. R. Venkatarama Sastri, Advocate-General, Madras, do hereby appoint and retain Messrs. Walker & Graham, Ootacamund, to appear for me in the above suit and to conduct and prosecute the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein. I empower my solicitors to appear in all miscellaneous proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjusted and to obtain the return of documents and draw any moneys that might be payable to me in the said suit or matter.

T. R. Venkatarama Sastri,
Advocate-General.

Executed before me this 15th day of February 1925.

Accepted.

T. S. Ramaswami Ayyar,
Municipal Councillor,
Madras.

Solicitors for
plaintiff.

[C. 294 B]

DB
Please issue today
CW
17.2.25

memo: 294 B/25-6 dt. 17.2.25

Lawrence Memorial school, Ootacamund – Trustees scheme – Memo: No. 294 B/25-4 dt 14.2.25 –

In continuation of the Memo: quoted above, the govt. solicitor is requested to prepare and submit to govt at a very early date the draft deed referred to in the concluding portion of Memo: No. 294 B/25-2 dt 4.2.25. A list of lands belonging to the school furnished by the collector of the Nilgiris, is enclosed.

CW
17.2.25

17/2/25

To

The govt: Solicitor (with copy of list on page 45 CF)

17/2/25

(Put up under secy's oral instructions.)

p. 50 CF

ibid

Page 40 CF

C. F. 29—24,254—4-4-21.

Law (Education) **DEPARTMENT.**

Received ..... 192 . *Registered* ..... 192 .

Subject.



Enclosures
No. .....
.....
Spare copies .....

R. C. No. A-1-349-25.

Station Ootacamund, *Dated the* 20th February 192 5

From (Name) C. D'A Crofton Esq., I.C.S.,

(Designation) Collector of the Nilgiris.

To The Secretary to the Government of Madras,

Law (Education) Department.

Fort St. George, Madras.

Sir,

Lawrence Memorial School, Lovedale - Land - S.No.1328- ownership.

Pp. 44-45 ante. Ref:- My D.Dis. 3082/24 dated 6-2-25 (para 3).

S. No. 1328 of Ootacamund village is Railway land and is not in the occupation of the Lawrence Memorial School authorities.

this land should be removed from the schedule A to the plant — page 61 ante the Govt may be informed.

20-2-25.

for Collector.

20 FEB 1925

P.P./20-2-25a.

20/2/25

DEPARTMENTAL
Law[Edn]
memo:
Lawrence Memorial
school, Lovedale – lands
and buildings –
The Principal &
Secy, L.M. school, is requested
to state whether the list of
lands belonging to the
school, furnished by the
collr. of the Nilgiris, includes
the entire extent of the
immoveable properties of
the school. He is also
requested to furnish
particulars regarding
school buildings, as these
are required in connection
with the suit to be instituted to give effect to the
trustee scheme.
DESPATCHED
12 FEB 1925
To
The Principal Secy, L.M. school.
copy.

[C.294B]
Law[Edn]
Please issue today
5.20 p.m.
memo: 294B/25-3 dt. 12.2.25
Lawrence Memorial
school, Lovedale – lands
and buildings –
The Principal &
Secy, L.M. school, is requested
(at a very early date) enclosed
to state whether the list of
lands belonging to the
school, furnished by the
collr. of the Nilgiris, includes
the entire extent of the
immoveable properties of
the school. He is also
requested to furnish
particulars regarding
school buildings, as these
are required in connection
with the suit to be instituted to give effect to the
trustee scheme.
the Survey Nos. in which the buildings stand (i.e. Nos on which the buildings stand).
with list
DESPATCHED
12 FEB 1925
To
The Principal Secy, L.M. school.
copy.
(with list on p. 45 CF)

Immediate.

62

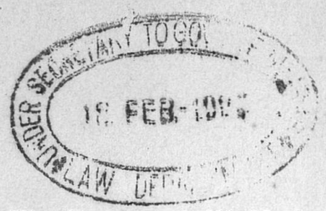
78

Law Edn 484 B
19.2.25

Lawrence Memorial School,

C. No. 4657.

LOVEDALE, NILGIRIS,
17th February 1925.



From

The Reverend W. H. G. PADFIELD, M. A.,
PRINCIPAL AND SECRETARY.

To

The Secretary to Government,
Law (Education) Department,
Madras.

Sir,

With reference to your letter No.294 E/25-3 dated 12th February 1925, I have the honour to state that as far as ascertained from the Revenue Survey Map that all the School Buildings are on Survey No.1284 A/3 except the Servants' Lines which are on Survey No.1158 of Keti Village, Coonoor Taluk.

2. I have the honour to attach herewith a list of School Buildings, with the approximate value of each.

I have the honour to be,
Sir,
Your most obedient servant,

W H G Padfield

Principal and Secretary.

Encl: 1.

List of School Buildings with their approximate value.

	£.
Boys' School	
Main Building including Headmaster's Quarters, Steward's Quarters, Kitchen, Lavatory and Junior School.	5,00,000
Workshop Block	
including Telegraph class room, Band room, 3 staff quarters and clothing stores	51,000
Armoury	3,000
Staff Sergeant Instructors quarters	5,000
Three Instructors' quarters	12,000
Gymnasium	8,000
Principal's Quarters	30,000
Plunge Bath	3,000
Resident Medical Officer's Quarters	7,000
Staff Quarters for 5 masters	15,000
Staff Club	20,000
Boys' Hospital and Matron's Quarters	20,000
Isolation Hospital	7,000
Compounder's Quarters	1,000
Dairy and Cowsheds	11,000
Two masters' quarters	17,000
Servants' quarters(15 lines) Near By Station.	5,000
P.W.D.Workshops and Store rooms	9,000
Manager's Quarters	8,000
Type-writing Instructor's quartes	5,000
Servants Quarters	13,000
Dhoby Lines	4,000
Preparatory School	1,75,000
Girls' School, Main Building etc,	2,50,000
Total	11,79,000

80

Law [2d]

HCV
24/2

[C. 294B] Memo: 294 B/25. 9 & 24.2.25

Lawrence Memorial
school - His letter R.C. No. A-
-349- 25 dt 20.2.25 -

p.64 cf

The collector of
the Nilgiris is requested to
delete ~~xxxxxx~~ "S. No. 1328"
from Schedule A to the
plaint, forwarded to him
with govt. Memo: No. 294 B/25-9
dt 16.2.25, and to carry out the
necessary changes in (Column II-2)
~~xxxxxx~~ Reader "Extent"
in the Schedule.

p.61 cf

pp.53-54 cf

CVV
23.2.25

SK
23.2.25

To

The Coll^r of the Nilgiris
(Memo)

copy to the Principal + Secy, L.M.
school (with copy of p.64 cf)

note: The Coll^r
now reports that S. No. 1328
is Railway land and is
not in the occupation of
the school - p. 64 cf. It
may therefore be deleted
from schedule A to the
plaint on p. 61 cf.

CVV
23.2.25

SK
23.2.25

G.F. 29--24,264--4-4-21.

(Education) **DEPARTMENT.**

SECRETARY TO GOVT. OF MADRAS
1 MAR 1925
LAW DEPARTMENT

Received ..... 192 . *Registered* Law Ed 562 B 192 .
2/3/25

Subject.

ENCLOSURES
No. Four
Spare copies.....

R. C. No. A-1-561-25.

Station Ootacamund. , *Dated the* 28th February 1925 .

From (Name) C. D'A Crofton Esq., I.C.S.,

(Designation) Collector of the Nilgiris.

To The Secretary to the Government of Madras,

Law (Education) Department.

Fort Saint George.

Sir,

Suit - Civil - Lawrence Memorial School lands - Lovedale.

Ref:- Government Memorandum No. 294 B/25-5 dated 16-2-25 and No. 294-B-25-9 dated 24-2-25.

I enclose a copy of the judgment in the above suit.

2. S.No. 1328 was deleted from the plaint before it was presented.

28 FEB 1925

Collector.

P.P./28-2-25a.

66

82

C.

POSTS & TELEGRAPHS.

Rs 896/13

3873

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.

Rs.	As.

Handed in at (Office of Origin.) | Date. | Hour. | Minute. | Service Instructions. | Words.

647

TO

Secretary Law education Madras Re
Resume trustee scheme comes in
April last pending orders on
correspondence — Memorial
Lawrence School

Recd here at H. 8 M.

N.B.—The name of the Sender, if telegraphed, is written after the text.

Karim Bux Bros.—Printers—Cal.—1274—26-11-24—1,50,000—Bks.

83. 67

GOVERNMENT PRESS
6 APR 1925
MADRAS

4/4

G.O. No. 452, 31st March 1925

Lawrence Memorial School, Ootacamund—Transfer to Board of Trustees—Scheme—Final orders issued.

READ—the following papers :—

I

Telegram from the Government of India, Department of Education, to the Secretary to the Government of Madras, Law (Education) Department, dated Delhi, the 6th March 1923, No. 259, Education.

Your letter 1576, dated 18th December. Orders are issuing to-day that scheme for provincializing Lawrence Memorial School, Ootacamund, as sanctioned by Secretary of State should be proceeded with with effect from 1st April.

II

Telegram from the Secretary to Government, Law (Education) Department, to the Rev. G. H. PADFIELD, Secretary and Principal, Lawrence Memorial School, Ootacamund, dated the 7th March 1923.

W.H.G.

Following telegram received from Government of India : *Begins*—" Your letter 1576, dated 18th December. Orders are issuing to-day that scheme for provincializing Lawrence Memorial School, Ootacamund, as sanctioned by Secretary of State should be proceeded with with effect from 1st April "—*Ends*. Please wire any remarks you wish.

III

W.H.G. Telegram from the Rev. G. H. PADFIELD, Secretary and Principal, Lawrence Memorial School, Ootacamund, to the Secretary to Government, Law (Education) Department, dated Lovedale, the 8th March 1923.

Your telegram of seventh. Urge Madras Government to request reconsideration by Government of India of trustee scheme with view to acceptance provincialization appears unworkable and uneconomic under new conditions. Shall represent this personally at Delhi and if so when. In provincialization draft no account apparently taken of pensions for staff counting back service and of rule 21 in draft rules providing for school banking account. Trustee scheme ensures high standard in teaching staff and educational efficiency. Am consulting Committee and will wire again later.

IV

Telegram from the Secretary to Government, Law (Education) Department, to the Rev. G. H. PADFIELD, Secretary and Principal, Lawrence Memorial School, Ootacamund, dated the 8th March 1923.

and Secretary W.H.G.

Your telegram to-day. Regret that until India's letter is received we cannot form any opinion as to urging reconsideration. No objection to your proceeding Delhi on behalf of your Committee to press their views but if you go it should be immediately as provincialization ordered to take effect from 1st April.

V

Letter from the Hon'ble Mr. M. S. D. BUTLER, C.B., C.I.E., C.V.O., C.B.E., I.C.S., Secretary to the Government of India, Department of Education and Health (Education), to the Secretary to the Government of Madras, Law (Education) Department, dated Delhi, the 6th March 1923, No. 260.

[Scheme of provincialization of the Lawrence Memorial School, Ootacamund.]

In your letter No. 1576, dated the 18th December 1922, the Government of Madras support the proposals made by the Committee of Management for the abandonment of the scheme of provincialization of the Lawrence Memorial School, Ootacamund, and for the transfer of its management to a Board of Trustees. The main reason for these proposals appears to be the apprehension felt by the Committee of Management in regard to the position to be occupied by the school under the reformed constitution. The suggestion is that the school would be safer if it were administered under the control of the Central Government. The Government of India have given the proposal their careful consideration and are of opinion that the views of the Committee of Management are based on a misapprehension of the relevant facts. Whether the school is under the Local or the Central Government the grant to be

Press

Proof approved. Please strike off and furnish copies very urgently

CW
4.4.25

S&R
6.4.25

made to it by the Government of India will have to be voted each year by the Legislative Assembly. There is no reason to suppose that the grant will be more readily voted if the school is administered directly by a department of the Government of India, which of necessity can have no local knowledge than if it is part and parcel of the educational system of a Local Government. Experience in the Punjab, where the Lawrence Memorial School was provincialized in 1913, also goes to bear out the contention that there is no more danger in Provincial than in Central management. In the circumstances the Government of India regret that they are unable to take the unusual step of asking the Secretary of State to alter radically a scheme recently sanctioned by him. They prefer that the scheme of provincialization should be proceeded with on the expiry of the sanction conveyed in this department telegram No. 1169, dated the 28th September 1922, viz., from the 1st April 1923.

VI

Memorandum No. 1191/B-1, Law (Education), dated 13th March 1923

[Provincialization of the Lawrence Memorial School, Ootacamund—Letter from the Government of India, Department of Education and Health, No. 260, dated 6th March 1923.]

Communicated to the Committee of the Lawrence Memorial School, Ootacamund, who are requested to furnish the Government with their remarks at a very early date.

P. L. Moore,
Acting Secretary to Government.

To the Principal and Secretary, Lawrence Memorial School.
Copy to the Director of Public Instruction.

VII

Telegram from the Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Department of Education, dated 13th March 1923, No. 1191/B-2.

Your letter No. 260 [dated the] 6th March. Provincialization, Lawrence Memorial School. Letter communicated [to] School Committee for consideration and remarks [and a] reply will be sent in due course; but India's orders have been received too late for it to be possible to complete transfer [to] Provincial by 1st April. Invested endowments have to be transferred to Government control, an advisory committee [has to be] appointed and their duties settled, and rules for guidance of [the] Principal particularly on matters of finance must be drawn up in consultation with Director [of] Public Instruction and [the] Accountant-General.

VIII

Letter from the Rev. W. H. G. Padfield, M.A., Secretary to the Committee of Management, Lawrence Memorial School, to the Secretary to Government, Law (Education) Department, dated Lovedale, Nilgiris, the 17th March 1923, No. C. 4760.

With reference to your Memorandum No. 1191-B–1, dated the 13th March 1923, I have the honour to submit herewith the remarks of the Committee as requested.

Enclosure.

Remarks of the Committee on the letter from the Government of India, Department of Education and Health, No. 260, dated the 6th March 1923, on the Provincialization of the Lawrence Memorial School.

The Government of India seem to have entirely misapprehended the position. The suggestion, which it will be remembered was made with the full approval of the Government of Madras, was, not that the school should be administered by the Local or the Central Government but that it should be taken away from Government control and put under a body of trustees.

To give a brief resume of the negotiations:

In 1918 the Committee, owing to continued deficits, due to the increased cost of education, and to the uncertainty as to which department of Government was responsible for meeting these deficits, suggested to the Government that the school should be provincialized subject to certain conditions. These conditions were:—

(1) That the military and religious character of the school should be maintained, the Principal being a clergyman of the Church of England, and the rules regarding religious instruction, as laid down by Sir Henry Lawrence, should be agreed to.

(2) That all past services of the staff should be counted under the new conditions.

(3) That the school should continue to have its own banking account subject to the annual audit, as before, by the Accountant-General.

Of these three conditions under which the Committee agreed to provincialization, the latter two have not been granted.

The provincialization scheme as now sanctioned by the Government of India is therefore wholly unacceptable to the Committee, and the Committee therefore respectfully continue in their recommendations that the school should go on under its present conditions instead of being provincialized.

There are two other points in the Government of India's letter under reference which should be remarked on :—

(1) The analogy of this school to the Lawrence school at Murree is hardly suitable. The Lawrence school at Murree is no longer a military school, it keeps vacancies for only thirty military pupils, and has no endowments of any value. The analogy should be drawn between this school and Sanawar which is now said to be under a strong body of Military Governors. Sanawar takes the same place in the Northern Command that this school does in the Southern Command and in both cases these schools are for the children of British soldiers only.

2. The note that the Legislative Assembly has to vote the grant to the school this year does not clearly indicate the position. A certain portion of this grant is not a grant, but money legally due to the school. Furthermore over 70 per cent of the funds of the school are received from fees, endowments and grants over which the Government have not in the past, and would not ordinarily, in the future, exercise any detailed control.

II. The Committee note that the Government of India are not prepared to ask the Secretary of State to alter *radically* the scheme sanctioned by him.

Conditions (1), (2) and (3) mentioned above have however apparently been agreed to by the Secretary of State. Regarding condition (2), the Secretary of State by stating that 'the increased cost is due. . . . to the much needed revision of the superior staff and the provision of pensions for them' virtually agrees, in principle at least, to condition (2). The Government of India suggest that 'as the members of the staff are enjoying the benefit of a Provident Fund' the existing members of the staff should either continue to belong to the Provident Fund or to count pension service from the date of ceasing to belong to this fund.

The words "enjoying the benefits" seem to show that the Government of India consider that the Provident Fund would provide a reasonable provision for old age, whereas it is probably one of the worst Provident Fund in existence; and has been strenuously objected to by the staff from its inception, e.g., one member of the staff now 60 years old and having about 30 years' service, leaves with a total amount of about Rs. 1,500 upon which to exist for the remainder of her life, of which over Rs. 800 was contributed by the Member.

III. In case the Trustee Scheme has now to be discarded, which the committee would very much regret, the Committee would suggest the following scheme which does not apparently conflict with the orders of the Secretary of State on the provincialization of the school, and which is, so far as they are aware, very much on the lines of the constitution now sanctioned for Sanawar. The Committee would propose that the school be run as now under the Committee subject to the final authority of the Government of Madras.

The Committee should have the power to fulfil their obligations to the staff especially in providing an adequate Provident Fund or Pension which would definitely take in all past service. This is a very important matter, not only as a just due which members of the staff have long been waiting for, but as a necessity if an adequate and suitable class of staff is to be maintained in the school. The present staff would naturally appeal to the National Union of Teachers and other educational bodies in England, and unless satisfaction was obtained, these bodies in England would naturally strongly dissuade any other teacher from being exposed to the same position in future.

The Committee should also be allowed their own Banking account to which all grants, fees, and interest on endowments, would be paid. The Committee would guarantee not to exceed from the above without the specific consent of the Government of Madras. This was the basis of the scheme submitted by the Committee in 1915 and which developed into the provincialization scheme. Any money granted by the Government of Madras would naturally be for a purpose specified by them and would be spent only for that purpose.

IV. The Committee would desire again to draw attention to paragraph 3 in Annexure B of the Trustee Scheme and to emphasize the uneconomic and difficult position of the school under purely Government rules.

The school would be involved in useless expenditure, will be unable to progress on suitable educational lines, and will at the same time have to run on a fixed income.

V. The Committee feel that they inherit a trust which represents the devotion of many generations. They have also obligation to members of the staff who have served them loyally and well for many years. The Government will no doubt approve of their unwillingness to agree to any scheme which does not fully safeguard their trust and fulfil their obligations.

IX

Letter from M.R.Ry. Diwan Bahadur R. Ramachandra Rao Avargal, c.s.i., Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Department of Education, Health and Lands, Simla, dated the 4th June 1923, No. 1191-B-3.

[Lawrence Memorial School, Ootacamund—Provincialization—Correspondence ending with this Government's telegram No. 1191-B-2, dated 13th March 1923.]

I am directed to state that the question of transfer of the school is still under discussion with the school committee and that provincialization will have to be postponed to the end of September next. I am to add that a further communication will be sent as soon as a conclusion is arrived at on the subject.

X

Letter from M.R.Ry. Diwan Bahadur R. Ramachandra Rao Avargal, c.s.i., Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Department of Education, Health and Lands, dated the 27th August 1923, No. 1191-B-7.

[Lawrence Memorial School, Ootacamund.]

In continuation of my letter No. 1191-B-3, dated the 4th June 1923, I am directed to say that the letter of the Government of India No. 260, dated 6th of March, has been the subject of earnest consideration by the Government of Madras and the Committee of the school.

2. The Government of India expressed the opinion that the views of the Committee of Management were based on a misapprehension of the relevant facts and they were unwilling to ask the Secretary of State to alter radically the scheme he had recently sanctioned. They preferred therefore that the scheme of provincialization should be proceeded with on the expiry of the sanction conveyed in their telegram No. 1169, dated 28th September 1922. This Government have since informed the Government of India that it would be impossible to carry out the provincialization before the end of September.

3. In my previous letter prominence was given to the views of the existing Committee of Management, to which this Government considered it only right that the greatest importance should be attached. They communicated the Government of India's letter to that Committee for remarks, and I am to append a copy of the remarks submitted. It will be observed that the Committee gives reasons for its disinclination to fall in with the scheme of provincialization and points out that the conditions on which it was willing to accept the scheme as orginally propounded have not been fulfilled. The Government are advised that the school cannot be legally transferred from its present management except on fulfilment of these conditions; but in any case, for the satisfactory management of the institution, it is essential that the willing co-operation of the Committee should be enlisted.

4. Apart from the considerations advanced by the Committee, it has been deemed desirable to examine the constitutional aspect of the matter and particularly what is connoted by the term "provincialization". The Government of India apparently contemplate a complete transfer of the school as a part of the educational system of the Provincial Government, the Central Government being concerned only in providing a fixed grant annually towards its maintenance. The Madras Government are advised however that this will not be in accordance with the law; and before taking steps to obtain possession of the endowments of the school, to appoint an Advisory Committee and settle its duties, and to draw up rules for the guidance of the Principal they consider it necessary to put their conclusions before the Government of India. As pointed out in paragraph 5 of the Secretary of State's Despatch, Public No. 153, dated 24th November 1921, the education of the children of members of His Majesty's Forces is a Central subject. While it is true that under section 45 (1) of the Government of India Act, it is incumbent on a Local Government to obey the orders of the Governor-General in Council and under Rule 46 of the Devolution Rules the Governor-General in Council may employ the agency of the Governor in Council of any Province in the administration of central subjects in so far as such agency may be found convenient, it appears that it is only as the Agent of the Governor-General in Council that the Governor in Council can

deal with any matter which has been excluded from the list of Provincial subjects; and under Rule 47 of the Devolution Rules the cost of the establishment exclusively employed on the business of agency must be a charge against all-India revenues.

5. If the law is correctly stated above, provincialization in the strict sense of the term is beyond the powers of the Government without an alteration of the Devolution Rules; but the object which it is understood that the Government of India wish to attain is not so much to impose upon the Provincial revenues a burden which is legitimately and statutorily a charge on the Central revenues as to ensure that no burden shall be thrown on the Central revenues in addition to the fixed recurring grant already promised and that the Local Government shall make themselves responsible for the proper conduct of the school and for the proper expenditure of the Imperial grants. This appears to this Government to be a perfectly legitimate demand to make of the Governor in Council in his capacity as Agent of the Governor-General in Council, but His Excellency in Council is still of opinion that his duties in this respect can best be carried out under the Trustee Scheme set forth in my letter No. 1576, dated 18th of December 1922, and in fact that that is the only satisfactory way in which his responsibilities can be discharged. The constitution of the body of Trustees should in itself be enough to ensure the proper maintenance of the institution and the judicious expenditure of the funds available.

6. It may be observed further that the only way in which any portion of the cost of the maintenance of the school can be met from Provincial funds is by treating it as a private institution. As such it would be eligible for a share of the grants distributed annually among schools under private management. This can be done if the management is handed over to a Board of Trustees but not otherwise.

7. The Government of Madras trust that they have now given sufficient reasons to show that the scheme of provincialization cannot be worked, and if the Government of India are convinced of the inherent soundness of the scheme of management outlined in paragraph 3 of my letter No. 1576, dated 18th December 1922, there would appear to be no obvious reason why the Secretary of State should not be asked to reconsider his former decision. I am therefore directed to request that the Government of India will be pleased to obtain his sanction to the revised scheme at an early date.

XI

Letter from H. R. Pate. Esq., I.C.S., Officiating Secretary to the Government of India, Army Department, to the Secretary to the Government of Madras, Law (Education) Department, dated Simla, the 20th May 1924, No. 27055 (A.D.)

[Lawrence Memorial School, Ootacamund.]

I am directed to refer to your letter No. 1191-B-7, dated the 27th August 1923, to the address of the Department of Education, Health and Lands, and to say that, with the approval of the Right Hon'ble the Secretary of State for India, the Government of India sanction the abandonment of the scheme for the provincialisation of the Lawrence Memorial School at Ootacamund, sanctioned in Department of Education and Health letter No. 261, dated the 2nd March 1922, and agree to the transfer of the management of the school to a Board of Trustees on the lines indicated in paragraph 3 of your letter No. 1576, dated the 18th December 1922, and on the understanding that the Local Government will make itself responsible for the proper conduct of the school and for the proper expenditure of the Imperial grants—vide paragraph 5 of your letter No. 1191-B-7, dated the 27th August 1923.

2. I am also to convey the sanction of the Government of India to.—

(i) The transfer to the Board of Trustees of all right, title and interest vested in the Government of India over the buildings and lands of the school; provided that, if the buildings and lands cease to be used for the purposes of the Lawrence Memorial School, or any similar purpose approved of in writing by the Government of India, the buildings and lands shall revert to that Government.

(ii) The transfer of the control of the lands and buildings of the institution from the Military Engineer Services to the Board of Trustees.

3. I am to add that the annual grant-in-aid of Rs. 2,30,000 will, in future, be charged to the Army estimates and that such control as will continue to be vested in the Government of India will be exercised primarily by the Army Department. It must, however, be distinctly understood that the grant-in-aid of Rs. 2,30,000 cannot be guaranteed in perpetuity, but will be subject to revision every five years, or from year to year in the event of its being subject to the vote of the Legislature.

The draft indenture enclosed with your letter No. 1576, dated the 18th December 1922, to the address of the Department of Education and Health, will no doubt be amended to conform with the limitation now placed on the grant, and the point should be made clear that if the grant becomes votable and the whole vote is refused, nothing will be payable. The addition of the words "approved of in writing by the Government of India" after "purpose" in clause 3 of the draft indenture is also suggested.

4. A further communication will be addressed to you with regard to the balance of the non-recurring Imperial grant—*vide* your letter No. 697-B-4, dated the 15th March 1924, and Army Department telegram No. 27055/1 (A.D.), dated the 29th March 1924.

XII

Letter from M.R.Ry. Rao Bahadur V. T. Krishnama Achariyar Avargal, Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Army Department, dated the 25th June 1924, No. 1693/B-1.

I am directed to refer to your letter No. 27055-A.D., dated 20th of May, conveying the Government of India's sanction to certain proposals in connexion with the future of the Lawrence Memorial School at Ootacamund.

2. I am to say that the Governor in Council has read with much concern that portion of paragraph 3 of your letter which stipulates that the annual grant of Rs. 2,30,000 promised by the Government of India will be subject to revision every five years. The fact that the grant in question might at some future time be subject to the vote of the Legislature and could not therefore be guaranteed was recognized by this Government which considered that this risk might be taken; but the new proposal that the Trust should now be constituted with the knowledge that the major portion of its income will be definitely subject to revision every five years puts an entirely different complexion on the whole position. I am to point out that in the original negotiations regarding provincialization (vide paragraph 4 of this department's letter No. 1394, dated 29th of November 1920, and also paragraph 9 of the Government of India's despatch to the Secretary of State, No. 21, dated the 7th of July 1921) the proposed settlement was intended to be final and there was no suggestion that the recurring grant should be subject to revision. It would be impossible in the opinion of the Governor in Council to ask the body of Trustees to make themselves responsible for the school on the temporary basis now suggested by the Government of India. His Excellency the Governor in Council trusts that in these circumstances the Government of India will not insist upon the periodical revision but will agree that the grant should be a fixed and permanent one to continue so long as the school is maintained on its present basis and so long as the Government of India have the power to make the grant.

3. I am to say that His Excellency the Governor in Council will be glad to be favoured with a very early reply as it is very desirable that the opportunity of his presence in Ootacamund should be taken to settle in personal consultation with the Committee the details of the proposed reorganization.

XIII

Letter from E. Burdon, Esq., C.I.E., I.C.S., Secretary to the Government of India, Army Department to the Secretary to the Government of Madras, Law (Education) Department, dated Simla, the 23rd August 1924, No. 27055 (A.D.).

[Lawrence Memorial School, Ootacamund.]

I am directed to refer to your letter No. 1693-B-1, dated the 25th June 1924 in which the Government of Madras take exception to the stipulation, imposed in Army Department letter No. 27055 (A.D.), dated the 20th May 1924, that the annual grant-in-aid of Rs. 2,30,000 to the Lawrence Memorial School, Ootacamund, shall be subject to revision every five years.

2. I am to explain that, in view of the financial liability which they have undertaken, the Government of India consider it essential that they should reserve to themselves such control over the working of the institution as is provided by the stipulation in question. At the same time the Government of India are prepared to give an assurance that, subject to the consent of the legislature in the event of the grant becoming votable, they will continue the annual payment of the amount in question for so long as they are satisfied that the school is being properly maintained and that the amount cannot be reduced without prejudice to the efficiency of the institution.

3. I am to express the hope that this assurance will satisfy the requirements of the Government of Madras.

XIV

Letter from M.R.Ry. Rao Bahadur V. T. Krishnama Achariyar Avargal, Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Army Department, dated Simla, the 12th September 1924, No. 2008 B-2.

[Lawrence Memorial School, Ootacamund.]

I am directed to acknowledge the receipt of your letter No. 27055 (A.D.), dated the 23rd August 1924, regarding the annual grant-in-aid of Rs. 2,30,000 to the Lawrence Memorial School, Ootacamund. I am to say that the Governor in Council accepts the assurance given in paragraph 2 of that letter and is proceeding with the amendment of the trust deed.

2. The Lawrence Memorial School now enjoys certain 'military' privileges a list of which is enclosed. The Governor in Council considers it essential that these privileges should be continued after the new scheme comes into force. I am, therefore, to request that the Government of India will be so good as to sanction their continuance and communicate the sanction to this Government at a very early date so that the new arrangements may be brought into force by the 1st January 1925.

Enclosure

Military privileges now enjoyed by the Lawrence Memorial School.

1. Permission to send pupils when necessary to military hospitals and to receive the services of military specialists as required.
2. The issue of medicines (free supply) and appliances on the required scale.
3. The grant of passages for pupils to England and warrants in accordance with A.R.I., Vol. X/S. 101.
4. The concession of obtaining clothing and supplies on payment from Army authorities if so required.
5. Permission to appoint five non-commissioned officers on the unattached list who are nearing the end of their service in the Army and whose salaries are to be paid from the school funds, provided that no suitable pensioners are available.
6. Privilege of purchasing flour and kerosene oil from the Supply and Transport Corps when required.

XV

Memorandum No. 2008/B-4, Law (Education), dated 20th September 1924.

[Lawrence Memorial School, Ootacamund—Transfer to a Board of Trustees.]

The Committee of the Lawrence Memorial School is informed that, with the approval of the Right Hon'ble the Secretary of State for India, the Government of India have sanctioned the abandonment of the scheme for the provincialization of the school, and have agreed to the proposal to transfer the management of the school to a Board of Trustees. The Government of India have stipulated that the annual grant-in-aid of Rs. 2·30 lakhs, sanctioned by them to the school, will be subject to revision every five years, or from year to year in the event of its being subject to the vote of the Legislative Assembly. They have, however, given an assurance that, subject to the consent of the Legislature in the event of the grant becoming votable, they would continue the annual payment of the grant for so long as they are satisfied that the school is being properly maintained and that the amount cannot be reduced without prejudice to the efficiency of the institution.

2. The Government of India have asked that the draft trust deed should be amended to conform with the limitation now placed on the grant and that it should be made clear that, if the grant becomes votable and the whole vote is refused, nothing will be payable. The draft trust deed has now been amended with reference to the orders of the Government of India and the suggestions of the Committee conveyed in the letter* of the Principal and Secretary, C. No. 4701, dated 23rd February 1924. A copy of the deed as amended is forwarded to the Committee which is requested to state whether it approves of the deed.

V. T. Krishnama Achariyar,
Secretary to Government.

To the Principal and Secretary, Lawrence Memorial School, Lovedale (with copy of deed as amended.)

* not printed

XVI

Letter from the Rev. W. R. Ramshaw, Acting Principal and Secretary, Lawrence Memorial School, Ootacamund, to the Secretary to Government, Law (Education) Department, dated the 2nd October 1924, No. C. 2386.

With reference to Government Memorandum No 2008 B-4, dated 20th September 1924, I have the honour to inform you that the terms of the trust deed scheme is approved by the Committee of Management of the Lawrence Memorial School, subject to the following alterations in paragraph 9 regarding the mode of electing a Principal.

Paragraph 9, page 2 of the draft trust deed to read as follows :—

"That the Principal of the Institution shall be appointed by the Board of Governors, subject to the final approval of the trustees, and shall 'ex officio' be the Secretary to the Board of Trustees and to the Board of Governors."

XVII

Letter from M.R.Ry. Rao Bahadur V. T. Krishnama Achariyar, avargal, Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Army Department, dated 15th October 1924, Ref. No. 2008 B-7.

[Lawrence Memorial School, Ootacamund—Correspondence ending with my letter No. 2008/-B-2, dated 12th September 1924.]

I am directed to submit for the approval of the Government of India the revised draft of the trust deed relating to the Lawrence Memorial School, Ootacamund. The amendments suggested in your letter No. 27055 (A. D.), dated the 20th May 1924, have been carried out in the revised draft. Provision has been inserted enabling a trustee to resign his office. A clause has also been added to the effect that a trustee vacates office in case of absence from India for more than six months. The other alterations in the deed are of minor importance.

I am to request that the Government of India may be pleased to approve of the alterations and to communicate their approval by telegram to this Government, so that the new arrangements may be brought into force as early as possible.

Enclosure.

Draft trust deed.

This indenture made day of 192 by constituting the Committee of Management of the Lawrence Memorial School, Lovedale, Nilgiri Hills (hereinafter referred to as the Committee) for the purpose of establishing a Board of Trustees (hereinafter referred to as the Trustees) as hereunder described.

Whereas an institution styled 'The Lawrence Asylum' was founded at Ootacamund in 1858 in honour of the memory of the late Sir Henry Lawrence, K.C.B., and managed by a Committee of gentlemen residing at the place.

And whereas the 'Madras Military Male Orphan Asylum' and the 'Madras Military Female Orphan Asylum' were amalgamated on the 1st September 1871 and the 1st October 1904, respectively, with the Lawrence Asylum aforementioned on the conditions—

(i) that the rules regarding religious instruction laid down by the late Sir Henry Lawrence and specified in the schedule to this indenture should be adopted;

(ii) that the Principal of the institution should invariably be a clergyman of the Church of England; and

(iii) that at least 200 boys and 100 girls of the classes eligible for admission to the late military male and female orphan asylums should be maintained;

and were placed under the management of the Committee of Management of the said Lawrence Asylum and the united asylums henceforth were designated the 'Ootacamund Lawrence Asylum' till 15th January 1913, when under G.O. No. 38, Educational, of even date the name of the institution was changed into 'Lawrence Memorial School'.

And whereas the object of the institution is to provide, for the orphan and other children of British officers and soldiers serving or having served in India, a school wherein they may obtain the benefits of a bracing climate, a good and, above all, a religious education, so that, with Divine blessing, they may be consistent Christians and useful citizens of the Empire.

And whereas the Government of India with the sanction of His Majesty's Secretary of State for India have agreed to make a recurring grant of Rs. 2,30,000 per annum to the institution, subject to the conditions that the grant be subject to revision every five years and further be subject to the approval of the Legislative Assembly, if at a future date the grant should become votable.

And whereas the Committee in the best interests of the institution and with the approval of the Government of India deems it necessary and expedient that the management of the institution should vest in a Board of Trustees constituted as hereunder subject to the conditions and limitations hereunder mentioned.

This indenture witnesseth—

(1) That the Committee do hereby agree to relinquish the management of the institution and place it in the hands of the Trustees constituted as hereinafter set forth.

(2) That the Committee hereby undertake to transfer to the Trustees the endowments of the face value of Rs. 13,01,119 and consisting of the following :—

Item.	Amount.	Particulars of securities.
	Rs.	
1. Government promissory-notes and treasury notes transferred by the Military Male Orphan Asylum, Madras, on its amalgamation with the Lawrence Asylum at Ootacamund, including the Brennen Legacy and Sir Hope Grant's bequest.	5,10,100	In the custody of the Accountant-General, Madras, deposited under articles 164 and 171, Civil Account Code (VII Edition).
2. Sale-proceeds of the Lawrence Asylum Press, the property of the late Military Male Orphan Asylum.	5,08,700	Held by the Treasurer of Charitable Endowments, Madras, under Act VI of 1890.
3. Government promissory-notes and treasury notes, etc., transferred by the Military Female Orphan Asylum on its being incorporated with the Ootacamund Asylum.	2,82,319	Held by the Treasurer of Charitable Endowments, Madras, under Act VI of 1890.
Total ...	13,01,119	

(3) That the Committee hereby transfer to the Trustees all the right, title and interest vested in them over the buildings and lands now under their control and also hereby transfer to such Trustees with the approval and under the orders of the Government of India all the right, title and interest vested in such Government over such buildings and lands; provided that, if the buildings and lands cease to be used for the purposes of the Lawrence Memorial School, or any similar purpose approved of in writing by the Government of India, the buildings and lands shall revert to the Government of India.

(4) The Trustees shall be—

(i) His Excellency the Governor of Madras for the time being;

(ii) The Lord Bishop of Madras for the time being;

(iii) The General Officer Commanding-in-Chief, Southern Command, for the time being;

(iv) A military officer to be nominated by His Excellency the Commander-in-Chief in India; and

(v) A person, not himself a member of the staff, to be nominated by the staff of the institution.

If, at any time, the office of the General Officer Commanding-in-Chief, Southern Command, ceases to exist, His Excellency the Commander-in-Chief shall decide what other officer should be regarded as having succeeded to his functions.

(5) That British origin and membership of the Church of England or of the Church of Scotland shall be indispensable conditions of trusteeship.

(6) That if a Trustee is absent from India for more than six months, his office shall be deemed to have become vacant.

(7) (*a*) That if any Trustee refuses to act, is disqualified from acting under clause (5), resigns, or vacates office under clause (6), his place shall be filled in the case of an *ex officio* Trustee by co-optation by the remaining Trustees and in the case of a nominated Trustee by nomination under sub-clause (iv) or sub-clause (v) of clause (4), as the case may be.

(*b*) A co-opted Trustee shall cease to hold office when the *ex officio* Trustee concerned is willing to act and is not disqualified from acting under clause (5).

(8) That the Trustees shall observe and cause to be observed the conditions of the transfer of the institution and shall manage the funds for the benefit of the institution.

(9) That the Trustees shall appoint a Board of Governors for the internal management of the institution consisting of such number of members as they consider necessary. Every member of the Board of Governors shall have the qualifications required for a Trustee in clause (5) and a majority of the members shall, so far as possible, be military officers.

(10) That the Principal of the institution shall be appointed by the Board of Governors subject to the final approval of the Trustees and shall *ex officio* be the Secretary to the Board of Trustees and to the Board of Governors.

(11) That the Trustees do also agree to impart religious instruction in accordance with the rules laid down by the late Sir Henry Lawrence and specified in the schedule to this indenture.

In witness whereof—

The schedule above referred to.

The following rules shall be observed regarding religious services and instruction:—

(*a*) In the religious lessons given in open school, all the leading truths of Christianity shall be inculcated but without unnecessary allusion to disputed points of faith or practice.

(*b*) The respective catechisms of the various Protestant denominations may be taught in private to the children of each denomination.

(*c*) The authorized version of the Bible shall be read in the school.

(*d*) At the hours in which religious instruction is given in the school, priests of the Roman Catholic Church and accredited Ministers of Evangelical denominations may attend and give instruction to the children of their respective persuasions, in places set apart for that purpose, on giving previous notice of their wish to do so to the Principal.

(*e*) Roman Catholic priests and accredited Ministers of other denominations shall have free access to the sick of their communities in the infirmary at all times.

(*f*) Divine Service, in accordance with the usage of the Church of England, shall be celebrated twice on each Sunday in the chapel of the institution, all the inmates of the establishment being required to attend, subject however to the provisions of rule (*g*).

(*g*) On the application of a clergyman of the Roman Catholic Church or accredited Minister of an Evangelical denomination of Christians, requesting permission to celebrate Divine Service on a Sunday with the members of his communion, a place shall be set apart for the purpose, and such members shall have permission to attend. Such application must, however, be made in writing on the previous Saturday.

(*h*) The form of prayers sanctioned for use in the school shall be read every morning and evening throughout the year by the Principal or such officers as he may appoint for the purpose.

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XVIII

Telegram from the Secretary to the Government of India, Army Department, to the Secretary to the Government of Madras, Law (Education) Department, dated Delhi, the 21st November 1924, No. 27055 A.D.

Your 2008-B-7, 15th October, Trust deed, Lawrence Memorial School. Government of India are advised that speaking generally the trusts cannot be altered without consent of creators thereof or an order of the proper court and that committee cannot convey land which does not belong to them. Please say whether these matters have been taken into consideration in preparing the draft trust deed.

XIX

Telegram from the Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Army Department, Fort St. George, dated the 28th November 1924.

Your telegram 27055 A.D., [dated] 21st November Lawrence Memorial School trust deed. Both [the] points mentioned [therein] have been considered. Order of proper court will be taken for vesting property in new trustees. Madras Government would suggest issue of [a] resolution under section 30 (2) of Government of India Act authorizing committee to execute deed in so far as [the] transfer of [the] Government of India's interests in [the] lands and buildings are concerned.

XX

Letter from M.R.Ry. Rao Bahadur V. T. Krishnama Acharivar Avargal, Secretary to the Government of Madras, Law (Education) Department, to the Secretary to the Government of India, Army Department, dated Fort St. George, the 3rd December 1924, No. 3257/B-3.

[Lawrence Memorial School, Ootacamund—Trust deed.]

In continuation of my telegram of the 28th November, I am directed to say that this Government have considered both the points referred to in your telegram No. 27055 A.D., dated the 21st November 1924, and also taken legal advice thereon.

2. In regard to the first point this Government are advised that the school committee cannot legally transfer the trust to another body of trustees and that the order of a court would be required for vesting the property in the new trustees. This Government accordingly propose to institute a suit under section 92 of the Civil Procedure Code and to obtain the necessary directions from the court. I am in this connexion to invite reference to paragraph 7 of this Government's letter No. 1576, Law (Education), dated 18th December 1922.

3. As regards the second point, I am to say that the question of ownership of the lands and buildings of the school is not quite clear. A large extent of land (760·76 acres) at Lovedale is attached to the school. It cannot be ascertained when this land was acquired, but there is nothing to show that the ownership does not vest in the institution. As regards the buildings, I am to invite a reference to paragraph 3 of this Government's letter No. 928, dated the 29th July 1919. As stated therein, the buildings were transferred by the local Public Works Department to the Department of Military Works in 1914 and have since then been under the control of the latter. The entire cost of these buildings was not met by the Government of India though that Government contributed the major portion. A portion of the assets of the original Lawrence Asylum (amounting to Rs. 87,402) consisting mainly of collections from private persons was also utilized in the construction of the buildings. The inference appears to be that the properties vest in the Military Department for the purposes of the institution and there would be no objection to the committee transferring on behalf of the Government of India whatever interest that Government may have in the lands or buildings. The committee in making such transfer would act as the agent of the Government of India.

4. If, however, there should be any papers in the possession of the Military Department showing that the lands or buildings belong to the Government of India and are not vested in them for the benefit of the institution, the Advocate-General, Madras, suggests that the Government of India might issue a resolution under section 30 (2) of the Government of India Act authorizing the committee to execute the deed in so far as the transfer of the Government of India's interests in the lands and buildings are concerned. I am to request that the Government of India will be pleased to issue a resolution as suggested.

XXI

Letter from the Secretary to the Government of India, Army Department, to the Secretary to the Government of Madras Law (Education) Department, dated Delhi, the 3rd January 1925, No. 29259/1 (A.D.)

[Lawrence Memorial School, Ootacamund—Military privileges enjoyed by the—.]

I am directed to refer to the correspondence ending with your letter No. 3074-B-2*, dated the 7th November 1924, on the above subject, and to say that the Government of India sanction the continuance of the privileges enumerated in the attached statement, subject to the conditions mentioned there.

* Not printed.

Annexure.

Military privileges authorized for the Lawrence Memorial School, Ootacamund.

1. Permission to send pupils when necessary to military hospitals and to receive the services of military specialists as required. This concession is confined to the children of *serving* military men and is subject to the condition that accommodation is available. The services of military specialists, when required, in military hospitals, will be contingent on those officers being present in the station.

2. The issue of medicines (free supply) and appliances on the required scale.

3. The grant of passages for pupils to England and warrants in accordance with Army Regulations, India, Volume X, paragraph 101. The former concession is confined to pupils, who are eligible for free passage consequent on the title of the head of the family to such passage, under Army Regulations, India, Volume X.

4. Clothing and supplies, on payment, from the Army authorities, if so required.

5. Permission to appoint five non-commissioned officers on the India Unattached List, who are nearing the end of their service in the Army and whose salaries are to be paid from the school funds, provided that suitable pensioners are not available. The transfer to the India Unattached List of non-commissioned officers appointed to the school is a matter for the local brigade authorities (Army Regulations, India, Volume II, Appendix XXVII).

6. Purchase of flour and kerosene oil from the Supply and Transport Corps, when required.

XXII

Memorandum No. 3074-B/24-3, Law (Education), dated 17th January 1925.

[Military privileges enjoyed by the Lawrence Memorial School—Correspondence ending with the letter* from the Principal and Secretary, C. No. 2747, dated 4th November 1924.]

The Committee of the Lawrence Memorial School is informed that the Government of India have sanctioned the continuance, after the trustee scheme comes into force, of the military privileges enumerated in the attached statement, subject to the conditions mentioned in it.

2. The Government of India's approval of the trust deed is still awaited. Consideration of the matter is being expedited as much as possible.

* Not printed.

V. T. Krishnama Achariyar,
Secretary to Government.

To the Principal and Secretary, Lawrence Memorial School.

XXIII

G.O. Mis. No. 147, P.H., dated 19th January 1925.

As long as the existing arrangement under which this Government provide employment for a certain number of military assistant surgeons remains in force, the Government undertake to provide the services of one of these assistant surgeons for the Lawrence Memorial School, Lovedale, for appointment as Resident Medical Officer of the school. The pay of the officer will be met out of Provincial funds.

2. If and when the above arrangement ceases, the Government will be prepared to give a money grant to the authorities of the school towards the pay of the Resident Medical Officer.

(By Order of the Government, Minister of Local Self-Government)

V. Pandrang Row,
Deputy Secretary to Government.

To the Surgeon-General, Madras.
" Finance Department.
" Accountant-General, Madras (through the Finance Department).
" Law (Education) Department.

XXIV

Endorsement No. 181 B/25-1, Law (Education), dated 23rd January 1925.

Communicated to the Director of Public Instruction and the Committee of the Lawrence Memorial School, Ootacamund.

(By order)

K. Ramunni Menon,
Under Secretary to Government.

To the Director of Public Instruction.
" Principal and Secretary, Lawrence Memorial School.

XXV

Letter from Secretary to the Government of India, Army Department (Schools), to the Secretary to the Government of Madras, Law (Education) Department, dated Delhi, the 23rd January 1925, No. 27055 (A.D.)

[Lawrence Memorial School, Ootacamund, Trust Deed.]

With reference to the correspondence ending with Army Department *telegram No. 27055 (A.D.), dated the 10th January 1925, on the above subject, I am directed to say that the proprietary title of the Government of India to the lands and buildings of the Lovedale School, Ootacamund, cannot be substantiated by any documentary evidence and that, as stated in your letter of the 3rd December 1924, the inference is "that the properties vest in the Military Department for the purposes of the institution."

2. The Government of India are, however, advised that whatever may be the exact nature of their right, title and interest over the lands and buildings, they cannot authorize the Committee of Management under section 30 of the Government of India Act, to transfer such right, title and interest to any third party. The transfer will have to be effected in the usual way, that is, by a deed to which the Secretary of State for India is a party; and, in accordance with section 30 (1) and (2) of the Government of India Act, read with item M-1 of Home Department Resolution No. 713, dated the 2nd June 1913, the document evidencing the transfer of the Government of India's rights in the property, which is in the territories under the administration of the Government of Madras, should be executed for and on behalf of the Secretary of State for India, by a Secretary to Government.

3. The Government of India agree to the institution of a suit under section 92 of the Civil Procedure Code, as proposed by the Government of Madras, to obtain directions from the High Court for the transfer of all rights now vesting in the Government of India to the new Board of Trustees. When these directions have issued the transfer can be carried out in the manner indicated above.

* Not printed.

Order—No. 452, Law (Education), dated 31st March 1925.

In G.O. No. 431, Law (Education), dated 6th April 1922, sanction was accorded to a scheme for the provincialization of the Lawrence Memorial School, Lovedale. It was, however, decided subsequently to hold the above scheme in abeyance pending consideration of a proposal made by the committee of the school to transfer the control of the institution to a Board of Trustees. The Government of India have, with the approval of the Secretary of State for India, now sanctioned the abandonment of the scheme for provincialization of the institution and have agreed to the proposal to transfer the management of the school to a Board of Trustees on the understanding that the Local Government make themselves responsible for the proper conduct of the school and for the proper expenditure of the Imperial grant sanctioned for it. The Government of India have stipulated that the annual grant-in-aid of Rs. 2,30,000 sanctioned by them to the school will be subject to revision every five years, or from year to year in the event of its being subject to the vote of the Legislative Assembly. They have, however, given an assurance that, subject to the consent of the Legislature in the event of the grant becoming votable, they would continue the annual payment of the grant for so long as they are satisfied that the school is being properly maintained, and that the amount cannot be reduced without prejudice to the efficiency of the institution.

2. In order to give effect to the scheme for the transfer of management of the school to the Board of Trustees, a suit under section 92 of the Code of Civil Procedure was instituted in the sub-court of the Nilgiris. The court has approved the scheme and a copy of the judgment of the court is printed as Annexure I to these proceedings.

3. The Board of Trustees will consist of—

(i) His Excellency the Governor of Madras for the time being;

(ii) The Lord Bishop of Madras for the time being;

(iii) The General Officer Commanding-in-Chief, Southern Command, for the time being;

(iv) A military officer to be nominated by His Excellency the Commander-in-Chief in India; and

(v) A person, not himself a member of the staff, to be nominated by the staff of the institution.

The other details relating to the new scheme are embodied in the judgment of the court.

4. The Government of India have sanctioned the transfer to the Board of Trustees of all right, title and interest vested in that Government over the buildings and lands of the school provided that, if the buildings and lands cease to be used for the purposes of the Lawrence Memorial School or any similar purpose approved of in writing by the Government of India, the buildings and lands shall revert to that Government. A deed providing for such transfer has been executed and it is printed as Annexure II to these proceedings.

5. The revised scheme referred to above will come into force from 1st April 1925.

(By order of the Governor in Council)

V. T. Krishnama Achariyar,
Secretary to Government.

To the Committee of the Lawrence Memorial School, Lovedale.
" Director of Public Instruction.
" Accountant-General.
" Finance Department.
" Public Works Department.
" Copy to the Government of India, Army Department (with C.L.).

[~~Annexure~~] Annexure I

ANNEXURE I.

IN THE COURT OF THE SUBORDINATE JUDGE, THE NILGIRIS, OOTACAMUND.

Present:

C. Govindan Nayar, Esq., B.A., B.L., *Bar.-at-Law*,
Subordinate Judge.

Friday the 27th day of February One thousand and nine-hundred and twenty-five.

Original Suit No. 23 *of* 1925.

The Advocate-General, Madras ... ... *Plaintiff.*

against

(1) The General Officer Commanding Madras District, Wellington, (2) The Collector of the Nilgiris, (3) The Deputy Assistant Quartermaster-General, Madras District, Wellington, (4) The Executive Engineer, Nilgiri division, (5) The Officer Commanding British Infantry Regiment, Wellington, (6) The Civil Surgeon, Ootacamund, (7) Major A. M. Urquhart, R.A., Aruvengadu, (8) B. A. Brendon, Esq., St. Margarets, Ootacamund, (9) P. W. Woolley, Esq., Woodcote, Coonoor and (10) H. Wood, Esq., Ayrdale, Ootacamund ... ... *Defendants.*

This suit coming on for final hearing this day in the presence of Mr. H. J. Graham, Attorney for the plaintiff and all the defendants having been served and the plaintiff's Attorney having filed memoranda from all the defendants consenting for a decree as prayed for

by the plaintiff, the Court delivered the following

JUDGMENT.

Suit for a decree for (1) removing, if necessary, the present committee of management of the plaint institution, viz: The Lawrence Memorial School, Lovedale, Ootacamund, (2) appointing a Board of Trustees to the said institution in accordance with the proposals detailed in paragraph 7 of the plaint, (3) vesting the properties of the trust in the said Board of Trustees and directing the defendants to transfer possession of the properties to such Board, and (4) sanctioning the scheme set out in paragraph 7 of the plaint for the due and proper management of the said institution.

It is alleged that the defendants are the members of the committee of management of an institution known as the Lawrence Memorial School, Lovedale, Ootacamund, that the properties of the said institution are set out in Schedules A and B of the plaint and are within the jurisdiction of this Court, that the members of the committee (defendants) in the best interests of the institution deem it necessary and expedient that the management of the institution should be provided for in the manner proposed in paragraph 7 of the plaint and agree to transfer the property to the new trustees should this Court sanction the proposal and direct them to do so and that plaintiff accordingly in his capacity as Advocate-General, Madras, has brought this suit.

2. The defendants are absent but they have all been served and Mr. Graham filed memoranda from all the defendants agreeing to a decree as prayed for by the plaintiff. It is also alleged in the plaint that the defendants agree to the plaint-mentioned decree.

3. I do not also see any reason to disapprove of the proposal scheme. It is approved and sanctioned.

4. Therefore, judgment for plaintiff as prayed for. No costs.

C. GOVINDAN NAYAR,
Subordinate Judge.

DECREE.

IN THE COURT OF THE SUBORDINATE JUDGE, THE NILGIRIS, OOTACAMUND.

Original Suit No. 23 *of* 1925.

The Advocate-General for the Presidency of Madras, Madras ... ... *Plaintiff*.

(1) The General Officer Commanding Madras District, Wellington, (2) The Collector of the Nilgiris, (3) The Deputy Assistant Quartermaster-General, Madras District, Wellington, (4) The Executive Engineer, Nilgiri division, (5) The Officer Commanding, British Infantry Regiment, Wellington, (6) The Civil Surgeon, Ootacamund, (7) Major A. M. Urquhart, R.A., Aruvankadu, (8) B. A. Brendon, Esq., St. Margarets, Ootacamund, (9) P. W. Woolley Esq., Woodcote, Coonoor, (10) H. Wood, Esq., Ayrdale, Ootacamund ... ... *Defendants*.

Suit for a decree for (1) removing, if necessary, the present committee of management of the plaint institution, viz., the Lawrence Memorial School at Lovedale, Ootacamund, (2) appointing a Board of Trustees to the said institution in accordance with the proposals detailed in paragraph 7 of the plaint, (3) vesting the properties of the trust in the said Board of Trustees and directing the defendants to transfer possession of the properties to such Board, and (4) sanctioning the scheme set out in paragraph 7 of the plaint for the due and proper management of the said institution.

It is alleged that the defendants are the members of the committee of management of an institution known as the Lawrence Memorial School, Lovedale, Ootacamund, that the properties of the said institution are set out in Schedules A and B of the plaint and are within the jurisdiction of this Court, that the members of the committee (defendants) in the best interests of the institution deem it necessary and expedient, that the management of the institution should be provided for in the manner proposed in paragraph 7 of the plaint and agree to transfer the property to the new trustees, should this Court sanction the proposal and direct them to do so and that plaintiff accordingly in his capacity as Advocate-General, Madras, has brought this suit.

Date of plaint—20th February 1925.

Value of the claim Rs. 28,33,174.

Cause of action arose on 20th February 1925.

This suit coming on for hearing this day, before C. Govindan Nayar, Esq., B.A., B.L., Bar.-at-Law, Subordinate Judge, in the presence of Mr. H. J. Graham, Attorney for the plaintiff and all the defendants having been served and the plaintiff's Attorney having filed in Court memoranda from all the defendants consenting for a decree as prayed for by the plaintiff, this Court doth order and decree—

(1) that the present committee of management consisting of the defendants be removed;

(2) that the scheme set out in paragraph 7 of the plaint and mentioned hereunder be and the same hereby is approved and sanctioned for the due and proper management of the said institution ;

(3) that the following Board of Trustees be appointed in accordance with the proposals contained in the said scheme :—

(*a*) His Excellency the Governor of Madras for the time being,

(*b*) The Lord Bishop of Madras for the time being,

(*c*) The General Officer Commanding-in-Chief, Southern Command, for the time being,

(*d*) A military officer to be nominated by His Excellency the Commander-in-Chief in India, and

(*e*) A person not himself a member of the staff to be nominated by the staff of the institution.

NOTE.—If at any time the Office of the General Officer Commanding-in-Chief, Southern Command, ceases to exist, His Excellency the Commander-in-Chief shall decide what other officer should be regarded as having succeeded to his functions.

(4) That the properties of the trust including those set out in schedules A and B hereto be vested in the Board of Trustees now appointed and the defendants are hereby directed to transfer the possession of the properties to the said Board of Trustees ; and

(5) That the plaintiff do bear his own costs.

Scheme for a succession of trustees and the management of the institution known as the Lawrence Memorial School at Lovedale, Ootcamund.

(i) The following rules regarding religious services and instruction laid down by the late Sir Henry Lawrence shall be adopted :—

(*a*) In the religious lessons given in open school, all the leading truths of Christianity shall be inculcated but without unnecessary allusion to disputed points of faith or practice.

(*b*) The respective catechisms of the various Protestant denominations may be taught in private to the children of each denomination.

(*c*) The authorized version of the Bible shall be read in the school.

(*d*) At the hours in which religious instruction is given in the school priests of the Roman Catholic Church and accredited Ministers of Evangelical denominations may attend and give instruction to the children of the respective persuasions, in places set apart for that purpose, on giving previous notice of their wish to do so to the Principal.

(*e*) Roman Catholic Priests and accredited Ministers of other denominations shall have free access to the sick of their communities in the infirmary at all times.

(*f*) Divine service, in accordance with the usage of the Church of England, shall be celebrated twice on each Sunday in the Chapel of the institution, all the inmates of the establishment being required to attend, subject however to the provisions of rule (*g*).

(*g*) On the application of a clergyman of the Roman Catholic Church or accredited Minister of an Evangelical denomination of Christians, requesting permission to celebrate Divine service on Sunday with the members of his communion, a place shall be set apart for the purpose and such members shall have permission to attend. Such application must, however, be made in writing on the previous Saturday.

(*h*) The form of prayers sanctioned for ~~youth~~ in the school shall be read every morning and evening throughout the year by the Principal or such officers as he may appoint for the purpose.

(ii) The Principal of the institution shall invariably be a clergyman of the Church of England.

(iii) That at least 200 boys and 100 girls of the classes eligible for admission to the late Military male and female orphan Asylums shall be maintained.

(iv) The trustees shall be

(1) His Excellency the Governor of Madras for the time being ;

(2) The Lord Bishop of Madras for the time being ;

(3) The General Officer Commanding-in-Chief, Southern Command, for the time being ;

(4) A Military Officer to be nominated by His Excellency the Commander-in-Chief in India ; and

(5) A person not himself a member of the staff to be nominated by the staff of the institution.

If at any time the office of the General Officer Commanding-in-Chief, Southern Command, ceases to exist, His Excellency the Commander-in-Chief shall decide what other officer should be regarded as having succeeded to his functions.

(v) British origin and membership of the Church of Eugland or of the Church of Scotland shall be indispensable conditions of trusteeship.

(vi) If a trustee is absent from India for more than six months his office shall be deemed to have become vacant.

(vii) (*a*) If any trustee refuses to act, is disqualified from acting under clause (v), resigns or vacates office under clause (vi), his place shall be filled in the case of an ex officio trustee by co-optation by the remaining trustees and in the case of a nominated trustee by nomination under sub-clause (4) or sub-clause (5) of clause (iv) as the case may be.

(*b*) A co-opted Trustee shall cease to hold office when the ex officio trustee concerned is willing to act and is not disqualified from acting under clause (v).

(viii) The trustees shall observe and cause to be observed the conditions of the transfer of the institution and shall manage the funds for the benefit of the institution.

(ix) The trustees shall appoint a Board of Governors for the internal management of the institution consisting of such number of members as they consider necessary. Every member of the Board of Governors shall have the qualifications required for a trustee in clause (v) and a majority of the members shall, so far as possible, be Military officers.

(x) The principal of the institution shall be appointed by the Board of Governors subject to the final approval of the trustees and shall exofficio be the Secretary to the Board of Trustees and to the Board of Governors.

Schedule A.

List of immovable properties.

Village.	S. No.		Extent. Acre.
Keti in the Registration district of Coimbatore Nilgiris and Registration sub-district of Coonoor.	1158	...	12·57
	1224 A/1	...	49·26
	„ A/3	...	606·55
	„ A/5	...	25·34
	„ A/8	...	4·20
	„ B/2	...	0·74
	„ B/4	...	1·06
	„ C	...	0·67
Ootacamund in the Registration District of Coimbatore-Nilgiris and Registration Sub-District of Ootacamund.	1224 A/5	...	1·66⅛
	„ A/7	...	0·05⅝
	Total	...	702·11⅛

Schedule B.

Funds.

Item.	Amount.	Particulars of securities.
1. Government promissory notes and treasury notes transferred by the Military Male Orphan Asylum, Madras, on its amalgamation with the Lawrence Asylum at Ootacamund, including the Brennen Legacy and Sir Hope Grant's Bequest.	5,10,100	In the custody of the Accountant-General, Madras, deposited under articles 164 and 171, Civil Account Code (7th edition).
2 Sale-proceeds of the Lawrence Asylum Press, the property of the late Military Male Orphan Asylum.	5,08,700	Held by the Treasurer of Charitable Endowments, Madras, under Act VI of 1890.
3 Government promissory-notes and treasury notes, etc., transferred by the Military Female Orphan Asylum on its being incorporated with the Ootacamund Asylum.	2,84,319	Held by the Treasurer of Charitable Endowments, Madras, under Act VI of 1890.
Total ...	13,03,119	

Given under my hand and seal of the Court this 27th day of February 1925.

Institution fee (stamp for plaint Rs. 50.)
Other costs not certified.

C. GOVINDAN NAYAR,
Subordinate Judge.

ANNEXURE II.

THIS INDENTURE made the 31st day of March 1925 BETWEEN THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL hereinafter called "the Secretary of State" which expression shall where the context admits be deemed to include his successors and assigns of the one part and the BOARD of TRUSTEES of the LAWRENCE MEMORIAL SCHOOL at LOVEDALE in the NILGIRIS DISTRICT hereinafter called "the Trustees" which expression shall where the context so admits be deemed to include their successors in office of the other part WHEREAS in pursuance of a decree dated the 27th day of February 1925 passed in O.S. No. 23 of 1925 on the file of the Court of the Subordinate Judge at Ootacamund the management of the institution known as the Lawrence Memorial School established at Lovedale in the Nilgiri Hills, Southern India, was placed in the hands of the Trustees and its endowments were transferred to the Trustees and the right title and interest vested in the former Committee of Management over the buildings and land were also transferred to the Trustees subject to the conditions contained therein AND WHEREAS at the request of the Trustees the Secretary of State has agreed to transfer to them the right title and interest vested in him as such in the said lands and buildings comprising the said institution and which said lands and buildings are more particularly described in the schedule hereunder written NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement the Secretary of State hereby conveys and assigns unto the Trustees All the right title and interest vested in him in those lands comprising the said Lawrence Memorial School and buildings situate in the villages of Keti and Ootacamund in the Nilgiris district containing 702·11⅛ acres be the same a little more or less and being more particularly described in the schedule hereunder written TOGETHER with all trees commons hedges ditches fences ways waters watercourses rights liberties privileges easements advantages and appurtenances whatsoever to the same in any wise appertaining or heretofore occupied or enjoyed therewith AND all the estate right title interest property claim and demand of the Secretary of State in to and upon the same premises TO HAVE AND TO HOLD the same unto and to the use of the Trustees and their successors in trust as regards all the said lands and buildings to use the same and every part thereof in accordance with the provisions of the hereinbefore recited decree of the said Court of the Subordinate Judge of Ootacamund and the terms and directions thereof provided that in case the buildings and lands ceased to be used for the purposes of the Lawrence Memorial School or any similar purpose approved of in writing by the Government of India the buildings and lands shall revert to that Government. IN WITNESS whereof Rao Bahadur V. T. Krishnama Achariyar, the Secretary to the Government of Madras, Law (Education) Department, by order and direction of the Government of Madras acting for and on behalf of the Secretary of State hath hereunto set his hand and seal the day and year first above written.

The schedule to which the above written indenture refers.

Registration sub-district. (1)	Registration district. (2)	Village. (3)	Serial number. (4)	Extent. (5)
Coonoor	Coimbatore-Nilgiris ..	Keti	1168	12·57 acres with all buildings.
			1224A/1	49·26 acres.
			1224A/3	606·55 acres with all buildings.
			1224A/5	25·24 acres.
			1224A/8	4·20 ,,
			1224B/2	0·74 ,,
			1224B/4	1·06 ,,
			1224C	0·67 ,,
Ootacamund ..	Coimbatore-Nilgiris ..	Ootacamund ..	1224A/5	1·66⅝ ,,
			1224A/7	0·05⅝ ,,
			Total ..	702·11⅛ acres.

Signed sealed and delivered by the above-named Rao Bahadur V. T. Krishnama Achariyar for and on behalf of the Secretary of State for India in Council in the presence of—
S. KRISHNA AYYAR,
Superintendent, Law Department.
C. V. VISWANATHA AYYAR,
Clerk, Law Department.

V. T. KRISHNAMA ACHARIYAR.

LAW (EDUCATION) DEPARTMENT.

NOTES CONNECTED WITH G.O. No. , LAW (EDUCATION), DATED ~~DECEMBER 1923~~

[SUBJECT.—*Lawrence Memorial School Trustee scheme.*]

From the Government of India, Department of Education, dated 6th March 1923 *No.* 260.

A most unsatisfying reply. We did not suggest that the school should be administered by the Central Government but by people on the spot who know what they are doing.

As regards the possible treatment of the school in the local Council there is no misapprehension of the relevant facts. We really had a motion in last year's budget discussion protesting against our making ourselves responsible for the Lawrence School. Simla really outdo themselves when they talk about the local committee being under a misapprehension of (local) relevant facts.

We never suggested that a department of the Government of India should directly administer the school. We suggested that the school should be handed over to a Board of Trustees with local knowledge and local interest.

As regards the reference to Sanawar unless I am very much mistaken the Government of India and the Military department provide all the money that that institution requires and no conclusion can therefore be drawn from its provincialisation.

Lastly to give as a reason for not taking a particular step the fact that it is "unusual" to ask the Secretary of State to alter a scheme which is already sanctioned seems to me a negation of all responsibility. If a step is thought necessary we ought certainly not to be deterred from taking it because it means a reference to the Secretary of State. If it is not necessary there was no point in adducing this argument.

As for present action, in the first place we should not on any account agree to provincialization from the 1st of April. An enormous amount of trouble and confusion was caused on the previous occasion when Government applied the provincialization before any preliminary arrangements had been made and we should not subject the school to the same ordeal a second time. We should fix a date by which the endowments would have been transferred and the new organization—including the appointment of a committee—the sanction of rules, etc., has been got ready. This might be done by the 1st of July. I would wire immediately to the Government of India saying that their letter has been communicated to the committee for consideration and that a reply will be sent in due course but that their orders have been received too late for it to be possible to complete the transfer to provincial control by April the 1st. Invested endowments have to be transferred to Government control, an advisory committee has to be appointed and their duties settled while rules for the guidance of the Principal particularly in matters of finance have to be drawn up in consultation with the Accountant-General and the Director of Public Instruction. On the previous occasion when Provincialization was actually introduced without settling these preliminaries the result was most unsatisfactory. The confusion both in the management of the school and in Government budget caused the greatest inconvenience. It seems unlikely that it would be possible to introduce complete provincialization before the 1st of April.

My own impression is that if, as appears to be the case, the Government of India can find no inherent faults in the Committee's proposal but can only turn it down on a formality we should make up our minds to push the proposal through. Their order to us to introduce provincialization from the 1st of April seems to me ultra vires. The Secretary of State in paragraph 5 of his Despatch of the 24th of November 1921 has clearly laid down that responsibility for the Lawrence School is a central one and that all that the Government of India can do is to accept a service in this connexion from the Provincial Government (page 4 of G.O. No. 431, dated 6th April 1922). I cannot find that they have a power to compel us to render the service if we do not wish to do so and it is apparently open to us to say at once that we will not accept the so-called provincialization but that they may run the show themselves. We know quite well that neither the Education Department of the Government of India nor the Military Department have any desire to do this. It would be well to have this constitutional point examined while we are waiting for a further communication from the Committee.

His Excellency should see.

A. R. K[NAPP]—11-3-23.

A draft memorandum to the Committee and telegram to the Government of India are submitted. The case may be circulated to His Excellency.

2. After issue of the drafts, the case may be sent to the Finance Department u.o. for advice on the constitutional point raised above by C-3. The point will also be simultaneously examined in this department.

C.V.V.—12-3-23. T.K.—12-3-23. R. V. KRISHNA AYYAR—12-3-23.

P. L. MOORE—12-3-23.

A. R. K[NAPP]—12-3-23

I agree.

W[ILLINGDON]—13-3-23.

FINANCE DEPARTMENT.

The question raised by C-3 is whether the Government of India can compel a Local Government to render a service to the Central Government. Please see clause (*c*) of section 45-A (1) of the Government of India Act and rule 46 of the Devolution Rules. The power is vested in the Governor-General in Council to employ the agency of the Governor in Council of any province in the administration of Central subjects in so far as such agency may be found convenient. It will be seen that it is *not* a matter of agreement between the Governor-General in Council and the Governor in Council, but the power to employ the agency of the latter is vested in the former.

Section 45 (1) of the Government of India Act lays down that the Local Government shall obey the orders of the Governor-General in Council and that it is under his superintendence, direction and control in all matters relating to the Government of its province. The powers of superintendence, etc., are relaxed only in the case of transferred subjects—Section 45-A (3) of the Government of India Act.

2. In the circumstances, it appears that the Government of India can compel a Local Government to perform a service on behalf of the Central Government and that the only course open to a Local Government which is aggrieved by the order of the Government of India is to appeal to the Secretary of State through the Government of India, the Secretary of State's order being final—vide section 33 of the Government of India Act.

3. As the matter is not purely financial and depends upon the interpretation of the Government of India Act, the remarks of Public Department have to be obtained. The case may be returned to Law through Public.

J.M.H.—15-3-23.

T.A.S.—15-3-23.

Also please see Devolution Rule 4 on page 109 of the Legislative Council Manual, Volume I.

J. M. HOOPER—15-3-23.

I am afraid there can be little doubt that under Devolution Rule 4 the Governor-General in Council can insist on provincialization if they wish. C-1 will no doubt see the case.

Not in the sense that they can make us financially responsible.

A.R.K.

E. S. LLOYD—15-3-23.

PUBLIC DEPARTMENT.

No doubt the Government of India can when they like employ the agency of the local Government, but I do not know that that vitally affects the question. It looks as if under the ruling of the Secretary of State the school is a Central subject and the Government of Madras come in only as agent

R. A. GRAHAM—17-3-23.

LAW (EDUCATION) DEPARTMENT.

For orders as to circulation to C-3 and C-1. (The Committee's reply to the reference is awaited).

T.K.—17-3-23.

The Committee's reply to the reference has just been received and is added to the current file. For orders whether the Government of India should again be addressed and if so on what lines.

R. V. KRISHNA AYYAR—19-3-23.

F. NOYCE—19-3-23.

At the request of the Lawrence School Committee I met them this morning and discussed the whole of this question. I find that their unanimous desire is to stick to the Trustee Scheme. I think they are right. I am now proposing, if His Excellency agrees, to see what I can do at the India Office.

C

The Government of India's objection to the scheme was twofold—

(1) that we are really over-nervous about the possible future of the school in the hands of the Legislative Council; and

(2) that the Secretary of State would object to being asked to reconsider his decision. As regards the first objection our experience in connexion with some of the recent budget cuts and as well as, generally, the attitude of the Legislative Council justifies us in holding that we are not over-nervous. As regards the Secretary of State I do not for a moment imagine that he would object to a re-opening of the subject and I am in hopes that I might be able to get an intimation to this effect sent out from Whitehall to Simla.

In the meantime we shall have to arrange for the prolongation as long as may be necessary of the present position. I see that no particular date was mentioned in our telegram of the 8th of March (page 11 of the current file) but six weeks or so hence it might be well to write to the Government of India and say that the matter of transfer is still under discussion with the Committee and that Provincialisation will have to be postponed to the end of September. I may mention that in my opinion it is open to us, if we choose to do so, to refuse to accept Provincialization at all. The Secretary of State has clearly laid it down that the Government of India remains responsible for the school, that we are only their agents and that the cost of managing the school is a Central charge. In these circumstances I do not see how we can be compelled to undertake against our wish responsibility for the school particularly if that involves the spending of Provincial money upon it. But I would not mention these points at present but reserve them for later use if necessary, my reason being that the Committee are a little nervous lest the Government of India might take it into their heads to abandon the school altogether if they found a danger of its coming back on their hands.

A

D

A. R. K[NAPP]—24-4-23.

I had the advantage of a prolonged discussion on this matter with the Hon'ble Mr. Knapp just before he left, when the Hon'ble the Law Member also assisted us with his advice on the legal and constitutional aspects of the case.

2. *Prima facie* I do not think that the Government of India's letter is altogether one to excite surprise. The reason we gave in paragraph 1 of our letter in G.O. No. 1576, Law (Education), dated the 18th December 1922, for preferring the the Trustee scheme was the fear that 'although European education is a reserved subject, the general educational policy of the Local Government being in the hands of a Minister responsible to the Legislative Council, difficulties might arise in the case of this school, which is solely intended for military pupils and must be run on special lines, in conforming to the rules and regulations laid generally for Government schools'. The Government of India reply that 'whether the school is under the Local Government or the Central Government the grant to be made to it by the Government of India will have to be voted each year by the Legislative Assembly. There is no reason to suppose that the grant will be more readily voted if the school is administered directly by a department of the Government of India, which of necessity can have no local knowledge, than if it is part and parcel of the educational system of a Local Government. In thus referring to direct administration by the Government of India they apparently have in view the fact that the education of soldiers' children is a central subject, and that if they entrusted the school to a board of trustees, they would at least nominally be responsible to the Legislative Assembly for its conduct by such board. They go on to refer to the experience of the Punjab which has taken over the Murree School, and here I gather that the Hon'ble Mr. Knapp was mistaken in supposing that their reference was to the one at Sanawar.

3. Nor was I personally aware of what I now gather is the main reason of the Trustee proposal, namely, that, if the school could be treated as a private school receiving its income partly from endowments and partly from the Government of India grant, it could, for purposes of grants under the Grant-in-aid Code, become entitled to a share of the lump sums given to the Director of Public Instruction to distribute at his discretion, whereas if it were turned into a provincial school every detail of its expenditure would come under the scrutiny of the Legislative Council as part of the budget.

4. The whole question is complicated by the fact that the education of soldiers' children is a central subject, and I understand that the Hon'ble the Law Member's view is that the Provincial Government can manage the school only as agents of the Government of India, that the Government of India have full power to order us to undertake the agency if they are so minded, but that, if so, they render themselves liable for the whole of the charges whatever they may be.

C | 5. In this view, the proposal made by us before the Reforms to take over the school as a provincial charge subject to the Government of India making us a fixed subsidy, has now become *ultra vires*, and the only way in which the Government of India can manage to secure from us a share of the cost of managing the school seems to be that indicated in the Trustee scheme.

B | 6. If this is the case, the first thing to be done seems to be to bring home the appreciation of these facts to the Government of India, the India Office, and His Excellency the Commander-in-Chief. This, I understand, is being undertaken through the medium of demi-official communications.

7. I should be glad if this note could be circulated to the Hon'ble the Law Member in case I should not have correctly stated the legal aspects of the question explained by him.

C. G. T[ODHUNTER]—27-4-23.

I should be much obliged if the Hon'ble the Law Member would give his views.

R. A. G[RAHAM]—1-5-23.

On the day when the Hon'ble Mr. Knapp left Ootacamund he and my Hon'ble Colleague C–1 consulted me on this matter and the opinion which I then expressed and to which I adhere is as follows :—

My opinion expressed as Advocate-General on the proposed trust-deed has also some bearing on our ultimate policy as to this institution. I think my Hon'ble Colleague C–1 has accurately summarized my arguments but, inasmuch as we may have to address the Government of India it may be as well to deal with the legal and constitutional aspect a little more in detail and I now proceed to do so.

Section 45 (1) of the Government of India Act imposes an obligation on all Local Governments to obey the orders of the Governor-General in Council, and under section 45-A(1) certain Devolution Rules have been framed. Rule 46 of the Devolution Rules lays down that the Governor-General in Council may employ the agency of the Governor in Council of any province in the administration of central subjects in *so far as such agency may be found convenient*. Not only the underlined words but the general principles of legal construction make it clear that it is not open to the Governor in Council to refuse to act as agent, and therefore this rule taken along with section 45 (1) demonstrates that we cannot decline agency. Now this agency can only be exercised as to central subjects and as will appear from the list of provincial subjects [page 122 of volume I, Legislative Council Manual, Part II, No. 5 (*a*) (ii)] any institution maintained by the Governor-General in Council for the benefit of members of His Majesty's Forces or of other public servants or of the children of such members or servants is excluded from the list of provincial subjects (see also list of provincial subjects for transfer, page 127, No. 5]. This being so, it follows that an institution for the education of soldiers' children would be a central subject and therefore a subject which would invite the application of rule 46 aforesaid. But this position necessarily carries with it the result that rule 47 relating to the cost of agency at once begins to operate, namely, that the cost of an establishment exclusively employed on the business of agency shall be a charge against all-India revenues. We must ascertain in relation to the context and subject-matter the exact meaning of the expression "the cost of an establishment." When that expression is applied to an educational institution like the Lawrence Memorial School, I think, the proper interpretation is that the cost of its maintenance is a charge on central revenues. In any case, and without possibility of controversy, the pay of the staff and of all the servants connected with the school would be subject to rule 47. An exception may possibly be made in the case of the cost of boarding which may not be accurately comprised in the expression "cost of an establishment" employed on the business of agency. Now the expression "provincialising the Lawrence Memorial School" occurs in the telegram from Delhi. What does this mean? Does it mean that any new rules have been made or are proposed to be made under section 45-A reclassifying central and provincial subjects; if not (and I assume that no such rules have been made), the use of the word "provincialising" is, with all respect, inaccurate and must be regarded as connoting merely the agency of the Provincial Government. The utilization of such agency cannot be availed to impose upon the provincial revenue a burden which is legitimately and statutorily borne upon the central revenue as a charge thereon. In this view, and having regard to the complications indicated above, I maintain that the "Trustee scheme" is the only feasible one.

I have put on record the whole of the legal arguments so that in case of further correspondence with the Government of India these views may be available.

C. P. R[AMASWAMI AYYAR]—1-5-23.

Please see **A** on page 3 and **B** on page 4 ante. It is presumed that no further action is at present necessary in the Secretariat on this file and that the papers may lie over till the 1st of June.

With reference to **C** on page 3, His Excellency may perhaps see this file. He has already seen the telegram sent by this Government to the Government of India on 13th March 1923 and need see only the notes from page 3 onwards.

R. V. KRISHNA AYYAR—3-5-23.

F. NOYCE—5-5-23.

His Excellency has seen the papers up to 1st May, but will no doubt like to see C-3's note of that date.

R. A. G[RAHAM]—6-5-23.

This note of C-3's is interesting and satisfactory.

W[ILLINGDON]—8-5-23.

A draft letter to the Government of India is submitted with reference to the Honourable Member's remarks at **A** on page 3 ante .

T.K.—30-5-23.

Attention is invited to **C** on page 4. Provincialization cannot mean anything more than agency and the arrangement to spend provincial money is *ultra vires*. I am not aware of the result of the demi-official letters referred to at **B** on page 4. But pending his negotiations at the India Office, Mr. Knapp was not anxious that this should be impressed on the Government of India—see **D** on page 3.

The draft may issue.

R. RAMACHANDRA RAO—1-6-23.

May issue.

His Excellency wrote demi-official to the Commander-in-Chief. The latter's answer was to the effect that, if the school were excluded from the Madras Educational system the responsibility would rest on the Army Department, which is peculiarly open to attack ; that this liability to attack would be increased by the idea that the abandonment of provincialization was due to an attempt to evade the effect of the Reforms ; and that the abandonment of provincialization might therefore in the end do the school more harm than leaving it alone.

R. A. G[RAHAM]—2-6-23.

Extracts from Honourable Ministers note in the file relating to the pension scheme.

* * * * * *

The provincialization of the school has only been postponed till September. It was hoped that, before the end of July, some communication would be received from Mr. Knapp. I do not know however that it is necessary to wait for that and the further draft to the Government of India setting forth the obstacles in the way of provincialization had better be put up without further delay.

R. A. G[RAHAM]—6-8-23.

A draft letter to the Government of India is submitted for approval.

It is presumed that no reference need be made to the argument regarding the voting of the grant by the Assembly.

G.S.—8-8-23. C. GOVINDAN NAYAR—9-8-23.

S.K.—9-8-23. R. RAMACHANDRA RAO—10-8-23.

I have put up an alternative draft, in which I have not embodied the whole of the legal arguments set forth by my Honourable Colleague C-3, and I should like him, as well as His Excellency to see it before issue, in order that he may give his opinion as to whether it is adequate, and may amend it if he thinks fit. I should like to see it again after circulation to C-3 and His Excellency. **B**

I have to-day received the attached letter from Mr. Knapp. He advises that we should not raise the constitutional issue except as a last resort and should merely contest the correctness of the Government of India's estimate of the situation in Council. In view however of the answer which His Excellency received to his demi-official to His Excellency the Commander-in-Chief (summarised ~~on page 16 above~~), I think we must go all out at once.

I am doubtful about the advisability of including the portion I have bracketed at the end of paragraph 5 of my draft. The idea was that Government should keep out of all details of management ; but as agents of the Governor-General in Council, I think they may be obliged to take on the responsibility of supervision.

R. A. G[RAHAM]—12-8-23.

Demi-official from A. R. KNAPP, Esq., C.B.E., C.S.I., I.C.S., East India United Service Club, St. James Square, S.W. 1, London, to the Hon'ble Mr. R. A. GRAHAM, C.S.I., I.C.S., Member of Council, Madras, dated the 20th July 1923.

I have been enquiring at the India Office regarding the Lawrence Asylum School matter and am told, as I expected, that they would have no objection whatever to considering the Committee's Trustee Scheme if it were sent home. Both Judicial and Public and Financial agree in telling me this and Dawson, the man in the Judicial and Public Department who had dealt with the matter said further that he thought our scheme would be accepted if sent home. I have written and told Butler what I have heard and said that I expect he will get an official request for a reconsideration of the Government of India's decision. If I remember right they only raised two objections, one of what is disposed of by the India Office attitude: the other—the question whether the local Council will or will not be sympathetic to the school—is, I think, a matter on which we are better qualified than Simla to speak.

I take it that the next move should come from the Committee which, if it has not already done so, should move for a reconsideration. Our trump card is, I think, that we are not really entitled under the Reform to spend our money in maintaining an Imperial institution, but I imagine that it would be best to hold this card up until the very last, and merely contest on the correctness of their guaging of the situation in the Council.

I have perused my Hon'ble Colleague C-4's draft and it seems to be quite adequate. We need only indicate (not elaborate) our legal position.

The portion in brackets in section 5 may be omitted.

C. P. R[AMASWAMI AYYAR]—15-8-23.

C-4's draft approved.

W[ILLINGDON]—20-8-23.

May issue.

R. A. G[RAHAM]—24-8-23.

[Issued as letter to India, No. 1191/B-7, dated 27th August 1923.]

For perusal.

R. RAMACHANDRA RAO—29-10-23.

I think we might remind India and ask for a very early decision.

A. R. K[NAPP]—30-10-23.

Draft letter to India submitted.

C.V.V.—1-11-23. S.K.—1-11-23. C. GOVINDA NAIR—2-11-23.

R. RAMACHANDRA RAO—2-11-23.

[Letter No. 1191/B-8, dated 2nd November 1923.]

LAWRENCE MEMORIAL SCHOOL.

Notes of an interview with Mr. Butler.

The matter is in the hands of the Army Department.

The Government of India are prepared to continue an annual grant equal to the amount hitherto granted. This will be subject to the vote of the Assembly under the head 'Adjustments.' The Government of India think it would be easier to get such a vote through the Local Council than through the Assembly.

Otherwise there is likely to be no objection to the Trustee Scheme.

G. T. BOAG—19-11-23.

C. G. T[ODHUNTER]—19-11-23.

For perusal.

R.R.—23-11-23.

I am glad to find that this matter is apparently out of Mr. Butler's hands. The Army Department will be much easier to deal with. The only point practically which remains at issue is whether we or they are right on the question whether the Legislative Assembly or the local Legislative Council is most likely to be ungenerous enough to wish to curtail the schools grants. I have no doubt at all on the subject.

To the Legislative Assembly the annual grant under my scheme will represent an assignment promised to an unofficial Board of private Trustees in consideration of their taking off the shoulders of the Government of India the responsibility for any further expenditure. Some of this money, as the Committee points out, is not a mere grant but money legally due to the school. The bargain which the Government of India in the Military Department will have made will have been an excellent one from their own point of view and I find it very difficult to conceive its repudiation by the Assembly. If it were repudiated I take it that the Viceroy would in the face of the Trust deed restore the grant.

Under the arrangements that I propose the school would merely get from Provincial funds the same grants as any other schools. These grants will be distributed by the Director of Public Instruction and there is no reason why the Lawrence School should ever be named in the Legislative Council at all any more than Bishop Corrie's or Doveton. If on the other hand the Lawrence School is dealt with by Provincial on the lines which the Government of India desire and if every time a little extra money is wanted for the extension or maintenance of the school that particular item has to go before the local Legislative Council in the form of a Budget or supplementary grant, I myself have not the least doubt that someone will be found on each occasion to contest the grant.

If we can now tell the Government of India definitely that we think they are wrong in their appreciation of the relative chances of a vote in the local Council and the Legislative Assembly I gather that that would clinch the matter and that we can then push them forward on the Trustee scheme. I have myself no doubt on the matter but I should like the file circulated to my Honourable Colleagues C-4, C-3 and C-1 and to His Excellency before we commit ourselves officially to my view.

A. R. K[NAPP]—23-11-23.

Submitted.

R. RAMACHANDRA RAO—26-11-23.

I think that my Honourable Colleage C-2 is right in his estimate of the relative chances.

C. P. R[AMASWAMI AYYAR]—28-11-23.

C. G. T[ODHUNTER]—28-11-23.

W[ILLINGDON]—30-11-23.

May be submitted to Honourable Member (C-2). It is not clear whether it is the Honourable Member's intention to address the Army Department demi-officially or to send an official communication to the Government of India in the Department of Education.

G.S.—1-12-23. S.K.—1—12—23. C. GOVINDAN NAYAR—1-12-23.

R.R.R.—1-12-23.

~~[Notes to G.O. No. Law (Education), December 1923]~~

I saw Mr. Bunder, Asst. Army Deptt. about this case. I was in Delhi. As stated by Mr. Bunder this letter is now in the hands of the Army Deptt. that Deptt. has consulted the various Govts. concerned & the letter of Govt. of Punjab and Govt. of Sikh is being awaited accordingly. I am already moved C 2 4 G as well as by interview with Mr. Bunder.

17.12.23

Law (Ext.) Deptt.

Papers 4 S-of cf.

L. Dn 4678B
18/12/23

18-DEC 1923

Law (Ext.) Deptt

Submitted for perusal.

18.12.23.

18.12.23

18/12/23

Malappuram
19th Decr. 1923

My dear Noyce,

I am not quite sure whether you told me that the letter to the India Office regarding the Lawrence School had been despatched or was about to be despatched from Delhi. I am very anxious now to get the new system introduced by the 1st of April and as we have to make arrangements in our Budget this means that we should have orders with the least possible delay. Will you send this note on to Ramachandra Rao and advise him as to whom he should wire ~~to~~ To to ask that the Secretary of State's orders may be telegraphed out?

Yours sincerely,

A Cumaapp

Development Department
20th December 1923.

My dear Ramachandra Rao,

Please see the enclosed letter from Knapp. The position was that the draft to the Secretary of State had been prepared by the Army Department but had to be sent to the Finance and Education Departments for acceptance before issue. The - - matter has, as I have told you, been dealt with by the Army Department and it is to that Department that a telegram should be sent asking for early orders on the subject with reference to budget arrangements.

Yours sincerely,

Knapp

M.R.Ry Diwan Bahadur
R.Ramachandra Rao, Avl: CSI
Secretary to Government.

SECRETARY TO GOVERNMENT MILITARY DEPARTMENT
20 DEC 1923
LAW DEPARTMENT

Law (Educn) Dept

A.S. Submitted the following telegram may be sent to the Government of India, Army Dept. Telegram No 46383-1 20/12/23

Army, Delhi

Please refer Madras Government's letter addressed to India, Education, No. 1191B-7 of 27.8.1923, Lawrence Memorial school Ootacamund. Madras Government will

will he obliged if ~~orders of~~ Secretary of
State ~~could be obtained~~ he addressed to communicate his views by telegram early—
~~in time for drafting~~ Provn has to be made
~~arrangements~~
for next year's budget.

Sec
20/12/23.

S

Ch
20.12.23

MW
20/12/23

Jt Sec P.C. Dept
25/12

PC

C. 4742 B — from the Govt of India Army Dept No 26376/1 (A2) dd 14.12.23

The Govt of India (Army Dept) write to say that the Secretary of State will shortly be addressed. may be

Sent to C2 for perusal.

Ch
22/12/23

S

Ch
22.12.23

MW
22/12/23

Sec
22.12.23

C2

Ch
29.XII

SECRETARY TO GOVERNMENT OF INDIA
3-JAN-1924
LAW DEPARTMENT

SECRETARY TO GOVERNMENT OF INDIA
3-JAN-1924
LAW DEPARTMENT

113

96

The Secretary to Govt., Law dept.

A

B

In connection with the transfer of the Lawrence School to the Trustees, please write to the Committee at once sending them a copy of the draft Trust Deed and ask them if they have any alteration or addition to suggest. I cannot find a copy of the Trust Deed in the file and have therefore been unable to discuss the matter with Mr. Padfield. We should have a proper printed collection of all the relative papers. That which was printed for Mr. Noyce was not, as I then pointed out, complete.

2. I am writing personally to the India Office in order to try and expedite the communication of the Secretary of State's orders. Meantime we should have everything ready to enable us to proceed at once to the constitution of the new machinery when the Govt. of India's final sanction is received. Apart from the actual execution of the Trust Deed we want a set of proposals for the consideration of the Trustees as to the way in which their future work should be organised. For example we want to propose that their Executive Committee should when possible consist chiefly of Military Officers. I am not sure whether this is embodied in the Trust Deed. We also want to get somewhere an undertaking that the school will enjoy the same privileges as it now possesses e.g. the employment of Sergeants from the Army, a Military Asst. Surgeon etc. I should be glad if this matter could be looked into without delay.

Military

CW
3/1/24

Ch
29 x II

Para 1 of C_2's note on p. 13 ante.

(i) Portion marked A. The Trust Deed is on pp. ~~90~~ 7-8 of Letter A: 1576 of 18-12-22. A draft memo: to the committee is submitted.

(A)

(ii) Portion marked B. Necessary action as regards the printing of relevant papers is being taken separately.

2. Para 2 of S_2's note on p. 13 ante.

From the trust deed at pp. ~~90~~ 7-8 of Letter A: 1576 of 18.12.22 it will be seen that necessary provision has been made therein for all important proposals connected with the scheme, for example, the constitution of the Board of Trustees and their powers and duties, appointment of a committee for the internal management of the School, the several conditions to be observed in managing it &c. Condition 8 of the deed lays down that the members of the executive committee should be members of the Church of England and

(A)

p. ~~12~~ 8 of (A)

and that the majority of these should, so far as possible, be military men.

With reference to the latter portion of para 2 of C2's note on p.13 ante, the committee may first be asked to report the various military privileges now enjoyed by the school. An undertaking to continue them will apparently have to be obtained from the Govt. of India, Army dept. Necessary addition has been made in the memo: to the committee put up below.

cvv 3.1.24

C/E 5.1.24

SC 4.1.24.

Some memo & return file

JMC 5/1/24

[Memo: to the committee, No. 4742B-1 dt 5.1.24] pp.8-9 cf

[C.799B] From do., No. 4761 dt 23.2.24 p.10 cf

AE:

A copy of the draft deed as amended by the committee is on pp. 11-15 cf, the red entries therein showing the alterations suggested. The following remarks seem called for on the amendments :—

(a)

p.7 of Dr. 1576 (A) 18.12.22

A on p.10 cf

Yes the words may be retained JMC 29/2/24

No. Property has also to be vested: this will be reducing the scope of the trust

p.13 cf

p. 8 n (A)

p. 13 cf

Vide also para 2 n p. 5 n (A) + Secy's note at bottom of p.8 n notes ibid (A)

p.10 n notes (A)

p. 13 cf

(A)

116

98

(a) Heading of the deed

The committee suggests that the description at the heading of the deed should be redrafted as the word 'constituting' appears twice, and 'constituted' appears once in it. The meaning, however, seems clear. In order to meet the wishes of the committee, the words 'for the purpose of constituting a Board of Trustees' may perhaps be replaced by the following:-

"for the purpose of vesting the management of the school in a Board of Trustees"

(b) Clause 7(vi) of deed.

In the clause as drafted by Govt, it was laid down that Trustees should, when nominating or co-opting, so act as to ensure that the majority of the Trustees are, so far as possible, members of the Church of England and of British origin. The clause as now amended by the committee makes it obligatory that the Trustees should be of British origin and members of the Church of England or of the Church of Scotland or of a Church in Communion with the Church of England. It will be seen from the Hon.C's[2] note and the office note just under it on p.10 of notes to letter No.1576, dated 18-12-22, that the words 'majority' and 'so far as possible' were intentionally put in; and this was also agreed to by the Advocate General(now C[3]). The amended clause suggested by the committee does not seem acceptable. The clause may be as in letter No. 1576, dated 18-12-22, the following being substituted for the concluding portion; "members of the Church of England and of British origin":-

"of British origin and members of the Church of England or of the Church of Scotland or of a

hurch in communion with the Church of England".

(c)Clause 7(viii) of deed.

In the clause as drafted by the Govt, it was laid down that the majority of the members of the committee(now styled 'Board of Governors' by the committee) should, so far as possible, be military men. The clause as now amended by the committee makes this condition obligatory. For the reasons given in para 5 of the Hon.C's note on p.9 of notes to letter No. 1576, dated 18-12-22, the words 'so far as possible' may be retained in the clause. If the proposal in the above sub-para in regard to clause (vi) is accepted, the second sentence of clause (viii) may be -- altered as follows:-

"Each member of the Board of Governors shall be of British origin and a member of one of the - Churches mentioned in sub-clause (vi) above, and a majority of the members shall, so far as possible, be military officers".

2.A list of the military privileges now enjoyed by the school is on p.16 c.f. It is for orders whether a reference may now be made to the Govt of India for the continuance of these privileges.

3.The case may be circulated to the Hon.C's, with reference to his note on p.13 ante, Orders are requested whether a copy of the amended deed may also be sent to the Govt.of India.

cvv
27.2.24

S

C/μ
28.2.24

stv
28.2.24

The changes of substance are in 7(vi) & 7(viii).
The changes may be accepted
W 29/2/24

I have noted separately on the letter recently received from the Govt. of India. Meanwhile there are some points in this file that require further elucidation. In the first place I see that in the draft Trust Deed which we sent to the Govt. of India we spoke of the present value of the school's endowments being 13 lakhs odd. This is surely a mistake(and a very careless mistake.) To the best of my knowledge the Govt. paper is all of the old 3½ or 3 per cent. issues in which case the present value would be very much less than the face value. My impression is that the word "face" should be substituted for "present" in the draft Trust Deed. Secondly I want further information regarding some of the items in Annexure B-page 16 of the currents. What are the rules in A.R.I. Vol.X Section 101 which are referred to? I should like to see the volume. Secondly with reference to item 5 -Medical attendance--is it the Govt. of India or the Civil Government of Madras which now pays the Military Asst. Surgeon? A reference had better be made to the Principal on this subject if necessary and at the same time he may be asked whether his list of privileges is complete in every detail and may be reminded that any such privileges which is not mentioned now and the continuance of which is not sanctioned will be impossible to obtain in future. At the same time we should see if there are any privileges granted by the Govt. of Madras the continuance of which ought to be stipulated for before the Trust is completed. Is the Institution permitted to get its stationery from the Supdt. of Stationery at Govt. rates? I have an idea that there has been previcus correspondence on this subject. I think that if the concession can be

could be arranged it should be granted.

A.S/ 25/6

Examine quickly.

V.TK

25. 6.

LAW DEPARTMENT 25 JUN 1919

A.S.

A on page 18 ante

Submitted that the word "face" may be substituted for the word "present". Particulars of the funded capital of the school will be found on page 27 of notes to G.O. 927 dated 29-7-19.

(M)

2. B on page 18 ante

A copy of the latest (1917) edition of the Army Regulations, India, Volume X, is not available in the Secretariat Library. An extract of section 101 referred to has been obtained from the Staff Office, Fort St. George, and is put up.

(Q)

3. C on page 18 ante

The pay of the Military Assistant Surgeon employed in the L.M.School is provided for in the Provincial Budget of the Medical Department and is therefore apparently met by the Government of Madras. The point may, however, be included in the reference to the Principal.

4. E on page 18 ante

(P)

In G.O.No. 1169 Finance, dated 21-12-1901, the Lawrence Asylum has been permitted to obtain the stationery required for it on payment from the Superintendent of Stationery. The Principal may be requested to state whether there are any other similar

privileges at present granted by this Government which should be continued.

5. With reference to D on page 18 ante and paragraphs 3 & 4 above, a draft Memo to the Principal is submitted.

cov
27.6.24
SA
27.6.24.

V.T.K
30.6.

C/L
27.6.24

Issue memo. then submit to C2/

V.T.K
30.6

memo issued - p 17 cf

U.S/ I presume memo. form usual in addressing the Principal. Please before issue

V.T.K
30/6

Sabd. yes.
CR
30.6.24

(Shown to Secy).

AL
3.7.24

[Memo: to the Principal & Secy., No. 799 B-1 & 30.6.24] p. 17 cf

[C 2022 B] From da., No. 1100 & 8.7.24 (p. 20 cf)

P.T.O

C.No.2022 B

pp. 20-21 cf

From the Principal and Secy, L.M.School, No.1100, 8-7-24.

The points raised in the Principal's letter are noticed below:-

(1) Pay of Military Asst. Surgeon, L.M.School - C on page 18 ante and para 3 on page 19 ante.

Para 1, p. 20 cf

The pay of this officer is met by the Govt. of Madras, it being drawn from the A.G. through the Treasury Officer, Ootacamund.

p. 20 cf

yes
V.T.K.

(2) Military privileges enjoyed by the school - D on page 18 ante.

The fresh concession now brought to notice has been included in the list on page 16 cf. It is for orders whether the Government of India may be addressed regarding the continuance of these privileges. No special sanction would seem necessary in regard to the continuance of the concessions allowed by Section 101 of Army Regulations, India, Vol.X. [Item (3) on p. 16 cf.]

None
V.T.K
(2)

(3) Continuance of privileges granted by the Madras Government - E on page 18 ante.

pp. 20-21 cf

The Principal refers to four concessions. These are noted on below:-

(D)

(a) Purchase of stationery required for the school and office from the Superintendent of Stationery at Government rates.

In G.O. 1169 Finance, dated 21-12-01, the Lawrence Asylum has been permitted to obtain the stationery required for it on payment from the Superintendent of Stationery and this concession is embodied in the Stationery Manual (Vol II). No further orders seem called for (in regard to) its continuance.

(b) Free issue of a full copy of the Fort St. George Gazette.

Prior to January 1923, the L.M. School was being supplied with a full copy of the Fort St.George Gazette with Tamil supplement. On the advice of the D.P.I. last year, the supply was restricted to Part I with supplement (i.e. the Educational portion only of the Gazette). In August 1923, the Principal approached

Para 2 & f. 73 & 15.1.23 (B) and K on p. 15 ibid.

Government for the continuance of the supply of the full Gazette. On being asked whether the school would pay for the full copy, the Principal wanted information as to the rate of annual subscription for the Gazette and this was furnished in O.M.No.3073-B-3, dated 18-9-23.

No further communication has been received from the Principal on the subject. It is for orders whether the Committee's present request for free supply of the full Gazette will be complied with. If so, necessary orders may be issued in this Department, partially modifying G.O.No. 73, dated 15-1-23.

(c) Free supply of Civil List.

Prior to October 1923, the L.M.School was in receipt of a copy of the Quarterly Civil List. At present, the Civil List is issued only annually. In October 1923, orders were issued in the Finance Department, revising the distribution list of copies of the 'Annual Civil List' and the L.M.School was then excluded from that list. It is for orders whether the Finance Department may now be requested to restore it.

(d) Waiving of centage charges for services rendered by the P.W.D. staff for works etc., done for the school.

Since 1914, the buildings of the L.M.School have been in the charge of the Military works Deptt. In approving the Trustee scheme, the Govt. of India have sanctioned the transfer to the Board of Trustees of all rights, title, and interest vested in that Government over the buildings and lands of the school. As under the Trustee scheme, the school becomes a private institution, centage charges will be leviable on all works executed by the P.W.D. for the school. The question of levying such centage charges was raised by the A.G. last year in connection with the works already being carried out by the P.W.D. at Lovedale. Pending a final decision of the question of the future management of the school, it was, however, directed that such charges should not be levied.

The question whether the recovery of the centage charges may be waived after the school is brought under the Board of Trustees was examined in February last at the instance of H.M. (C.2.) The Finance Department considered that, when the works outlay was greater than Rs 1000, the most suitable method was to give a grant in aid to the institution to cover the centage charges which it had to pay to the P.W.D. H.M. (C.2.) has accepted this position. This arrangement may, therefore, be adopted when the Trustee scheme is introduced.

2. The case may be circulated to H.M. for orders.

cvv
12.7.24

S
V.TK
14.7.

Cfi
12.7.24

C2

To Finance

I should like the point at the end of Paragraph 3 above developed a little further.

One great object of the Trustee Scheme was that the school as regards monetary grants from the Local Government should be placed in the same position as other private schools but this aim will not be achieved if we have to go to the Legislative Council for special grants-in-aid to cover the money to be paid to the Public Works as centage charges whenever the Public Works are called upon to do any work for the school. The Trustees are relieving the Govt. of responsibility of maintaining an institution for whose continuance the Local Government is partly responsible inasmuch as it represents the male and female orphan

p.3 of (E)
p.4 ibid
p.5 ibid
p.9 ..

I think the Ed. portion will do. V.T.K
(B)

(S. not put up.)
I don't think any civil list. A Copy may be supplied
V.TK

(Finance may see after Exn in C2) A to may be sent

(C)

(F)

c.f. 1. 1 & S. 1697 3.12.23 (O)
Removed

S. 1697
3.12.23 (O)
Removed

vide notes with S. 185 & 7.2.24 (Y) especially from p.18 & 34. et seq

(*) When the outlay is less than Rs. 1,000, centage charges can be waived by Local Govt. — A on p.14 of S. (H) pp. 33-34 of (Y)
Removed

(d) on page ante

SECRETARIAT TO GOVERNMENT OF MADRAS
20-JUL-1924
PUBLIC WORKS DEPARTMENT

123
23
102

Asylums whose endowments were in the hands of Government and were transferred on certain conditions to the Lawrence School. This particular connection between the Local Govt. and the School might well, I think, justify ~~it is~~ being made a condition of the Trust that the services of the Public Works department would, when required, be placed at the disposal of the Trustees free of charge. I do not say that the Trustees will necessarily want to use the Public Works department. It is quite possible that they will prefer to have their own agency but it would be a great advantage to be able to call in the Public Works department when necessary. I should like this matter separately taken up and considered afresh in consultation with P.W.D.

× sent to P.W.D. & Finc. for remarks.

2. The question of the Medical arrangements — point 1 on page 21 - should also be taken up with L.S.G.

3. In regard to the other points there is no use in our addressing the Govt. of India until we get their reply to our letter protesting against the proposed revision of the scheme every five years.

1817

With reference to para 1 of C_2's note above, relevant × extracts of notes have been taken for separate action.

2. The file may now be sent up to L.S.G (P.H.) with ref. to para 2 of C_2's note. The question for

SECRETARIAT OF INDIA 21 JUL 1921 NEW DELHI

× sent to P.W.D. & Finc. for remarks.

for Consideration ~~the acceptance of above scheme~~. is the continuance, after the Trustee scheme comes into force, of the privilege of having, as Resident Med. officer of the school, a Military Assistant Surgeon whose pay is met by the Local Govt. that dept. may be requested to return the case to this dept. with their remarks as early as possible.

cvv
21.7.24
SH
23.7.24

Ch
24.7.24
VTK
25.7

S
L.S.G a.o

Law Dept. 2022 B7
25.7.24

SECRETARIAT
30 JUL 1924
DEPARTMENT ASST.

21114

18

The school has been enjoying for a very long time the privilege of having a military Asst Surgeon as R.M.O at the Cost of Govt funds. The slight change of management of the institution from a Committee to a Board of trustees does not seem to ~~~~affect the question materially. The pay of the Asst surgeon is treated as a grant paid to a private institution (pay 169 of C.R.E.)~~~~ and that this dept may agree to the Continuance of the Concession and return the Case to Law (Edn) a/o.

Law (Education) a/o
5.8.24.

L.Dis 2272 B
6/8/24

SECRETARY TO GOVERNMENT
6-AUG-1924
LAW DEPARTMENT

MO 21114 — 1 Pt
5.8.24

Law (Edn)

The case may now lie over with reference to para 3 of C2's note on p.24 ante. In the meanwhile, C2 may see the note of the L.S.G. dept. on p.25 ante.

cvv
6.8.24
SH
6.8.24

Ch
7.8.24
S

VTK
8/8

C2

SH
9.8.

SECRETARY TO GOVERNMENT
13-AUG-1924
LAW DEPARTMENT

127 105

Law (Education) Department.

C.No. 1693 B - From the Govt. of India, Army Department, No. 27055-(A.D) dated 20-5-24.

Subject.- Transfer of the Lawrence Memorial School, Ootacamund, to a Board of Trustees.

For advance perusal and circulation to C.2.

C.G.N.
27-5-24.

V.TK
28/5

C2

CF

(Main file on the subject is under circulation to C.2. Spare copies of printed papers referred to in the ct. are placed below) with connected papers.

128

106

A

I do not know under what rules the original of a letter is thus circulated in advance. To the best of my recollection the rule on the subject is that advance copies, not the original, should be circulated and that to all Members of Council and not merely to the Member in charge. Assuming this to be an advance copy and not the original I put it aside while waiting for the original to be put up and I have only just now noticed the extreme serious effect on the whole negotiations of the Govt. of India's stipulation in Paragraph 3 of the letter that the grant in aid will be subject to revision every five years. We were aware that the grant might ultimately be dependent on the vote of the Legislative Council and we were prepared in spite of this risk to go on with the Trustee scheme but I do not see how we can possibly form a permanent Trust and hand over the endowments to the Trustees ~~if~~ with the knowledge that the whole thing may be upset at the will of the Government of India after 5 years. There has never in any of the correspondence been any previous suggestion that the Govt. of India's grant should be subject to revision. Such a proposal is entirely inconsistent with the whole basis of our negotiations on the subject.
What we said in Paragraph 4 of our letter of the 29th of November 1920 was that if the Govt. of India, in addition to giving us a lump sum to put the school into a state of efficiency, would guarantee an annual grant to meet the cost of the

p. 137 Q

school on the scale of expenditure necessary for existing needs the Madras Government would be prepared to take the school over and make no further claim upon the Government of India: Provincial grants were then to meet all additional expenditure. The annual grant intended was clearly a permanent grant and not a grant subject to periodical revision.

I think we must point out at once in the strongest possible terms that while we were prepared to take the risk of an adverse vote by the Legislative Assembly, if and when the grant becomes subject to the vote of the legislature, it is quite impossible to proceed any further with the proposals if the Govt. of India insist on their stipulation that the grant-in-aid, as they call it, should be subject to revision every five years. I attach a draft letter which may be despatched without delay.

Issue Draft note on A above
V.T.K. 26.6.

M.3-4 of [Issued as Letter No. 1693 B-1 dt 25.6.24]

Pp. 4-5 n(B)

(File separately)

Submitted that, in letter No. 1191 B-7 dated 27-8-23, the Govt. of India were addressed for a reconsideration of their previous orders in regard to the Trust scheme and for sanction to ~~their~~ that scheme. Subsequently, under the orders of H.M., the Committee of the L.M.School were asked, in January 1924, pending receipt of the Govt. of India's reply to the above letter, to state whether it had any alterations or additions to make in the draft Trust Deed. The Committee's reply suggesting certain modifications in the deed was received on the

25th February 1924. The suggestions were noted on and the file was circulated to H.M. on the 29-2-24. The file had not returned from circulation when the Govt. of India's reply to this Government's letter of the 27-8-23 was received on the 27th May last. As action could be taken on the Govt. of India's letter only after the return of the main file which was with H.M., it was thought that the original letter of the Govt. of India might be circulated to H.M.

× pp. 1-2 cf

+ pp. 4-5 cf (B)

see that copies are invariably circ. in future (?) V.T.K 30/6

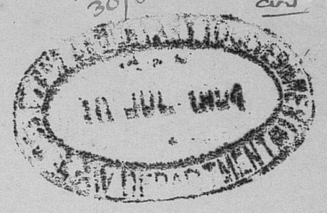
cvv 27.6.24 S

S/K 27.6.24

C/L 27.6.24

see minute V.T.K 30.6

note and



[Letter to the Govt of India, No. 1693 B-1 & 25.6.24] pp. 3-4 cf

[C.2453 B] From do., No. 27055 (A.D.) & 23.8.24 (1.6 cf)

Law (Education) Department

The Govt.of India have replied to the reference× made to them regarding the relaxation of the condition imposed by that Government that the annual grant of Rs.2.30 lakhs to the Lawrence Memorial school should be subject to revision every five years. They do not agree to the entire relaxation of this stipulation, but give an assurance that, subject to the consent of the Legislature in the event of the grant becoming votable, the grant will be continued annually so long as they are satisfied that the school is being properly maintained and that the amount cannot be reduced without affecting its efficiency. It is for consideration whether, with this assurance, the stipulation may be allowed to remain. The Govt.of India have stated that the Trust deed should be amended to conform with the limitation placed on the grant, and also to

pp. 3-4 cf

para 3, p. 1 cf.

p. 6 cf



para 3, p. 1 cf

P. 7 of pp. 1576 18.12.22 (F)

P. 10 of notes to Letter 1576 18.12.22 (F)

vide also para 4 of Lr. ibid (F)

13/108

(F)

make it clear that, if the grant becomes votable and the whole vote is refused, nothing will be payable. It is for orders whether the deed may be so amended.

2. The Committee of the school have already suggested certain amendments to the draft deed annexed to letter No.1576 dated 18-12-22, and these have been noted on in the linked file -- vide pp.11-15 c.f. and pp.16-17 n.f. in that file. orders are requested on these alterations.

3. The Govt.of India have also to be addressed in regard to the continuance of the military -- privileges at present enjoyed by the school--para 2 of C's note on p.24 n.f. and note on p.26 n.f in the linked file.

4. If the stipulation of the Govt.of India is agreed to, orders may issue communicating to the committee the details of the Trustee scheme and the Secretary of State's sanction thereto; a copy of the deed as finally approved by Govt. may also be forwarded to the committee for further action. As regards the transfer of the endowments referred to in clause (2) of the deed, the Hon'ble the Law Member, as Advocate General, has advised that -- application should be made to the High Court under s.92, Civil Procedure Code.

5. The case may be circulated to C2.

C.V.V. 1-9-24

S/K 3.9.24.

C/L 3.9.24

S V.T.K 3.9

C2

Sectt. II—8 (6)—12-1-15.

NOTES.

132 Page 109

We should first write to the Govt. of India acknowledging their letter and saying that we accept their present assurance and are proceeding with the amendment of the Trust Deed. At the same time we should ask for the continuance of the Military privileges. Please let me see the draft as quickly as possible. We should also definitely obtain the permission of this Govt. to continue to supply a Military Asst. Surgeon. We must next take up the completion of the Trust Deed inserting the amendments rendered necessary with reference to Paragraph 3 of the Govt. of India's letter of the 20th of May. I have indicated in pencil on the Committee's draft on page 11 of the linked file which of their alterations I accept. This should be read with the printed copy of the draft in G.O.1576 Law (Education) dated 18th December 1922. I should now like in print as quickly as possible a proof copy of the Trust Deed as finally drafted.

And ask for a very [illegible] as we should like to have his reply before 1st January

p. 1 cf

(F)

SECRETARY TO GOVERNMENT OF MADRAS
DEC 22 1924

Early V.T.K. 8.9

A.S.

A draft letter to the Government of India is submitted for approval.

2. The amendments so far approved have been carried out in the copy of the Trust Deed placed below

3. With reference to paragraph 3 of the

Government of India' letter on page 1 of c.f., the following may be added at the end of the fourth paragraph of the preamble of the printed deed.---

"Subject tothe conditions that the grant will be subject to revision every five years, or from year to year in the event of its being subject to the vote of the Legislature, and that if the grant becomes votable and the whole vote is refused, no grant will be payable."

4. Before the Deed is printed, U.S(Drafting) may parhaps see.

5. An extract of the notes relating to the continuance of the Military Assistant Surgeon has been taken and sent separately for transmission to L.S.G(P.H) ms.

C/L S
9.9.24 9.9.24 9.9.24

C.2

Scott. II—8 (5)—12-1-15.

NOTES.

Page

Letter approved.

For the proposed addition I should prefer to substitute the following:

"This grant to be subject to revision every five years and further to be subject to the approval of the Legislature if at a future date the grant should become votable".

I should like to see the draft Deed after U.S.Drafting has noted on it.

11. 9. 24

12 NOV 1924 LAW DEPARTMENT

[C.1693B]

135

LAW.(Education) Department.

Extract of notes in the file relating to the transfer of the Lawrence Memorial School, Lovedale, to ~~the~~ Board of Trustees.

---

* * * * *

2. The amendments so far approved have been carried out in the copy of the Trust Deed placed below.

3. With reference to paragraph 3 of the Government of India's letter, the following may be added at the end of the 4th paragraph of the preamble of the (printed) Deed:--

" subject to the conditions that the grant will be subject to revision every 5 years, or from year to year in the event of its being subject to the vote of the Legislature, and that if the grant becomes votable and the whole vote is refused, no grant will be payable "

4. Before the Deed is printed, U.S.(Drafting) may perhaps see.

* * * * *

C.V.V.
9-9-24.

C.G.N.
9-9-24.

S.K.
9-9-24.

Send copy of revised draft to him

V.T.K.
9-9-24.

Y e s.
V.T.K.

Law. (Drafting) Dept.

I have gone through the draft suggested herein corrections in red ink

S 10/9/24

U.S. (Drafting)

Law. (Drafting) Dept.
9.9.24.

Law. (Drafting) No. 2008B-1

Edn 2537B
10.9.24

Leg Dept: 1134-1
10-9-24.

Await return of the file V.T.K. 10-9

(C.1693B)

10 112

Law (Draftg)

AR.

Please see C_2's note on p.8 ante. The N.S.(Drafting) has already examined the draft deed and suggested certain alterations in it – vide changes noted in red ink in the deed below. The case may now be sent again to him us. to examine the alternative addition proposed by C_2 on p.8 ante.

CVV
12.9.24

Ch
12.9.24

SLG
12.9.24.

Law Admin. 2008B-3
12.9.24.

N.S draftsmg (N.D) Law. (Draftg) Dept.

h. draft 1152
12/9/24

For "Legislature" in the alternative proposed by C_2, the words "Legislative Assembly" may be used. Yes. The Legislative Assembly that notable demands should be submitted (Sec 64A(5) of the Govt of India Act). I see no objection to the alternative adopted.
13/9/24
S

GOVT. SECRETARY TO THE GOVT. OF MADRAS
12 SEP 1924
LAW DEPARTMENT

At page 8 ante

~~Unnecessary~~

P.46, Leg. Comn. Manual
Not put up

11

Please get a proof copy of the trust deed as now revised; it should be ready on Monday to be submitted to C2 V.TK/13.9

[Proof received too late for submission of the 15.

A proof copy of the deed as revised is submitted below.

8CT 16.9.24. Cfw 16.9.24 S V.TK 16/9

C2

PTO

Scott. II—8 (b)—12-1-15.

NOTES. Page 113

C3

H.E.

I approve of the draft Trust deed as revised & this a matter of satisfaction that the long controversy has ended.

CPR 17.9.24

12.6 CF

Below will be found the files in connection with the proposed transfer of the Lawrence School to a Board of Trustees. The matter has been the subject of prolonged correspondence with the Govt. of India and an agreement has now been reached. The only new point which has arisen since the subject was exhaustively considered in 1923 has been the suggestion of the Govt. of India that the arrangement should be subject to revision every five years, vide page 1 of the current file. We protested against this (vide page & 3 of the current file) and the Govt. of India have finally replied in a letter which seems to give us such security as we can expect. They give us the assurance that, provided the Legislative Assembly will let them, they will continue the annual payment for so long as they are satisfied that the school is being properly maintained and that the grant cannot be reduced without prejudice to its efficiency; in other words the way is open for an increased grant but is practically not open for a reduction.

It now remains

(1) for Government to approve of the draft Trust Deed as now finally revised and

(2) for the Committee of Management to ~~execute~~ approve the Deed.

(3) to send the deed as finally drafted to the Govt of India.

I should like to be able to meet the Committee and explain the position if possible before I leave Ootacamund. I am therefore circulating this urgently to my Hon: Colleague C.3. and His Excellency.

18.IX.24 - 17.9.

13 114

A draft memo: to the committee is submitted below. After its issue*, the case may be recirculated to C_2 with reference to the last para of this note on p. 12 ante.

CVV
20.9.24

SIR
20.9.24

C/4 S V.TK/20.9
20.9.24
C_2

PTO

* Issued - pp. 10-11 cf.

I interviewed the Committee yesterday & he accepted the draft. Must deal & amend it, subject to the alterations I have made in clause 9.

Two points have arisen in connection with another Trust deed which should be considered:

(i) Do we need powers for the resignation of a Trustee? It has been suggested that the Indian Trusts Act does not provide for resignation but only for discharge of a trustee by order of a Court

(ii) Should we not provide that a trustee leaving India for a period of more than 6 months vacates his office? Also if we do should we give legal position in his temporary absence? Trust he has not

RECEIVED FROM GOVERNMENT OF INDIA
29 OCT 1924
LAW DEPARTMENT

142 16

116

Page 14 ante

The Hon'ble Member desires to know whether provision for the resignation of a trustee should be made in the Trust Deed and what the legal position is of a trustee who leaves India for more than six months. The Indian Trusts Act, as such, does not apply to public or private religious or charitable endowments. It does not therefore seem to apply to the present case. It seems desirable to obtain the opinion of the Advocate General on the questions raised by the H.M. He may also be consulted as to whether there is any legal objection to nominating trustees by virtue of their office and whether it will take much time for the disposal by the High Court of the application to be made for the transfer of the funds to the trustees. He may also be requested to advise what steps should be taken in regard to the application to be made to the High Court.

On the last occasion when the Advocate-General was consulted about the Trust Deed, the file was sent to him u.o.-- page 10 of notes to G.O. 1576 dated 18-12-22. The same may be done now.

(F)

2. A reference to the Bishop may be made as soon as the Advocate General's opinion is received.

S/9
1.10.24.

C/S
1.10.24

U.S drafting will please note first. I shall be glad to have his note this evening
V.T.K
1.10.

Law (Drafting) Department

I regret that I was not able to note on this file yesterday as books necessary for reference sent for from the High Court were received only now.

12.30 P.M on 2-10-24

14 A5

q Indian nothing if any. a
separate patent to conclude him?
If necessary Hon. Pres. should be
consulted in his favour.

2. I think the Bishop should be formally asked if he is willing to leave. I presume there is no legal objection to nominating Trustees by virtue of their office.

3. I would like the Pleader himself a Barrister or pleader to draft the deed by the Legal Advisor attached to the High Court for the transfer of the funds to the Trustees. I do not attempt to take much time as soon as the pleader himself

A.S
2/9

SECRETARIAT TO GOVERNMENT OF MADRAS
29 SEP 1924
JUDICIAL & LAW DEPARTMENT

143

17

I agree that the Indian Trusts Act,1882 does not apply to the present case. However the principle seems to apply here. In Lewin on Trusts the only modes in which a trustee can divest himself of that character are thus given:-

"First he may have the universal consent of all the parties interested; Secondly, He may retire by virtue of a special power contained in the instrument creating the trust,(or a statutory power applicable to the trust) or Thirdly, He may obtain his release by application to the court."

To the same effect is the statement in para 242 in 28 Halsbury which runs thus:-

"Except so far as authorised by statute or by the instrument,if any,creating the trust a trustee can only retire during the continuance of a trust by the valid appointment of another trustee in his place."

I think it therefore necessary to provide for resignation in the Trust deed. Whatever be the law on the point,it seems necessary to provide for filling up the vacancy caused by resignation as it may be doubted if 'refusal to act' in clause 6 includes resignation. The insertion in that clause of the words 'or resigns' after the words 'refuses to act' will serve at once the double purpose of providing for resignation and filling up the vacancy.

As the Indian Trusts Act,1882 does not apply, a trustee does not lose his office by absence from India for more than six months. In Tudor on Charities it is ~~expressly~~ observed

II 71552 Not put up

12 W.R. 594. At P.503 (High Court Library) Not put up

Not put up

4 W.R. 284. At P.313 Not put up (High Court Library)

2nd Ed. at p.335 - not put up (High Ct. Library)

V.T.K.

144

17

-18-

that temporary absence from the United Kingdom is not sufficient to vacate the office of trustee. In Agnew's Law of Trusts in British India the law on this point is laid down in similar terms. If it is intended that the trustee should lose office it must be so provided. During the temporary absence, the vacancy cannot be filled up unless provision is made. It is not necessary to send an absent trustee notice of meetings and no papers need be circulated to him. In 5 Halsbury at p.237 para 380 footnote 'o' the following appears:-

"There is no duty to send notice to a Director abroad or to one who is travelling about with no known address(Halifax Sugar Refining Co.v.Francklyn (1890) 62 L.T.563)."

The principle is in my opinion one of general application.

There is no legal objection to appointment of trustees by virtue of their office.

M.F. 2-x-24

I agree with the above. I shall be glad if A.S. Will take the file to the Advocate General and find out whether he agrees.

V.T.K. 2-x-24

I saw the Advocate General. His opinion on the points raised is at page 21 infra.

He is of opinion that express provisions should be inserted (1) for resignation, and (2) for vacating of place by nominated trustee in case of absence for more than six months from India. He suggests that in case of resignation, the place may be filled by cooptation under clause (6) of the deed. As regards

Para 1 of Adv. Genl's note page 21 + draft - as directed suggested

vacancy by reason of absence for more than six months, he proposes two alternatives, namely, (1) to fill up the vacancy by nomination or (2) by coontation. It is for consideration whether any opportunity will ever arise for nomination under clause 4(iv) and (v) of the Deed except at the outset if the power of coontation is given in all cases of resignation, refusal etc.

The Advocate General does not find any difficulty in making appointments ex-officio or in getting the proceedings under section 92 pushed through quickly.

Draft clause suggested by A.G. in para 2, page 21.

Please see portions marked in blue pencil on page 8&9 of note to P.P. 1576 18/12/24 (F)

Paras 3 & 4 on page 21 infra

C/L
3.10.24

Submitted.
H.M's questions are answered below:-

1. There shd be provision for resignation. | M
2. There shd be an express provision for a trustee leaving India for say more than six months | M
3. No need to circulate papers etc to absent trustees.
4. No legal objn to ex officio trustees.

The point which has to be settled is how to fill up vacancies. These arise by i refusal to act
ii disqualification under clause 5.
iii resignation
iv absence from India for more than six months. In the case of ~~all these last cases~~ clauses iv & v of paragraph 4 ie trustees nominated by H.E. the Commander in Chief and the staff of the institutions would it not be more satisfactory to provide for fresh nomination in all these cases - instead of coptation as suggested? If the nominee of the H.E. the Commander-in-Chief | yes M

resigns or goes Home, there seems to be no objection to a fresh nomination by the Commander-in-Chief. This is for orders. If co-optation is to be retained, in all cases, the redraft of clause 6 proposed by the Advs. Genl will do.

p. 21 infra

V.TK
4.10

C2

M
6/X

Put up revised Draft deed.

V.TK
7.10.

With reference to M's orders above revised clauses to be substituted for clause (6) of the deed are submitted below for approval. H.S. (drafting) may see the ~~case~~ revised draft.

SR
8.10.24

C/L
8.10.24

H.S (drafting).

Law. (draftg) Dept

Lawdept 2008 B-5
9.10.24
L. draft 1288
14/24

ASSISTANT SECRETARY TO GOVERNMENT
9 OCT 1924
LAW DEPARTMENT

Clause 6

For the words "he shall vacate his office as trustee" I would better have " his office shall be deemed to have become vacant".

Clause 7

In clause 4 ex-officio trustees are

mentioned first and then nominated trustees. It is desirable that the same order is followed in this clause as well. I would redraft as follows:-

" (7)(a) That if any trustee refuses to act, is disqualified from acting under clause(5), resigns, or vacates office under clause(6), his place shall be filled in the case of an ex-officio trustee by co-optation by the remaining trustees and in the case of a nominated trustee by nomination under sub-clause(iv) or sub-clause (v) of clause (4) as the case may be.

(b) A co-opted trustee shall cease to hold office when the ex-officio trustee concerned is willing to act and is not disqualified from acting under clause 5. "

S 7/10/24

Put up a clean copy embodying amendments all the ~~corrections~~, which I approve

V.TK 10/10.

Law Edn ~~Ground~~ p/r

Law Edn 7/10/24

Law (Drafting) no 12887 10-10-24

Law (Edn)

L. Gr 2825B 10/10/24

A proof copy of the Deed as revised has been obtained and placed below.

D.O.*

2. A draft ~~letter~~ to the Bishop of Madras is also submitted with reference to para 2 of C2's note on p. 15 ante.

CWW 10.10.24 SLG 11.10.24. CR 13.10.24 S

(H)

* See pages 25-8 ante

ASSISTANT SECRETARY TO GOVERNMENT OF INDIA 10 OCT 1924 LEGISLATIVE DEPARTMENT

(Note continued on p. 24 infra)

Query(i) on p. 14 ante No trustee can resign unless the instrument provides for it. It is well to provide for resignation by inserting "resigns or" before "refuses to act" in clause 6.

Query(ii) p. 14 ante 2. A trustee does not vacate his place by absence abroad. In the case of the three trustees ex-officio absence abroad will immediately bring in the persons occupying the place for the time being. There is no vacating of seat and no need to provide for absence abroad in those cases. The other two are trustees nominated by H.E. the Commander-in-Chief and the staff of the Institution. If the nominated trustees leave India, the power of nomination may well be exercised to fill up the vacancy. A provision may be made that, if they leave India, they will vacate their place as trustees and fresh nomination may be made to fill up the vacancy. I am aware that co-optation is provided for resignation, refusal to act, and disqualification, which apply to all the trustees and it may be said that a different rule is not needed for absence abroad. If it is desired to provide co-optation uniformly for all cases and it is only after six months of absence from India that the nominated trustee should lose his place, clause (6) may be worded thus:—

clause (6) of the deed.

"If any trustee resigns or refuses to act or is diaqualified from acting as trustee under clause (5) or is absent from India for more than 6 months, the remaining trustees shall have power to co-opt a trustee in his stead".

Para 2, page 15 ante 3. I see no objection to the provision that a person should be trustee ex-officio.

Para 3, page 15 ante 4. A non-contentious suit under section 92 C.P.C. may be put through in a short time. I do not see why it should take more than ~~two~~ two months.

Query(ii), page 14 ante. 5. If there is an absent trustee continuing as such

during his absence abroad, there is no need to give him notice of meetings or to circulate papers to him.

3rd October 1924. Advocate General.

Law(Education)Department

D.O. 2008 B-6 d/ 13-X-24

Dear Lord Bishop,

Lawrence Memorial school, Lovedale-transfer of management to a Board of trustees -

The Lawrence Memorial School, Lovedale, of which you are an ex-officio patron, is at present under the management of a committee which acts under the orders of the Local Govt. It has been decided to place the management of the school in a Board of trustees. The details of the scheme relating to the transfer of management are embodied in the draft Trust deed enclosed. Under clause(4) of the deed, the Lord Bishop of Madras is to be an ex-officio trustee of the school. I am to request you to be so good as to say whether you are willing to serve as a -- trustee.

S.K.
11-x-24

Yours

To

The Right Reverend the Bishop of Madras.

Submit to C_2 after issue
V.TK
13.10

121

×(Issued - p. 23 ante)

If an orally ordered
Heart the deed should at once
be sent up to Govt of India
pointing out the alterations
and requesting approval
by wire. cfr 14.10.24.

A draft letter to the Govt. of India is submitted for approval. [It is presumed that the minor alterations in the deed need not be specified in the draft letter].

SA
14.10.24

cfr 9
14.10.24

Issue
V.TK
15.10

Eccl. 1-3 (*a*)—1,465—12-14.

152

GOVERNMENT OF MADRAS

BISHOP'S OFFICE,
~~TEYNAMPET,~~
~~MADRAS, S.W.~~

D.O. 1023-24

GOVERNMENT
18 OCT 1924
LAW DEPARTMENT

25

122

Royapettah
Madras
Oct 14, 1924

1. Enc 2873 B
15/10/24.

Dear Mr Krishnamacharir

Lawrence Memorial School, Lovedale
Transfer of management to a Board of Trustees

Thank you for your D.O. No.2008 B-6, Law (Education) dated the 13th instant enclosing a copy of the draft Trust Deed constituting the committee of management of the above school.

I shall be willing to serve as an ex officio trustee of the school.

Yours truly

Harry Madras

M. R.Ry Rao Bahadur V.T.Krishnamacharir
Law Department
Chief Secretariate, Fort St George

Law (Ecl)

Submitted for perusal. India's reply to the letter on p.13 cf. may be awaited.

CW 18.10.24 SK 18/10/24 C/L 18.10.24 S VTK 19/10.

153

26 123

[C-3074B] Telegram from the Govt. of India,
M-16-17 CF No. 27055 (A.D.), dt. 1.11.24

U.S

Copies of orders asked for by the Govt. of India (are not available in the Secrt. Dept.) may be obtained from Mr. Padfield. A draft telegram is submitted.

CVV
3.11.24
SK
3.11.24.

S.
3/11
3.11

p.17 CF [Telegram to the Principal Secy., L.M. School, dt. 3.11.24]

p.18 CF [C-3109B] From do., No. 2747 dt. 4.11.24.

U.S.

A draft letter to the Govt. of India is submitted.

CVV
6.11.24
SK
7.11.24.

S.
7/11 V.T.K
7.11

PTO

p.26 of [C. 3257 B]

Telegram from the Govt.of India, No.27055(A. dated 21-11-24.

--

p.26 of

The Government of India enquire whether the following points have been considered in preparing the draft Trust Deed relating to the Lawrence Memorial School:-

(1) That Trusts cannot be altered without the consent of the creators thereof or by an order of proper court;

(2) That the committee of the school cannot convey to the trustees land which does not belong to them.

As regards the first point, the facts stated therein are applicable to all Trusts and it is not clear why the Govt.of India make a specific enquiry in regard to this. The Hon. the Law Member has advised that the orders of the court might be taken for the transfer of the endowments of the school to the proposed Board of Trustees. This fact has been reported to the Govt.of India. Presumably, alterations in the ~~Press~~ Trust will be made only under the orders of the proper court.

As regards the 2nd point, the Govt.of India apparently refer to clause (3) of the draft deed

The U.S (Drafting) may be consulted u.o. on the points raised by the Govt.of India.

vide his opinion (given as Advocate-General) on p. 10 of note to letter No. 1576 B, 12.12.22 (F)

Para 7 of letter ibid - p. 7 of (F)

p. 15 cf

Law (Edn) no 3257 B-1
22.11.24

Drafting 1509
22-11-24

CVV
22.11.24

SLV
22.11.24.

24/11. U.S. (Drafting)

P.T.O

Law(Drafting)Department

As regards the first point, the question has already been considered and reference thereto has already been made in the letter to the - Government of India--please see para 7 of 'F'.

The question as to the ownership of the lands and buildings is far from clear. So far as buildings are concerned, I see that they are in the charge of the department of Military Works from 1914, being transferred thereto by the local - Public Works. But the nature of the charge is not clear. It should be remembered in this connection that the entire cost of the buildings was not defrayed by the Government of India though it is true they bore the lion's share of it, 7 lakhs and odd out of 8 lakhs. Perhaps the case here may be akin to that of an imperfect trust on which I may quote what Mr.John D.Mayne says in his Hindu Law & Usage:--

"The last case arises where the founder applies his own property to the creation of a pagoda or any other religious or charitable - foundation keeping the property itself and the control over it absolutely in his own hands. The community may be greatly benefitted by this arrangement so long as it lasts, but its continuance is entirely at his own pleasure. It is like a private chapel in a gentleman's park, and the fact that the public have been permitted to resort to it will not prevent its being closed, or pulled down provided there has been no dedication of it to the public. It will pass equally unencumbered to his heirs or to his assignees in insolvency. He may diminish the funds so appropriated at pleasure or absolutely cease to apply them to the purpose at all. In short,

the character of the property will remain unchanged and its application will be at his own discretion".

As regards lands too the position is not clear. There is nothing to show that the Govt made any contribution towards their acquisition. Perhaps they belong to the institution. But I do not think it necessary to pursue the question for reasons atonce to be mentioned.

If the lands or buildings or any of them are vested (that is the expression used in clause 3 of the draft deed) in the Government of India for the purpose of the institution then there is no objection, to the committee transferring whatever interest the Government may have in the lands or buildings for and on behalf of the Government of India. The Committee in - making such transfer would act as the Agent of the Government of India and what a principal can legally do himself, he can have done by an agent. Of course orders of the proper court have also to be obtained.

If the lands or buildings or any of them belong to the Government of India as distinguished from being vested in them for the benefit of the institution, then too, I think, there is no difficulty. The transfer here is either a contract within the meaning of the term in section 30(2) or not a contract. If it is not a contract, the committee under the orders of the Government of India may make the transfer for them. If it is a contract, then too under special direction - given under section 30(2) they may execute the deed. Clause 3 contemplates transfer under -

sanction of the Government of India only. If the Government of India have any objection to the committee making the transfer on their behalf, the clause may have to be altered. Further enquiry into the ownership of lands(if not also of the buildings) also would be necessary.

Law Dept (Edn) 26/11/24

Law (Education) Department

In the note above the question of the ownership of the lands and buildings of the Lawrence Memorial school is raised. There are no papers showing how the lands(760.76 × acres) at Lovedale came to be in the possession of the school. As regards buildings, the question of their ownership was investigated in 1919. The Principal of the school who was consulted stated that his office had no definite information on the point. The Assistant Commanding Royal Engineer, Wellington District, stated that the buildings were handed over to the Military works Services by the P.W.D in 1914 and that they "apparently belong to Govt. "as they are borne in our A.R.P. buildings". As pointed out on p.28 ante, the entire cost of the buildings was not met by the Govt. of India, though that Govt. contributed the major portion. The assets of the original Lawrence Asylum(amounting to Rs.87,402), which were formed mainly of collections from private persons, were also utilised in the construction of the buildings. Hence it would seem that the military authorities cannot be held to have absolute ownership and powers of disposal over the buildings and that they must be deemed

Law (Drafting) U.O. 1509-1 26/11/24

× Para 3 of Letter No. 928 & 29.7.19 (A)

vide portions side-lined with red pencil on pp. 19, 21, 23 + 25 ibid of notes ibid (A)

p. 21 ibid (A)

p. 25 ibid (A)

c.f. para 12 of note on p. 5 of F. 496 & R. 5. 16 (C)

to be holding the buildings in trust for carrying out the objects of the original endowment. In this view, the expression 'vested in them(the Government of India)' used in clause 3 of the deed does not seem to be incorrect. It is pointed out at 'K' on p.29 ante that the committee as agent, can make the transfer of the lands and buildings.

p. 15 CF

2. It is for orders whether the Govt. of India may be informed that the two points raised by them have been considered by this Government in preparing the trust deed.

p. 26 CF

CDN 27.11.24

S/9 27.11.24

27/4

Will U.S please take this to the Adv Gen? and consult him on the correctness of the above ▽ on the reply to be given to India?

V.T. 27.11

I saw the Adv Genl this morning. He told me that we may inform the Govt of India that the two points raised by them have been considered by this Govt. He also said with regd to the portion marked A on p.29 ante that we may request the Govt of India to pass a resolution as contemplated in Sec 30(2) of the Govt of India Act authorising the Committee to execute the deed in so far as their interests are involved.

Draft so

V.T. 28.11

28/11

Draft telegram to govt. of India is submitted. The case may be circulated to C2. ~~A detailed letter~~. For orders whether a letter giving full details (pages 28, 29 & 30) need be sent.

CVV
28.11.24

SLY
28.11.24

28/11

S/

Yes please. Letter

V.T.K
28/11

Draft letter to the govt. of India is submitted.

It is for consideration whether the collr. of the Nilgiris may be asked whether he has any definite information as regards the ownership of the lands. A draft memo: is submitted.

CVV
1.12.24

SLY
1.12.24.

1/12

V.T.K
2.12

GOVERNMENT OF MADRAS
SECRETARY TO GOVT
27 DEC 1924
LEGAL DEPARTMENT

Legal Dept.

I think we had better
wire to India & say that
we should be glad to have
a very early reply re the
Lawrence School Trust Deed.
It is important both to the
schools & our budget
arrangements that the matter
should be settled at once so
that the new scheme may be
working at least from Apr. 1st

MK 24/12

Urgent

Wire to Govt India at once
& then submit to Secy for perusal

Telegram

To

Army, India,
Delhi

Reference correspondence ending
[with] my letter [No.] 3257 B-3 [dated 3rd]
3rd December [1924] Lawrence Memorial
school Trust deed. Madras Govt.
~~would~~ should be glad to be have an early reply.

(By order)

CVV
28-12-24

Telegram & Post copy
issued. VT.
28/12/24

Telegram has been
issued. Submitted to Secy.

CVV
28-12-24

V.T.K
29.12.

27/12

128

33

[C.89B] Telegram from the Govt. of India, No. 27055 (A.D.) dt 10.1.25 (p.33 CF)

[C.88B] From the Govt. of India, No. 29259/1 (A.D) dt 3.1.25 (p.34 CF)

The telegram on p.33 CF is submitted for perusal

2. The Govt. of India's sanction to the continuance of the military privileges at present enjoyed by the Lawrence Memorial school [pages 34–35 CF] may be communicated to the committee. Draft memo: submitted

3. The file may be circulated to C1.

CVV
12.1.25
8/9
12.1.25.

14/1

V.TK
14.1

C1

15.1.

SECRETARIAT GOVERNMENT OF MADRAS
11-JAN-1925
LAW DEPARTMENT

C.W. 294B. From the Govt. of India, Army Dept. No. 27055 A.D. dt 23.1.25.

The Govt of India have passed final orders on the trust scheme. The Govt Solicitor may now be requested to take steps in consultation with the Advocate general* for the institution of a suit under Sec. 92 of the Civil Procedure Code. & also to prepare a deed as mentioned in para 2 of GOI's letter. A draft memo is submitted.

*: The Advocate General suggested orally that a formal reference might be made to the Govt Solicitor.

For orders as to Circulation.

8K
4.2.25.

4/2

V.TK
4.2

Pages 165-167

131

T. R. Venkatarama Sastri.

163 31 MYLAPORE. 130

Madras ..... 19 .....

1. I have signed the plaint

2. somebody who knows the facts personally may verify the plaint with the permission of the court under order VI r. 15 of the Code of Civil Procedure

3. I am sending a Vakalat in favor of somebody at obj. Please leave the name blank in order to enable the Collector of the Nilgiris to choose a practitioner and put in his name in the Vakalat

4. If any docts have to be filed, you will have to add a list of docts filed with the plaint & the plt may with the docts in a separate cover.

5 If the defts immediately filed

Pages 165+167

131

164 37

a Statement expressing their assent to the Scheme, the grant may pass a decree in a few days.

Sd Sastri
15.2.25

Law (Ex-) 132 Dept.

Telegram No 294 B-7
23. 2. 25

To

Collector, Ootacamund.

Reference memo (No.) 294 B-5 (dated) 16th instant - Lawrence Memorial School - Suit under Section 92 Civil Procedure Code. Please wire ~~whether~~ date of filing Suit ~~has been filed~~ and ~~when court decree may be expected~~ also date of posting Madras Law.

Pays 53-54 y c/f.

23/2/25

Tel. Off. Phdtg 23/2

819
23.2.25

V.T.K
23.2

PC

[C.294B]

Law (Education) Department.

The scheme for the transfer of the management of the Lawrence Memorial School to a Board of Trustees.

The scheme has been accepted by the Government of India and a formal petition before the subcourt of the Nilgiris has been filed to enable this Government to give effect to this scheme. The court is expected to pass orders shortly.

2. The transfer is proposed to be given effect to from the beginning of the next official year (1st of April). It is necessary that there should be a meeting of the Board of Trustees early in March so that "The Board of Governors" may be appointed and the other preliminaries necessary may be settled.

3. The Board of Trustees is to consist of:

(1) His Excellency the Governor of Madras;

(2) The Lord Bishop of Madras;

(3) The General Officer Commanding-in-Chief Southern Command;

(4) A Military Officer to be nominated by His Excellency the Commander-in-Chief in India; and

(5) A person, not himself a member of the staff, to be nominated by the staff of the institution.

H.E. the Commander-in-chief has nominated the General Officer Commanding, Madras District, as a trustee and the staff of the institution has nominated the Hon'ble Sir Arthur Knapp.

4. It is understood that the G.O.C., Madras district, Major-General Ponsonby, will be at Madras on the 2nd and 3rd of March. If H.E. will find it convenient to hold a meeting of the Trustees on one of these dates, intimation will be given to the other Trustees. The meeting will not take more than about half an hour.

V.R. 23.2

P.S.G. u.o.

His Excellency has fixed 6-30 p.m., 3rd March, at Govt. House for a meeting. It is understood that the General leaves Madras at 7-5 p.m. that evening. Will Secretary please inform the General?

P.S.G.
24-2-25.

Law (Edn) no 294 B/25-8.
22.2.25

This note is submitted under H.M.'s instructions.

This note is submitted under Govt. Orders instructions.

Draft letter submitted. After issue, the file may be circulated to Cg.

CVV
24.2.25

24/2

V.TF
24.2

168

Law (Education) Department

D.O
Letter No. 294 B/25-10 dated 24-2-1925
Ref.

To

(1) The Right Rev. the Lord Bishop of Madras,
(2) The General Officer Commanding-in-Chief, Southern Command, Poona,
(3) The General Officer Commanding, Madras District, Wellington.

Dear Lord Bishop

A scheme for the transfer of the management of the Lawrence Memorial School, Lovedale, to a Board of Trustees has been accepted by the Government of India and a formal petition before the Sub-Court of the Nilgiris has been filed to enable this Government to give effect to ~~the~~ it ~~scheme~~. The Court is expected to pass orders shortly.

2. The transfer is proposed to be given effect to from the beginning of the next official year (1st of April). It is necessary that there should be a meeting of the Board of Trustees early in March so that "the a Board of Governors" may be appointed for the internal management of the institution and the other preliminaries necessary may be settled.

3. The Board of Trustees is to consist of

(1) His Excellency the Governor of Madras;

(2) The Lord Bishop of Madras;

(3) The General Officer Command-in-in-Chief, Southern Command;

(4) A Military Officer to be nominated by His Ex[illegible]

169 -2- 42

(5) A person, not himself a member of the staff, to be nominated by the staff of the Institution.

4. [His Excellency the Commander-in-Chief in India has nominated you as a Trustee.] (It has been decided to hold a meeting of the Board of Trustees ~~convened~~ at ~~the~~ Government House on the 3rd March 1925, at 6.30 P.M. I am to request you to be so good as to attend the meeting.

Yours sincerely
~~I have, etc.,~~

CVV
24.2.25
819
24.2.25

Flew 24/2 S
V.TS 24/2

Sonthcom — four ✓
Madist, Wellington ✓

Two telegrams
Ordered 24/2.

for the case of the two telegrams below

[ ] To the General Officer Commanding Madras Dt. ~~To (3)~~

5. I am to confirm the following telegram sent to you today:—

Please ① telegraph as follows to the Gen.l Officer Commanding in Chief Southern Command and ② to the G.O.C Madras District

"~~Meeting~~ (A) meeting of (the) Board of Trustees under (the) new scheme of trust for Lawrence Memorial School ~~Ootacamund~~ Lovedale is proposed (to) (be) held at Government House Madras at 6.30 P.M third March to appoint Board of Governors and settle preliminaries Government hope you will find (it) convenient to attend." V.TS

C. 00769

SECRETARIAT DEPARTMENT 24 FEB 1925 LAW DEPARTMENT

POSTS TELEGRAPHS.

24/2/25

NOTICE.
This form must accompany any enquiry made respecting this Telegram.

Charges to pay. Rs. As.

48 125

Handed in at (Office of Origin.)	Date	Hour.	Minute.	Service Instructions.	Words.
Ootacamund	24	13	45	Ex	15

TO Madras Law Dept

Recd. here at 13 H. 47 M.

Reference 294-B-7 dated 23rd ult. ~~posted~~ 27th ult. posted 27th ult. p. 38 ante

= Collector =

papers please Flew 24/2

N.B.—The name of the Sender, if telegraphed, is written after the text.

Karim Bux Bros.—Printers—Cal.—1274—26-11-24—1,50,000—Bks.

Law (Ed.)

The case may be circulated to Cs, for perusal of telegram above.

CVV
25.2.25
819
25.2.25.

Flew S 25/2

I shall mention to him
V.TS 25.2

Law [Edy]

Reminder. [C.294B]

D.O 294 B/25-11 Dt. 26.2.25

Dear Mr. Moresby,

Lawrence Memorial school, Ootacamand – Trustee scheme, – Memo: No. 294 B/25-6 Dt 17.2.25 –

I am desired to invite your attention to the above reference and to request that the draft deed referred to therein may be forwarded to the Govt. at a very early date

yours sincerely

To

C. Moresby Esq,
Govt. Solicitor

P.T.O.

C. POSTS TELEGRAPHS: 00579

REGISTRAR SECRETARY TO GOVT. OF MADRAS
27 FEB 1925
NOTICE
DEPARTMENT

This form must accompany any inquiry made respecting this Telegram.

Charges to pay. Rs.	As.

Office Stamp.

Handed in at (Office of Origin.)	Date.	Hour.	Minute.	Service Instructions.	Words.
Wellington	27	10	15		

TO

Recd. here at H. M.

Madras Law Madras

201/G your telegram 24th
Adc General Ponsonby will
be pleased attend meeting
Madras

N.B.—The name of the Sender, if telegraphed, is written after the text.

Karim Bux Bros.—Printers—Cal.—1274—26-11-24—1,50,000—Bks.

C. POSTS TELEGRAPHS.

45

Sir in Law
Hon Mr Justice Sadasiva Iyer

L. Con 58/13
27/2/25

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NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.	
Rs.	As.

Office Stamp.

26 FEB. 25 A.R

Handed in at (Office of Origin)	Date	Hour.	Minute.	Service Instructions.	Words.
Advocate General's Lodge	26				16

TO

UNDER SECRETARY TO GOVT. OF MADRAS
26 FEB 1925
CONFIDENTIAL LAW DEPARTMENT

Adyar

Recd. here at H. M.

House
Madras Adyar

Many thanks written today awaiting
date trustees meeting
= Badfield =

N.B.—The name of the Sender, if telegraphed, is written after the text.

Ab

Law (Edn.) Dept.

139

Telegram

To

Reverend Padfield,
Principal, Lawrence School,
Lovedale.

Meeting of Board of Trustees under new Scheme Lawrence (Memorial) School is proposed (to be) held at Govt House Madras 6.30 P.M. third March.

Madras law.

27.2.25.

27.2.25

173 AT

140

C.3. 27.2.25 2.Dn 558B

POSTS TELEGRAPHS. 27.2.25 Ac.

Received here at 5.40 P.M. 00900

0 NG POONA S C 27 STE 39 MADRAS LAW MADRAS =

YOUR TELEGRAM TWENTYFOURTH AAA ARMY COMMANDER REGRETS HIS INABILITY TO ATTEND MEETING OF BOARD OF TRUSTEES LAWRENCE MEMORIAL SCHOOL AS HE WILL BE ON TOUR ON THIRD MARCH = A M S SOUTHCOM .

This form must accompany any inquiry respecting this Telegram.

Kerim Bux Bros.—Printers—Cat.—1273—26-11-24—50,000 Bks.

Law (Edn.) Deptt.

Submitted for perusal.

Sd/
27.2.25.

Thanks. Put up in office on Monday.

V.T.K.

C. 28/2/25 2-8000 Law Edn 563 B. 2/3/25 32

POSTS TELEGRAPHS.

NOTICE
This form must accompany any inquiry made respecting this Telegram.

Charges to pay. Rs. A.

Office Stamp: MYLAPORE 28FEB25

Handed in at (Office of Origin) | Date. | Hour. | Minute. | Service Instructions | Words.

TO Mrs Rawdon

Recd. here at H. M.

Your telegram date will attend trustee meeting Wednesday Padfield

V.T. 1.3.

BISHOP'S OFFICE
ROYAPETTAH
MADRAS

On Tour
February 28, 1925

Dear Rao Bahadur Krishnamachariyar

Thank you for your D.O.No. 294.B-10 dated the 24th instant. I hope to attend the meeting of the L.M. School Board of Trustees on the 3rd of March.

Yours sincerely

Harry Madras

M.R-Ry Rao Bahadur
V.T.Krishnamachariyar
Law Department
Chief Secretariat
Madras

Law (Edn) Department.

17

142

C.No.562 B - From the Collector of the Nilgiris, No. A-1-561 dated 28-2-25.

The Collector of the Nilgiris forwards a copy of the orders* passed by the Sub-Court, Cotacamund, in the suit relating to the Trustee Scheme of the Lawrence Memorial School- (Pages 70 to 82 c.f.) The Government Solicitor has forwarded a draft of the deed to be executed by the Government with reference to paragraph 2 of India's letter on page 38 of current file. The draft deed is being examined by the U.S. (Drafting). ~~After the form of the deed is settled and the deed is signed by the Secretary~~ A draft order on the case ~~will be~~ is submitted ~~below~~.

In the ~~m~~meanwhile, the file may be submitted to H.M. (C.1.) for perusal. The meeting of the Board of Trustees is to be held ~~tomorrow~~ today (3rd inst.) at 6:30 p.m. The General Officer commanding-in-chief Southern Command, has expressed his inability to attend the meeting (page 47 ante).

SK 3.3.25

V.TF 3/3

C1

*These are on the lines of the scheme embodied in the printed deed on pages 14-15 of c.f.

(Separate file)

176 53

I send the papers regarding the 143
Lawrence School with the following observations.
My own election by the staff of the Lawrence
School has been duly communicated by Mr. Padfield
and I have placed the paper in the file.
In regard to General Ponsonby however we have
only Lord Rawlinson's demi.official of the
11th of January 1924. I think that the Commander-
in-Chief had better be addressed officially
through his Military Secretary asking him to make
a formal nomination. The letter may remind him
that it is understood that His Excellency
intended to nominate the G.O.C., Madras District.

In a separate file I have placed some
papers connected with the draft rules including
(placed below) some ~~the~~ manuscript proposals of the Bishop. The
typed copy has some pencil notes and amendments
~~of mine~~ made at the meeting at Govt. House.
I have ~~m~~arked with red pencil those which may
be taken as finally settled but we have now to
consider the
a ~~paper of~~ suggestions by the Bishop and the best
way to deal with ~~the matter~~ them I think will be
to re-type the original draft as amended at the
meeting and as now corrected in red chalk
and side by side to type the suggestions made
by the Bishop, dealing with the matter in the
ordinary Secretariat way. It will be noticed
that some few suggestions of the Bishop
I have for simplicity sake accepted and marked
in red. If Secy will put this in train and let
me see the note we can then circulate to the
other Trustees and get the matter settled.

As I have not much time now I hope Secy will
put this ~~truth~~ through as quickly as possible.

8/3

SECRETARY TO GOVERNMENT OF MADRAS
10 MAR 1925
LEGAL DEPARTMENT

171 84

A draft letter to the Military Secretary to the C-in-C is submitted below. x p. 83 C.F

2. With reference to paragraph 2 of H.E.'s note, the rules are being typed separately.

84
10.3.25.

10/3 S

V.T. 10.3

With reference to paragraph 2 of C.'s notes on p. 53 ante, the draft rules have been dealt with below in sectional notes.

CVV
11.3.25

84
11.3.25

14/3 S

V.T.S 12/3

C1

The file has been made somewhat unnecessarily cumbrous by the insertion of sheets containing paragraphs in the rules in which no amendment has been proposed by anybody. Please circulate now to His Excellency. I would suggest that after His Excellency has seen the file the draft as agreed to by us should then be sent to the Bishop for further remarks if any; also to General Ponsonby and that before it is finally approved the views of the present Committee should be obtained. I regard this latter as most essential. The Committee have hitherto been practically autocrats : they are be ng to some extent superseded by the Trustees and though they welcome the Trustee Scheme they will not I think

SECRETARY TO GOVERNMENT OF MADRAS 14 MAR 1925 LAW DEPARTMENT

SECRETARY TO GOVERNMENT OF MADRAS 30-MAR-1925 LAW DEPARTMENT

176 144

welcome anything which they think is a diminution of their powers.

Ah 25
15/3.

H.E. the Gov

V.T.
16.3.

9.
26.III.25.

The rules as approved by the Hon'ble Sir Arthur Knapp and H.E. the Governor have been typed and a copy is placed below. In rules 2(e) and 21 additions have been made with reference to H.M's orders on pages 4 and 34 of the sectional notes on the rules placed below. The rules may now be refer to the Lord Bishop and General Ponsonby for remar Drafts are submitted. It is presumed that the reference to the committee of the school regarding the rules should be made after the rules are approved by the Bishop and the General. When the reference to the committee is made the Principal may be asked about the definition of 'staff' as directed by H.M. on page 13 of the sectional notes.

2. The Principal has telegraphed asking for orders on the correspondence relating to the Trustee

x Sidelined in blue pencil

Vide H.E.'s note on page 24 ante

Taken out for issue.

Pg. 847 C.F.

scheme which is to come into force from the 1st April. The draft order in the file may now be issued. In the conveyance deed annexed to the draft order an addition has been made as suggested by U.S.(Drafting) in the linked file. U.S.(Drafting) may see the deed as amended before it is signed by the Secretary.

3. The Principal may be informed by telegram that "Trustee scheme comes into force from 1st April".

C.V.V. 31.3.25.
Order issuing.
31.3.25.

81/3.

V.T. 31.3

As one of the Trustees does not appear to have been nominated formally, the names of the Trustees may be omitted. The deeds is otherwise in order.

US/S 31/3/25

D.O.No. 3[illegible]

1925

Madras, 27th February 1925.

Dear Mr. Krishnama Chari,

Lawrence Memorial School, Ootacamund.
Trustee Scheme.

I am in receipt of your D.O.No.294-B/25-11 of yesterday's date and forward herewith the draft deed referred to.

I have not filled in the names of the Trsutees, this should be done in accordance with the order of the Court and the document should be executed after the decree has been passed.

With reference to the stamp duty this should be on the value of the premises at the rate of Rs.15 per thousand I think however under the circumstances

it might be classed as a transfer under article 50 (e) of the Madras Stamp Amendment Act from one trustee to another trustee the stamp being Rs.7/8.

Yours sincerely,

M. R. Ry

Rao Bahadur V. T. Krishnama Chari Avl.,
Secretary to Government,
Law (Education) Department
Madras.

182 8 146

THIS INDENTURE made the day

of 1925 Between THE RIGHT HONOURABLE THE --

SECRETARY OF STATE FOR INDIA IN COUNCIL hereinafter called "the -

Secretary of State" which expression shall where the context --

admits be deemed to include his successors and assigns of the one

part and the Board of Trustees of the Lawrence Memorial School at Lovedale in the Nilgiri District (1) His Excellency the Governor of Madras (2) the Lord Bishop of Madras (3) the General Officer Commanding-in-chief, Southern Command, (4) A military officer to be nominated by His Excellency the Commander-in-chief in India (5) A person not himself a member of the staff nominated by the staff of the Lawrence Memorial School at Lovedale, in the Nilgiri Hills hereinafter called 'The Trustees' which expression shall where the context so admits be deemed to include their successors in office of the other part

RECEIVED TO GOVT. OF MADRAS
M.L.C. 1925
LAW DEPARTMENT

WHEREAS in pursuance of a decree dated the 27th day of Feb. 1925 passed in O. S. No. 23 of 1925 on the file of the Court of The Subordinate Judge at Cotacamund the management of the institution known as the Lawrence Memorial School established at Lovedale in the Nilgiri Hills Southern India was placed in the hands of the --

its endowments were transferred

183

right title and interest vested in the former Committee of Management over the buildings and land were also transferred to the Trustees subject to the conditions contained therein

AND WHEREAS at the request of the Trustees the Secretary of State has agreed to transfer to them the right title and - interest vested in him as such in the said lands and buildings comprising the said Institution and which said lands and buildings are more particularly described in the schedule hereunder written NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement the Secretary of State hereby conveys and - assigns unto the Trustees All the right title and interest - vested in him in those lands comprising the said Lawrence - Memorial School and buildings situate in the villages of Keti and Ootacamund in the Nilgiri District containing 702.11 1/8 708.41 5/8 - acres be the same a little more or less and being more --- particularly described in the schedule hereunder written --

...h all trees commons hedges ditches fences ways -

147

advantages and appurtenances whatsoever to the same in any wise appertaining or heretofore occupied or enjoyed therewith AND all the estate right title interest property claim and demand of the Secretary of State in to and upon the same premises TO HAVE AND TO HOLD the same unto and to the use of the Trustees and their successors in trust as regards all the said lands and buildings to use the same and every part thereof in accordance with the provisions of the hereinbefore recited decree of the said Court of the Subordinate Judge of Ootacamund and the terms and -- directions thereof IN WITNESS whereof Ra Ratnam V.T. Krishnama Acharyar of Madras the Secretary to the Government Law (Education) Department by order and direction of the Government of Madras acting for and on behalf of the Secretary of State hath hereunto set his -- hand and seal the day and year first above -- -- written.

The

THE SCHEDULE TO WHICH THE ABOVE

WRITTEN INDENTURE

R e f e r s.

Registration Sub District	Registration District	Village	S. Number	Extent
Coonoor	Coimbatore-Nilgiris	Keti	1158	12.57 Acre
			1224 A/1	49.26 Acres
			1224 A/3	606.55 " with all buildings
			" A/5	25.34 Acres
			" A/8	4.20 "
			" B/2	0.74 "
			" B/4	1.06 "
			" C	0.67 "
Kotacamund	Coimbatore-Nilgiris	Kotacamund	1224 A/5	1.66 4/8 Acres
			" A/7	0.05 5/8 "
			~~1328~~	~~6.30 4/8~~ "
		Total		~~708.41 5/8~~ Acres 702.11 1/8

SIGNED sealed and delivered by the abovenamed V T Krishnama Acharyar for and on behalf of the Secretary of State for India in Council in the presence of ----------

148

Dated 1925.

The Right Honourable the Secretary of
State for India in Council

-TO-

-

-

The Trustees of the St Lawrence --
Memorial School.

DEED OF TRANSFER of Land and Buildings situate at Keti and Cotacamund -------

C. Moresby,
Government Solicitor,
Madras.

(1 in file with c_1)

C.No. 562 B - From the Collector of the Nilgiris No.A-1-561, dated 28-2-25.

The Collector of the Nilgiris forwards a copy of the orders passed by the Sub Court, Cotacamund, in the suit relating to the Trustee Scheme — page 7 ante. The Government Solicitor has forwarded a draft of the deed to be executed by Government with reference to paragraph 2 of India's letter on page 38 c.f. The draft deed calls for comment on one point. The Government of India have stated that the transfer of the lands and buildings should be subject to the condition that in case "the ~~buildings~~ (and lands) " buildings cease to be used for the purposes of the " Lawrence Memorial School, or any similar purpose " approved of in writing by the Govt. of India, the " buildings and lands shall revert to that Government. The draft deed does not embody this condition. The U.S. (Drafting) may be requested to advise whether any alteration is necessary in the deed and if so to indicate it. It is also for consideration whether, in addition to the list of lands, a list of buildings should also be annexed to the deed.

2. The Government Solicitor has raised the question of the stamp required for the deed. As the deed is to be executed by Government, it would seem that no stamp is chargeable under section 3 of the Stamp Act. U.S. (Drafting) may be consulted.

3. After the form of the deed is settled and the deed is signed by the Secretary, a draft order on the case will be submitted.

Law(Drafting)Department

I agree with the Government Solicitor that the article applicable to the case is 50(e) of the Madras Stamp Act but I do not consider the

any stamp is necessary in the present case for the instrument. I think proviso (1) to section 3 can be applied here. The deed of transfer under Article 50(e) is not one of the instruments specified in section 29 and there is therefore no provision in the Act as to by whom the duty is payable. Section 62 makes it an offence for a person to execute an instrument otherwise than as a witness without the same being duly stamped. That makes the executant liable to stamp duty in the cases not specially provided for. In this view the Government will be the party liable to pay the stamp duty and hence under proviso(1) to section 3 the instrument is exempt from duty.

A:- the insertion of a clause is necessary.

B:- a detailed list of buildings is not necessary. Against the numbers of the lands in which the buildings are contained the words 'with all buildings &c' may be noted.

S 7/3/25

(Sd) Law(Edn)

Await return of file put up V.F 4-3

PRESS SLIP.

Scott. 11-38—7,149—11-

~~ORDINARY~~. ~~PREFERENCE~~. Very URGENT (a).

Law (Edn) Department.

GOVERNMENT OF BOMBAY 2-APR 1925 SECRETARIAT

Warrant No ....., dated ..... 192 .

G. O. No. 452, dated 31 MAR 1925.

Number of MS. pages sent (b) { Correspondence ..... (b1) Notes .....

Subject Lawrence Memorial school, Lowdale - Grants Scheme

(c) Number of copies required when struck off (including copies for volumes and table which are retained in the Press).	E. T. copies to supply requisitions for purchase by the public.	Complete correspondence and orders.	Notes.
FOR RECORD.*			
Bras Records	4	12	
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with original ...		1	
Total ..		16	

FOR ISSUE.†	Letter only.	Complete G.O.	Special issue copies of G.O. (b) No.	Papers.	Notes.
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a Office					
t. of India, ~~Army~~ Dept.			10		
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al Total			4		
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				Total ...	
I.P.J.			4		
The A.G.			4		
The					
The Committee of the L.M. School			10		
Extras		24	26		
Total ...		24	60		

...es ...tributed on ..... ‡(Press Clerk).

...es ...tributed on ..... ‡(Press Despatcher).

‡ To be initialled and dated.

[P.T.O.]

INSTRUCTIONS FOR THE SECRETARIAT.

(a) If a paper is marked to be printed urgently, the Superintendent of the section concerned should sign the Press slip. The Superintendent should exercise a careful discretion in the matter.

(b) Each letter, memorandum, or order or set of orders, in the file of correspondence should be headed in succession with the Roman numeral I, II, III, etc., the number being written in red ink or blue chalk above the item. The particular papers to be printed in the special issue-copies should be indicated by the Roman numeral (I, II, etc.) by which that item has been headed in the correspondence file. All matter, including marginal remarks or references, to be printed should be written in ink and matter which should not be printed should be encircled. Initials and signatures that are not quite legible should be re-written distinctly.

(b1) For rules regarding printing notes see rule 315 of the office Manual.

(c) The number of copies and the details of distribution should be filled in by the Superintendent or Referencer concerned.

(d) In the absence of special instructions to the Press to keep matter standing for a specified period, ordinary papers of 8 pages and under will be kept standing for *one* week, and larger papers for *two* weeks only. *The type of notes and of all confidential papers is distributed immediately after striking.*

(e) This slip, properly and completely filled in, should accompany every paper sent to Press; it will be returned by the Press when proofs are furnished; it should be sent to the Press when a call is made for revised proofs or when a corrected proof is sent for striking. When finally returned by Press it should be filed with the original order or letter.

INSTRUCTIONS FOR THE PRESS.

(a) If, in the opinion of the Superintendent of the Press, a paper has been marked urgent unnecessarily, he should send the Press slip to the Registrar with a remark to that effect.

(b) Unless a note to the contrary is made against the matter, pencil entries should not be printed. The Superintendent of the Press may bring to the notice of the Registrar any instance of incomplete or careless editing.

(c) Signature copies of letters to the Secretary of State or to the Government of India should be printed on hand-made paper.

(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the Press when proofs are returned corrected and should be finally returned to the Secretariat when struck-off copies are supplied.

(e) The names of the Secretary and Members should be printed in full when they occur on the right hand side, only the first time when they appear on the left side, the initials alone being printed later.