[E. / 21]

340—23-12-01.

Educational (1904) Department.

ORDINARY PRINTED.

G.O., No. 388

DATED 25-6-04

ORIGINAL

[Despatch Abstract.]

Breek's Memorial School, Ootacamund.

Stating, with remarks, that in the opinion of Govt. it is undesira
~~that~~ the resolution of the trustees of the ——, should be carried into
and that pending the issue of final orders in regard to the future ma
ment of the institution His Excellency the Governor-in-Council will
prepared to make good any deficit that may occur in respect of
maintenance up to a limit of Rs. 500.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1904} of Madras.

EDUCATIONAL.

Recd. } 1904. *Enclosures*

Regd. *Spare copies*

ORIGINAL

G.O., No. 388, 25th June 1904.

JUNE.

Breeks' Memorial School, Ootacamund.

Stating, with remarks, that, in the opinion of Government, it is undesirable that the resolution of the Trustees of the — to close that institution from the 1st of July 1904, should be carried into effect and that, pending the issue of final orders in regard to the future management of the institution, His Excellency the Governor in Council will be prepared to make good any deficit that may occur in respect of its maintenance up to a limit of Rs. 500.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following papers :—

From C. M. MULLALY, Esq., I.C.S., Collector of the Nilgiris and President, Board of Trustees, Breeks' Memorial School, Ootacamund, to the Secretary to Government, Educational Department, dated 14th June 1904, Ref. on Cur. No. 391.

I have the honour to appeal to Government for a special grant-in-aid for the Breeks' Memorial school.

2. After considerable discussion and hesitation, the Trustees have come to the conclusion that, owing to want of funds, it is impossible to carry on the school in a satisfactory manner in accordance with the terms of the trust, and have therefore resolved to close the school from the 1st of July next unless Government provides necessary funds for payment of arrears and future working.

3. The immediate cause for the closing of the school is that the Bank of Madras insisted on the immediate payment of the overdraft which was allowed on the personal responsibility of Mr. S. V. Edge, the late Honorary Secretary. Accordingly Mr. Edge has paid up Rs. 266-14-8 and has sent in a formal demand for the amount on the Trustees. No further overdrafts will be allowed by the Bank except on the personal responsibility of the new Honorary Secretary Mr. McMurray or the Trustees, which we do not feel disposed to give.

4. The main reason for the school working at a loss, thus necessitating an overdraft, was the withdrawal of the Church endowment, referred to in my letter Cur. No. 1517, dated 2nd September 1901, read in G.O., No. 689, Educational, dated 27th November 1901, thus inflicting a monthly loss of Rs. 70 on the school.

5. It will be convenient to deal with this subject under the following heads :—

(1) Previous history.

(2) Recent mismanagement.

(3) Present financial condition.

(4) Scheme for future working.

6. *Previous History.*—In or about the year 1872, a sum of about Rs. 4,000 was raised by public subscription to perpetuate the memory of Mr. J. W. Breeks, first Commissioner of the Nilgiris. This amount being found insufficient, on the 3rd September 1873, at a special meeting of the St. Stephen's Church Committee at which the Bishop was present, it was resolved to place the school property, known as "Church Cottage", at the disposal of the Breeks' Memorial School Trustees.

7. On the 1st of July 1874, the original trust deed was executed and, shortly after, a building was constructed at a total original cost of Rs. 27,565 subscribed as follows :—

	Rs.
(1) Public subscriptions	4,000
(2) Municipal grant	3,000
(3) Government grant	13,682
(4) Debentures	6,000
(5) Paid by Captain Morant	683
Total	27,365

This building was the present Sub-Court.

8. In 1885, Government took over this building for the purpose of the Civil Court and erected the present building near Charing Cross, at the same time paying off the Rs. 6,000 debentures.

9. In 1888 before the Municipal Council became the financial agents of the school, the council contributed as follows :—

	Rs.
Monthly and general contribution at Rs. 50 per mensem	600
Grant-in-aid for third assistant master at Rs. 25 per mensem	300
Grant-in-aid for fourth assistant master at Rs. 20 per mensem	240
Total	1,140

10. On the 1st June 1888 the council took over the management of the school.

11. In 1894 the endowment premises were leased to Mr. W. E. Smith for 25 years at Rs. 70 per mensem and he has erected a handsome new building which on expiry of the lease may be expected to give a monthly rental of at least Rs. 260.

12. In 1899 the Municipality resolved to divest itself of the management and to contribute Rs. 600 per annum.

13. In 1901 the Church Committee took over the endowment and on this matter I beg to invite the special attention of Government to my letter referred to above (in paragraph 4) pointing out that the Trustees were not justified in relinquishing the property.

14. From the commencement Government have liberally supported the trust and this makes me hope that it will come forward again to its aid.

15. The Church Committee in 1873 under the presidency of the Bishop of Madras recognised that a school on a wider basis and receiving aid from Government would be likely to attract more scholars and be of a more permanent character than any which they may be able to establish themselves and therefore resolved to place the school property known as church cottage at the disposal of the Breeks Memorial School Trust. After a lapse of 28 years, the Church Committee has (illegally in my opinion) withdrawn the endowment, thus rendering inevitable the present crisis.

16. *Recent Mismanagement.*—In March last I ordered an audit of the accounts of the school from 1st January 1901 and it disclosed the following irregularities :—

(1) Delay in remitting the school fee collections into the bank and a short remittance of Rs. 814-5-9 on the whole ;

(2) An overdraft on the bank to the extent of Rs. 921-11-3 on 24th March 1904 ;

(3) An adjusted advance of pay against the headmaster amounting to Rupees 115-3-8;

(4) Non-payment by the headmaster of the security deposit of Rs. 50 of the school writer either into the Bank or into the Postal Savings Bank;

(5) Want of system both in fixing the school fees and entrance fees and in collecting them. For example, for the same class different boys paid different rates and in different instalments, some boys in the highest class paying the same as those in the infant class;

(6) Want of a cash-book or other register showing the daily and monthly transactions;

(7) Want of vouchers for the various expenditure incurred;

(8) Numerous defects in the acquittance roll; and

(9) Non-payment of the establishment since the beginning of the year.

17. Several meetings of the Trustees were held and it was resolved after mature consideration that, if the headmaster (Mr. Brown) paid up all the amounts due by him to the school, he would be allowed to resign the place, the Trustees allowing him one month's pay, in lieu of notice, to be adjusted out of the amount due by him. Accordingly he paid the whole amount, except a small sum of Rs. 6-3-8 as shown below, and his resignation was accepted, Mr. Jordon, the First Assistant, succeeding him temporarily as headmaster on Rs. 100:—

	Rs.	A.	P.		Rs.	A.	P.
Amount due from Mr. Brown as per inspection note dated 24th March 1904	866	7	3	Amount remitted by him ..	470	12	6
Unadjusted advance of pay.	115	3	8	Amount spent by him for contingencies	14	2	9
School fees collected since 23rd March 1904 ..	14	8	0	Adjusted from his pay for February, March and April (1st to 11th)	355	0	0
				One month's pay allowed in lieu of notice	150	0	0
					989	15	3
				Balance written off ..	6	3	8
Total due from him ..	996	2	11	Total ..	996	2	11

18. At this time there were in all only nineteen European and Eurasian boys, of whom four have already left the school and the major portion of the remaining ninety-one boys belong not to "the more respectable native inhabitants of the place" but to the lower and the lowest classes. This is in direct contravention of the terms of the trust, but was done by the late headmaster without the knowledge of the Trustees, simply as a means of prolonging the precarious existence of the school.

19. *Present Financial Condition.*—I append a statement showing the assets and liabilities till the 7th of July next (date of expiry of the one month's notice to the teachers and other staff of the school) which works out a probable net deficit of Rupees 334-9-5 on that date.

20. *Scheme for Future Working.*—Without knowing definitely to what extent Government may be disposed to help the institution, it is impossible to draw up a proper scheme for management and financing.

I enclose copy of my letter No. 313, dated 11th March 1904, in which I have stated that personally "I take Mr. Butterworth's view as given in page 28 of the memorandum which merely elaborates the opinion of His Excellency the Governor quoted at page 24, in other words to provide on the Nilgiris for the Madras Presidency a school similar to that in Darjeeling."

21. I beg that Government after consulting the Educational authorities may be pleased to indicate the lines on which the school should be run, if at all.

Enclosures.

Statement showing the financial position of the Breeks' Memorial school on the 7th of July 1904.

Assets.				*Liabilities.*			
Particulars.	Amount.			Particulars.	Amount.		
	Rs.	A.	P.		Rs.	A.	P.
Amount in Bank on 1st June 1904	131	3	2	Pay to Thimmannachar for December 1903, Rs. 25	40	0	0
Map grant (Director of Public Instruction's Dis. No. 2272, dated 29th April 1904) ..	22	0	0	Supplemental pay to him for January, February and March 1904, Rs. 15			
Arrear salary grants (Director of Public Instruction's Dis. No. 3432, dated 27th May 1904)	294	12	2	Pay to Mr. Brown for 1st to 11th April 1904 at Rs. 150 *per mensem*	* 55	0	0
To be drawn on receipt of sanction.				Pay to other establishment for April 1904 ..	255	10	8
				Do. do. for May 1904 ..	263	0	0
Salary grant for April 1904	133	1	1	Do. do. for June 1904 ..	263	0	0
Do. for May 1904	110	0	0	Do. do. for July 1904 (1st to 6th)	50	14	5
Do. for June 1904	110	0	0	Allowance to office clerks for May 1904 ..	10	0	0
Salary grant for Mr. Dyas from 20th January to 31st March 1904 at Rs. 10	23	13	11	Do. do. for June 1904 ..	10	0	0
* Recovery from Mr. Brown's pay as a set off against the amount written off	55	0	0				
Total ..	879	14	4	Total ..	947	9	1
Probable deficit ..	334	9	5	*Add*—amount to be paid to Mr. S. V. Edge..	266	14	8
Grand Total ..	1,214	7	9	Grand Total ..	1,214	7	9

From C. M. MULLALY, Esq., I.C.S., Collector of the Nilgiris, to the Director of Public Instruction, dated Ootacamund, 11th March 1904, Ref. on Cur. No. 313.

From paragraph 139 of the report on Public Instruction in the Madras Presidency for the year 1901-1902 and for the quinquennium 1897-1898 to 1901-1902, I understand that as a result of the Simla Conference, a committee was appointed to draw up a special code of rules applicable to institutions for the education of Europeans. I have the honour to request that you will be good enough to let me have a copy of the committee's report and what orders have been passed thereon.

2. This information is required to enable me to see whether Government would be likely to give additional help to improve the present status of the Breeks' Memorial School, which at present ill-supplies local needs, but which, if placed on a wider basis and receiving more liberal aid from Government, would provide a good education in a bracing climate for those who cannot afford to send their children home.

3. There has been much difference of opinion as to what the scope of this school should be as you will see from the enclosed printed memorandum prepared by me. I take Mr. Butterworth's view as given in page 28 of the memorandum which merely elaborates the opinion of His Excellency the Governor quoted at page 24,—in other words to provide on the Nilgiris for the Madras Presidency a school similar to that in Darjeeling. The project is, perhaps, ambitious and the former attempt proved a failure, but this does not prove that the scheme is hopeless and the need certainly exists.

4. Since then two important changes have occurred, first, the Municipality has withdrawn from active control, but makes a fixed contribution of Rs. 600 a year; second, the Church has withdrawn its endowment, illegally so, I think, as will be seen from my letter, dated 2nd September 1901, in G.O., No. 689, dated 27th November 1901. These two changes have left the Trustees unfettered except by the terms of the original trust. It is generally admitted that one cause of the failure of the school is that it is a mixed school under the conditions of the trust, but this difficulty might be got over, by providing separate buildings for the different classes, possibly by amalgamation with other native schools, Municipal or private.

5. At present education in Ootacamund is in the hands of the following bodies:—

I. *Breeks' Trust*—
Breeks' Memorial school (Lower Secondary).

II. *Municipality*—
(1) Bazaar school.
(2) Kandal school.
(3) Kodappamund school.

III. *C.M.S. Mission*—
(1) Bazaar school (Lower Secondary).
(2) Bandyshola.
(3) Kandal.
(4) Mettucherri.
(5) Old Ooty.

IV. *Church Schools*—
(1) Sisters of the Church.
(2) St. Stephen's Poor school.
(3) Mettucherri.

V. *Roman Catholic Mission*—
(1) St. Joseph's school (Lower Secondary).
(2) Nazareth Convent.
(3) Sacred Heart.

VI. *Danish Mission*—
(1) Mettucherri.
(2) Kandal.

VII. *Christian Evangelistic Zenana Mission*—
(1) Hobart Girls' school.
(2) Zenana Mission Boarding school.

VIII. *Wesleyan Mission*—
(1) Bazaar street.

IX. *Muhammadan Schools*—
(1) Faqir Muhammad Sait's school.
(2) Meanji and Gul Muhammad Sait's school.

6. The number and constitution of these various schools suggest the following thoughts:—

(*a*) Amalgamation and concentration of strength on approved lines would lead to far better results, considerable waste of energy resulting from independent efforts in the same field. One good school in each locality ought to be sufficient for all requirements and would have a far more weighty influence; instead of this we find various denominations with rival schools in almost every quarter of the town weakening each other and the cause of education by well-intended, but independent, action.

(*b*) Ample provision is made for all classes of the community except for European boys. There is quite a plethora of native poor schools and missionary effort seems mainly directed to this end. Muhammadan education is well provided for by the fine building erected by Faqir Muhammad Sait. The Eurasian poor are looked after by the St. Stephen's Church and the Roman Catholic Mission. English girls get a good education at the Sisters of the Church and the Nazareth Convent, but for European boys the only place is Breeks' school, which must be considered a failure. This is distinctly a flaw, to put it mildly in the local educational system especially as the Nilgiris is the most important European colony in the Presidency and with its bracing climate is peculiarly well adapted for an English school. The children of poor soldiers find an asylum at Lovedale, but there are numbers of others who are not eligible and whose parents cannot afford to send them home and for these the greatest boon would be a good school in Ootacamund which might be developed out of Breeks' school as indeed was the original intention.

7. Taking the need, for a good English boys' school, as admitted, how can it be best brought about?

One suggestion is by a division of the Breeks' school into two branches—European and native—the former being retained in the present Breeks' school and the latter amalgamated with the three Municipal schools, which are at present maintained in three different localities, but which should be centralized and improved, the Municipal grants being divided relatively to the importance of the schools.

Hindu and Muhammadan boys are at present well provided with means of education in the private Mission and Muhammadan schools and those who do not wish to avail themselves of these advantages would have the option of going to the native branch of the Breeks' Memorial school.

8. Another suggestion made by the Lord Bishop of Madras is that Government should be asked to buy out the original trust of Rs. 7,000, thus relieving the Trustees of all responsibility except as to the disposal of the funds, which might be utilised in giving scholarships to both European and native boys. The difficulty of carrying out this suggestion, however, lies in the fact that the present trust does not consist of merely Rs 7,000 but of the school house and grounds which may roughly be estimated at Rs. 40,000, in addition to the good will which includes the Municipal and Government grants, fees for scholars, etc., as it is a working concern.

This is, however, a point on which I would like to have your views. Another difficulty is the doubt whether Government would buy out the trust and draw up a scheme for a good English boys' school. It is for this reason that I apply for the information asked for in the 1st paragraph of this letter.

9. I am now having an audit made of the accounts of Breeks' school and I fear that the results will necessitate a reference to you again. Meanwhile, I trust that this subject may receive your early attention and all the help you can give.

From H. D. TAYLOR, Esq., I.C.S., Acting Secretary to Government, Educational Department, to the Collector of the Nilgiris, dated 16th June 1904.

Your letter 391, dated 14th instant, regarding Breeks' school. Please send urgently a statement showing in detail the annual income and expenditure of the school and the staff employed: also a copy of the latest budget estimate of the school, if any budget is annually prepared.

Please send also a copy of the printed memorandum referred to in paragraph 3 of your letter to the Director of Public Instruction, No. 313, dated 11th March 1904, and of the original trust deed of 1874.

From C. M. MULLALY, Esq., I.C.S., Collector of the Nilgiris, and President, Board of Trustees, Breeks' Memorial School, Ootacamund, to the Secretary to Government, Educational Department, dated 16th June 1904, Ref. on Cur. No. 391.

As requested in your telephone message of to-day, I have the honour to enclose a statement showing in detail the estimated annual income and expenditure of the Breeks' Memorial school, along with a copy of the printed memorandum.

2. No budget estimate is prepared annually for the school.

Enclosure.

Detailed Statement showing the annual income and expenditure of the Breeks' Memorial School.

Receipts.

Particulars.	Amount.
	Rs.
School fees from pupils from 1st January 1903 to 31st December 1903.	1,581
Municipal contribution at Rs. 50 per mensem.	600
Mrs. Breeks' donation*	60
Salary grant—	
Per mensem. Rs. A. P.	
Headmaster 75 0 0	
First assistant 40 0 0	
Second assistant 20 0 0	
Munshi 17 8 0	
Third assistant 12 8 0	
165 0 0 × 12	1,980
Total ..	4,221
Deficit	329
	4,550

Expenditure.

Particulars.	Amount.
	Rs.
Pay of establishment—	
Per mensem. Rs. A. P.	
Headmaster 150 0 0	
First assistant 80 0 0	
Second assistant .. 40 0 0	
Munshi 35 0 0	
Third assistant 25 0 0	
Writer† 15 0 0	
Gymnastic instructor .. 10 0 0	
Peon‡ 10 0 0	
Watchman 8 0 0	
373 0 0 × 12	4,476
Scavenging fees at Rs. 3 per mensem ..	36
Peon's clothing	16
Printing charges	10
Stationery, postage and other contingencies.	12
Total ..	4,550

* Intended as a scholarship to a deserving boy, but utilised for some years for the expenditure of the school.
† Was also teaching the lower classes.
‡ Goes out to collect school fees from the parents of pupils.

From A. R. HAJI FAQIR MUHAMMAD SAIT & SONS, to the Secretary to Government, Educational Department, dated Ootacamund, 16th June 1904.

We much regret to learn that it has been decided to close the Breeks' Memorial school in accordance with a resolution passed at a meeting of the Trustees held on the 6th instant. As the school, which is the only non-denominational teaching institution in the town, has been in existence for upwards of 30 years, during which period a number of our children have received their education there, it would, it is submitted, if the school were to be closed, throw the greatest obstacles in the way of the education of not only the Muhammadan boys but also of the Hindu students, who, on account of religious scruples, are averse to going to the mission schools.

2. It is stated in the resolution referred to above that the school has been closed for "*want of money.*" It is respectfully submitted that if the school had been properly cared for by the Trustees and managed as it ought to have been, there would have been no lack of money.

3. It is a fact that there have been improper admissions in the school, of the children of inferior classes, but this evil and other defects might have been easily removed if the management had shown a little more interest in the affairs of the school.

4. In accordance with the above resolution the school is to be closed on the 1st of July, this step we respectfully beg to point out, is against the policy of the Educational department and would undoubtedly be fatal to the interest of the pupils now preparing for the public examinations. Such pupils as intend to appear for the Primary and Lower Secondary examinations, cannot possibly be properly prepared if they should now have to join other institutions owing to the change in the curriculam of studies.

5. The Trustees have unfortunately passed the above resolution without obtaining the views of persons interested in the trust. The Government are aware that the money subscribed towards the trust came from both Europeans and Natives; and in fairness the latter should have been consulted.

6. For the reasons detailed above the closing of the school is, in our humble opinion, a step in the wrong direction. We therefore respectfully request Government to consider the unfortunate resolution of the Trustees carefully, and to pass orders for the continuance of the school in the interests of free education. If however the resolution meets with the approval of the Government, we beg to submit that we are prepared to take over the management of the school and to work it on with the grant from Provincial funds and the legitimate grant from the Municipality.

7. As the school ought, in the ordinary course, to be re-opened on the 1st July, we beg to request the favour of an early reply so as to enable us to give timely notice to the public.

Order—No. 388, Educational, dated 25th June 1904.

The Government are of opinion that it is undesirable that the resolution of the Trustees of the Breeks' Memorial school to close that institution from the 1st July 1904 should be carried into effect and accordingly, pending the issue of final orders in regard to the future management of the institution, His Excellency the Governor in Council will be prepared to make good any deficit that may occur in respect of its maintenance up to a limit of Rs. 500.

2. The Collector is requested at once to convene a meeting of the Trustees and to ask them to reconsider their resolution as to the immediate closing of the school.

3. It is understood that the requisite staff is still available and that the work of the school can proceed without interruption pending its reorganization.

(True Extract.)

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

To the Collector of the Nilgiris.
" Director of Public Instruction.
" Financial Department.

Exd P. Cunniah.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 388, EDUCATIONAL, DATED 25TH JUNE 1904.

[SUBJECT.—*Breeks' Memorial School, Ootacamund.*]

The subject should be dealt with urgently, as the school is notified to be closed from 1st July.

2. The Collector's report gives no details as to the present annual income and expenditure on the school. Only a balance sheet showing a deficit of Rs. 334-9-5 to date is furnished. What is the present staff? Is any annual budget drawn up?

3. The policy in paragraph 7, to allow Mr. Brown one month's pay in lieu of notice, if there had been actual misappropriation of trust funds, seems very weak. However it has been done and no further action can now be taken.

4. The original resolution of the Church Committee of 1873 should be obtained and forwarded. Did it amount to an endowment? If so, where is the deed of endowment? Did the Church Committee retain any control over the institution? If the grant was unconditional and was in force for thirty years, the resumption would apparently be barred by limitation.

5. Where is the trust deed relating to the institution? It should be obtained and put up.

H. D. TAYLOR—15-6-04.

Paragraph 2. Please see telephone message placed below calling for the required information from the Collector.

Paragraph 4. The original resolution of the Church Committee of 1873 will be found on page 7 of G.O., No. 52, Educational, dated 26th February 1874. The Church Committee distinctly retained the power of resuming the property (with the sanction of the Bishop) on giving six months' notice, should the Trustees of the Memorial School fail to carry out in their full integrity the conditions on which the property was transferred. It does not appear therefore that the property formed an* endowment.

* It was a conditional endowment.

A. GALLETTI.

Yes; but liable to resumption at six months' notice for failure to observe the conditions.

H. D. TAYLOR—19-6-04.

The Church Committee retained control over the institution: the Chaplain was to be ex-officio a member of the governing body of the school and the Lay Trustees of St. Stephens were to be ex-officio visitors of the school. Please see also the first three paragraphs of the Collector's letter on page 2 of G.O., No. 689, Educational, dated 27th November 1901.

Paragraph 5. The Trust deed was printed by Government in 1900, and a copy stitched with G.O., No. 1182 M., dated 16th August 1900. This Government Order is in Madras and has been telegraphed for. Meanwhile a copy is called for from the Collector in the telephone message placed below.

P. T. THARYAN—16-6-04.

Issue message.

A. GALLETTI—16-6-04.

[Telephone message, dated 16th June 1904.]

From A. R. Haji Faqir Muhammad Sait & Sons, dated 16th June 1904.

From the Collector of the Nilgiris, No. 391, dated 16th June 1904.

The Trustees have resolved to close the school from the 1st proximo. From the statement of receipts and charges on page 62 of the current file it is doubtful whether they could have adopted any other course, as the net result of a year's working was an anticipated deficit of Rs. 329. The school is of the Lower Secondary standard and should apparently have eight classes including the infant standard class. It appears to have only four masters including the headmaster: these could not have managed it efficiently.

2. It seems pretty certain that things would not have come to the present state had the Trustees taken ordinary care about their trust. The irregularities disclosed in paragraph 7 of the Collector's letter of the 14th instant (page 4 of the current file) seem to show that they exercised very little supervision over the headmaster.

Who are the Trustees?

G. S. F[ORBES].

3. The trust property consists of only a building worth about Rs. 40,000*, of which the public contributed but Rupees 4,683 including payment by Captain Morant: the Municipality gave Rs. 3,000 and the balance came from Government.

* This is Mr. Mullaly's estimate in paragraph 8 of his letter of 11th March 1904 to the Director of Public Instruction, but the building cost only Rs. 27,000, and it is not clear that the site does not belong to Government. This last is an important point.

G.S.F.

4. The Collector lays some stress on the—in his opinion illegal †—resumption by the St. Stephen's Church Committee of its property temporarily placed at the disposal of the Trustees. This question was carefully considered before G.O., No. 689, Educational, dated 27th November 1901, was passed and Government thought that the Committee was within its rights.

† It is now too late for the Trustees to move in any case: but if the condition was broken, which is a question of fact, the Church Committee could resume.

G.S.F.

5. The question for consideration now is what can and should be done for the future. The object of the Trust was to establish a school "for the purpose of educating the children of the poorer European and East Indian and the more respectable native inhabitants of the place". With this object in view the Collector in his letter to the Director of Public Instruction makes two suggestions.

(1) That the school should be divided into two branches—European and Native—the former being retained in the present building and the latter amalgamated with the three Municipal schools which are at present maintained in three different localities—the Bazaar, Kandal and Kodappamund—but which should be centralized and improved. It is submitted however that this suggestion is not feasible. The Trustees have only a building of their own and for the *maintenance* of the two branches they should depend on the income of those branches. In the European branch a high rate of salaries for the masters will be necessary, but the rate of fees will also be high and the new code for European schools allows salary grants for masters and *in addition* "ordinary grants" equal to the difference between income and expenditure—*vide* paragraph 9 of the letter from the Government of India in G.O., No. 565, Educational, dated 19th November 1903. There will thus be no difficulty in maintaining the European branch, but as regards the Native branch the income will not be sufficient to meet the expenditure and the Trustees will have no funds to meet the deficit. The Municipality cannot be justly called upon to meet it nor will it be able to do so with the many demands on it in other and more legitimate directions—such as water-supply, drainage and other sanitary improvements.

(2) That the Government should buy out the original trust of Rs. 7,000 thus relieving the Trustees of all responsibility except as to the disposal of the funds

which might be utilized in giving scholarships to both European and native boys. It is not however stated where these scholarship holders should receive their education. Moreover the original trust does not consist of more than Rs. 4,683 including Captain Morant's contribution. But as stated by the Collector whatever the original amount was the trust now consists of property worth about Rs. 40,000, and Government will hardly think of buying it nor can the trustees legally sell it without the sanction of a Civil Court.

6. It is submitted that a feasible plan is to continue the school as a school for European children. When the new code for European schools comes into force Government can pay the net cost of the school, and there will be no financial difficulties. This will however *seem* to be a deviation from the original object of the trust, but in reality it need not be so as the European Code * allows the admission of native children to the extent of 15 per cent.; and this percentage of such children may be admitted to fulfil the original object of the trust. If the Trustees feel that under the present trust deed they cannot legally place any such restriction on the admissions they can submit an application under the Charitable Endowments Act, 1890, and Government can then draw up a workable scheme, but the admission of some percentage of native children would appear to be necessary under any scheme that may be settled by Government. If necessary a reference may be made to the Advocate-General on the legal points involved in this proposal, but the Director will have to be consulted on the other points.

* Page 29 of G.O., No. 565, Educational, dated 19th November 1903.

7. All these things, if approved, will take some time and meanwhile Government may pay a special grant equal to the difference between income and expenditure and continue the school on its present basis till the end of the year. By that time also the code for European schools will probably be passed and brought into force.

8. In a petition dated to-day Messrs. Haji Faqír Mahammad Sait & Sons request that orders may be given to the Trustees to continue the school and that if this cannot be done the school may be handed over to their management. It is submitted that continuance of the school is not possible unless Government express their readiness to meet the excess of expenditure over income. The handing over of the management of the school to the petitioners does not appear to be possible or advisable.

P. T. THARYAN—16-6-04.

Three suggestions have been made—

(i) *Bishop's suggestion—Government should buy out the trust.*—This cannot be done; neither the trust deed nor any law provides for the termination of the trust.

(ii) *Suggestion recorded by Collector in paragraph 7 of his letter, 11th March.—Separate Europeans from natives.*—This would be to defeat the trust, because the trust deed expressly invests the *building* of the school—school-house—and not only the school as an abstract thing, in the Trustees and defines the purpose of the trust as "the building of a small school-house in Ootacamund and the forming of a school for the purpose of educating the children of the poorer European and East Indian and the more respectable native inhabitant of the place.

Could the school have two sides to it—a European and a native? It would be costly.

G. S. F[ORBES].

(iii) *Messrs. Haji Faqír Muhammad Sait & Sons' suggestion—that Government should hand over the management of the school to them.*—Government cannot do this. The Trustees, however, have power to "make such arrangements as to them may seem desirable for the maintenance and management of the said school". If thought desirable, the petitioners may be referred to the Trustees, and the Trustees asked to consider the suggestion.

On no account.

G.S.F.

2. The Trustees propose to close the school. Their excuse is necessity. The necessity is, however, not altogether clear. The deficit is only 7 per cent. of the

income, while mismanagement and frauds are admitted. It is not clear that if mismanagement and frauds ceased, or if the fees were raised or the salaries reduced, there would be any deficit.

3. The Trustees have another course open to them, which they do not seem to have considered. They could make an application to Government under the Charitable Endowments Act, 1890; and Government would then have power to draw up a scheme giving effect to the wishes of the author * of the trust only so far as, in the opinion of the Government, effect could reasonably be given to them. For instance, Government could then † separate Europeans from natives and arrange for the instruction of the natives in a building other than the school-house of the trust and could limit the number of natives to be instructed.

* Who are the authors of the Trust?
G. S. F[ORBES.]

† This seems most desirable. If natives are to be retained at all, and, apparently under the trust, they must be retained, they should be kept quite separate from the Europeans.
H. D. TAYLOR—19-6-04.

4. Submitted that the application of the Charitable Endowments Act would solve the pecuniary difficulty. A grant to cover deficits can't be made to a mixed school unless we alter our Grant-in-Aid Code; but a grant to cover deficits can be made to a European school, containing not more than 15 per cent. natives, under the Code for European schools. The amount of the grant to be made by Government need not necessarily be large: the present total annual outgoings of the school are only Rs. 4,550 and the estimated deficit only Rs. 334.

5. The question whether the Government of India would view this solution with favour might have to be considered as a Local Government is subject to the control of the Governor-General in Council in the exercise of its powers under the Charitable Endowments Act.

Act VI of 1890, section 16.

6. Now the Government of India suggested last year that due consideration should be given to a memorandum of Mr. Marsden's on European schools, in which he suggested "A Government High school at *Ootacamund* with Breeks' school turned into a hostel; the Government High school to be on the model of an English public school such as that at Clifton or Cheltenham."

The suggestion was "Madras-Bangalore."
H.D.T.—18-6-04.

This portion of the suggestion is impracticable. There are neither the numbers nor the class of boys to constitute such a school.
G.S.F.

7. The Government of India are prepared to find more money, presumably outside the Provincial settlement, for European schools. They have expressly said that the extra provision which they propose to make for European schools does not fall under the 8 lakhs.

Vide despatch in G.O., No. 223, Educational, dated 6th April 1904.

8. If the Government wish to make a pure European school of Breeks', or to utilise the building for a boarding-house attached to a European High school, it would appear that the only way in which this can be done is to take action under the Charitable Endowments Act, ‡ and it would appear advisable to consult the Government of India before taking action with a view to ascertaining how much money the Government of India would be prepared to provide.

‡ The Trustees will presumably make an application under the Act if they are asked to?
A. GALLETTI.

9. This would take time. Meanwhile is the school to be closed or are Government prepared to make a special grant outside the Grant-in-Aid Code to keep it going or to accept, temporarily, Messrs. Haji Faqír Muhammad Sait & Sons' offer?

A. GALLETTI—17-6-04.

Under the resolution of the Trustees the school is to be closed from 1st July next but the staff will be retained till 7th July in order to allow of one month notice being given. There will then be an estimated deficit of Rs. 334-9-5. A budget statement for the next year shows a further estimated deficit of Rs. 329.

2. There are at present 15 European and Eurasian boys and 91 natives of whom the majority belong to the lowest classes—in distinct violation of the terms of the trust which the Collector says took place on the responsibility of the late headmaster and without the knowledge of the Trustees.

That does not exonerate the Trustees.
G. S. F[ORBES.]

3. The Trustees certainly appear to have grossly neglected their trust, and have exercised no supervision either over the finances or the management of the institution.

4. The Church Committee had full power to resume the conditional endowment for breach of the conditions of the trust and their action was based on an alleged breach of rule 4 in regard to religious instruction. The Collector who considers the action of the Committee illegal, does not specifically state if this condition was broken, but, if it was, the action of the Committee cannot be impugned. It would, however, have been a more worthy policy had the Committee given the Trustees (of whom the Chaplain is one) warning before actually resuming the grant. The action of the Committee appears to have been actuated by a desire to grasp for their own purposes the funds attached to the endowment, which will shortly be enhanced owing to the lease falling in, rather than to a *bona fide* desire to see that the terms of the original trust were fulfilled. The resumption was, however, sanctioned by the Bishop of Madras as long ago as 1901; and the Trustees have therefore slept over the matter for a long time and have not apparently repudiated their liability to hand back this endowment.

5. Messrs. Haji Faqir Sait & Sons who protest against the closing of the school desire to take over the management of the school as an undenominational school and unconditionally. They must however apply to the Trustees. The Government cannot han dover the trust. The petitioners (Messrs. Sait) may be informed accordingly.

Perhaps it would be best to take no notice of them.
G.S.F.

6. The best course to adopt appears to be that suggested in paragraph 4 of Mr. Galletti's note, viz., for Government to suggest to the Trustees to make an application under the Charitable Endowment Act, but if the number of natives is to be limited to 15 per cent., the scope of the school will be very restricted, unless the number of Europeans and Eurasians is increased (present number 15 only). To give effect to this proposal will take time, and some action appears to be immediately necessary to prevent the closure of the school on 1st July in accordance with the resolution of the Trustees.

The only way to do this is by the grant of a special contribution to cover the deficits outside the Grant-in-aid Code.

H. D. TAYLOR—19-6-04.

It is impossible to decide on the future of Breeks' school in the few days that remain before 1st July. There are several difficult legal and educational questions involved in that decision. At the same time it would, as Faqir Muhammad points out, be ruinous to the school curriculum of boys preparing there for public examinations if the school were now suddenly closed. I am prepared therefore, if His Excellency agrees with me, to guarantee the deficit on the working until final orders are passed, and let the school continue.

2. *Primâ facie* it looks as if the Collector had very seriously neglected his trust.

G. S. F[ORBES]—20-6-04.

I agree that the school should be kept going till we see what can be done with it. The money can be found. But, now, I am afraid, the contemplated closing will have disorganized teachers and scholars. The Director of Public Instruction, I believe, has been approached by parties on the whole subject: Secretary had better see him and learn his views both as to present continuance and future arrangements.

2. It was only gross mismanagement on the part of the Trustees that ever permitted the resumption of the Church endowment. Perhaps also the Chaplain who had a double trust was ready to sacrifice the Breeks' school to his own parish school needs.

3. The Director of Public Instruction would do well to review the needs of the settlement from an educational point of view, for it is clear there is a squandering of effort and probably also of money in the multitude of agencies.

J. T[HOMSON]—21-6-04.

To the Director of Public Instruction.

The matter of immediate importance is to open the school next month. I have seen the Collector, and on behalf of the Trustees, but without having consulted them, he thinks that the school could be opened. The teachers including Mr. Jordan who would act as headmaster are procurable and the pupils may be expected to come. He says, however, that the deficit at present amounts Rs 334-9-5 and for this the Trustees are personally responsible. They see no reason for increasing their liability.

2. If a gift of the amount of the deficit or say Rs. 500 could be now given, I think they could go on for a time.

3. I calculate their annual expenses at Rs. 3,233 with the present staff. The municipal grant is Rs. 600, the provincial grant Rs. 1,320. They would, therefore, require to raise Rs. 1,313 in fees. The fee income at present exceeds this.

4. The provisions of the Grant-in-aid Code are already set aside in connection with this school. Strictly speaking it is ineligible for salary-grants under rule 5 nor for any grant from Provincial funds; it appears to me to come under rule 6 (ii) 2. It does draw salary grant under G.O., Mis. No. 1182 M., dated 16th August 1900, and as the provisions of the Code have been already set aside there is perhaps no reason against so doing to a further extent and giving them now a new form of grant, viz., a "lump" grant of Rs. 500. If this is promised I have no doubt but that the school will be open on the 1st proximo.

5. The amount could be debited to one of my grant heads (to be determined after consulting the office). I must take more time to suggest arrangements for the future.

A. G. BOURNE—23-6-04.

The following provision is at present made for education of the poorer classes of Europeans in Ootacamund :—

	—	Europeans.	Eurasians.	Natives.
No fees.	St. Agnes School (Convent)	52	..	1
	St. Stephens	75	..	..
	Total ..	127	..	..

2. The Director of Public Instruction is of opinion that the Breeks' school should continue both for Europeans and natives, without any reduction in the number of the latter except on the ground of insufficient status and respectability.

3. The separation of classes would, in the opinion of the Director of Public Instruction, lead to needless if not prohibitive expense. Sixteen classes would be necessary, and the staff would have to be increased in proportion.

I don't agree with him in this view.

G. S. F[ORBES].

4. Director of Public Instruction, after conferring with the Collector, says that the Trustees would probably consent to reopen the school on 1st July if a lump grant of Rs. 500 were made to cover deficits (Rs. 334-9-5), but that the Trustees at present see no reason to increase their present liability.

5. Mr. Jordan would act as headmaster and sufficient staff is available. Annual expenses are estimated at Rs. 3,233. Municipal grant is Rs. 600, Provincial grant, Rs. 1,320. The fees at present exceed the balance of Rs. 1,313.

6. The school—a lower secondary one—is aided on the salary-grant system, ordinarily admissible only in case of High schools. Under the Code it can be aided only on the result-grant or fixed-grant system. The Director of Public Instruction suggests that as an exception outside the Code has already been expressly made in the case of this school, there can be no objection to making a further exception by means of a special grant, to be debited by reappropriation to one or other of the grant heads.

G.O., No. 1182, dated 16th August 1900.

7. For future arrangement the Director of Public Instruction requires time in which to formulate definite proposals.

8. A draft containing instructions as to the temporary continuance of the school from 1st July, pending final arrangements, is submitted for approval.

H. D. TAYLOR—24-6-04.

Issue draft **at once** and then send file to Hon'ble Mr. Stokes for perusal. After he has seen it, it will be resubmitted for consideration of the future of the school. That question has not been gone into at all as yet by the Educational Member.

G. S. F[ORBES]—24-6-04.

[G.O., No. 388, Educational, dated 25th June 1904.]

Draft issued. File circulated to the Hon'ble Mr. Stokes, C.S.I.

H.D.T.—25-6-04.

Seen and returned. I wish the papers connected with the further disposal of this matter circulated to me.

G. S[TOKES]—27-6-04.

Noted. The communication from the Collector on the subject of the decision arrived at by the special meeting of the Trustees which he has been asked to convene is awaited.

H.D.T.—28-6-04.

1,000—30-11-00.

Educational (1904) Department.

ASSISTT SECY TO GOVT
15 JUN 1904
LOCAL MUNL POL & LEG DEPTS

CURRENT No. 1064

From

[Name] C.M. Mullaly, Esquire, I.C.S.,

[Designation] Collector and President, Breeks Memorial School, Ootacamund, the Nilgiris,

[Station] O O T A C A M U N D,

Ed 388 25-6-04

No. Ref on cir 391 of 1904 *Received* 15-6 *1904.*

Dated 14th June 1904. *190* .

Enclosures 2 *Registered* 15-6 *1904.*

SUBJECT.

Breeks Memorial School

Reporting that the Trustees have resolved to close the ------- and requesting to give a special grant-in-aid and indicate the lines on which the school should be run.

BACK PAPERS.

G.O. 689 dt 27-11-01 " 452 dt 1-12-03 " 130 dt 20-4-04	G.O. 52 dt 26-2-04

FURTHER PAPERS.

2

10

To

The Secretary to Government,

Educational Department.

Stonehouse Hill,

The Nilgiris,

Sir,

I have the honour to appeal to Government for a special grant-in-aid for the Breeks Memorial School.

2. After considerable discussion and hesitation, the Trustees have come to the conclusion that, owing to want of funds it is impossible to carry on the school in a satisfactory manner in accordance with the terms of the trust, and have therefore resolved to close the school from the first of July next unless Government provides necessary funds for payment of arrears and future working.

Papers 18 & 19 of current file -

3. The immediate cause for the closing of the school is that the Bank of Madras insisted on the immediate payment of the overdraft which was allowed on the personal responsibility of Mr. S.V. Edge, the late Honorary Secretary. Accordingly Mr. Edge has paid up Rs. 266-14-8 and has sent in a formal demand for the amount on the trustees. No further overdrafts will be allowed by the Bank except on the personal responsibilty of the new Honorary Secretary Mr. McMurray or the Trustees, which we do not feel disposed to give.

4. The main reason for the school working at a loss, thus necessitating an overdraft, was the withdrawal of the Church endowment, referred to in my letter Cur. No. 1517, dated 2nd September 1901, read in G.O. No. 689, Educational, dated 27th November 1901,

A.

1,000—30-11-00.

16

3

Educational (1904) Department.

CURRENT No. 1072

From

[Name] C.M. Mullaly, Esquire, I.C.S.,

[Designation] Collector of the Nilgiris, and President, Breeks Memorial School,

[Station] O O T A C A M U N D,

DESPATCHED
16 JUN 1904

No. Ref. on Cur. 391 of 1904.

Dated 16th June 1904. 190 .

Received 16 6 1904.

Enclosures 2

Registered 16 6 190 .

SUBJECT.

Breeks Memorial School, Ootacamund.

Submitting a statement of estimated annual income and expenditure of the school, with a copy of the printed memorandum.

BACK PAPERS.

FURTHER PAPERS.

174

To

The Secretary to Government,

Educational Department.

Stoenhouse Hill,

The Nilgiris,

Sir,

As requested in your telephone message of to-day, I have the honour to enclose a statement showing in detail the estimated annual income and expenditure of theBreeks Memorial School, along with a copy of the printed Memorandum.

2. No budget estimate is prepared annually for the school.

I have the honour to be,

Sir,

Your most obedient servant,

Collector
&
President, B.M. School.

[L. & M. 87]

2,500-2-11-03.

GOVERNMENT OF MADRAS

~~LOCAL AND MUNICIPAL~~ DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper:—

C. No 1064 - from the Coll. Nilgiris Rc No 391/04 Dtd. 14.6.04
Re Breeks memorial School. Statement
Order. No 3888 Dtd 25-6-04

1. The Govt. are not opposed to
a ~~closing~~ understood
~~to~~ that the resolution of
the Trustees of the Breeks
Memorial School to close
that institution for the
1st July 1904 should be
carried into effect, &
accordingly
2. Pending the receipt of final
orders in regard to the
~~arrangements~~ future
Management of the
Institution, the Govt.
are prepared to
take good any deficit
that may occur in respect
of its maintenance upto

a limit of R 500.

2. The Coll: is requested to convene a meeting of the trustees and to ask them to reconsider their resolution at the immediate closing of the school.

3. It is understood that the requisite staff is still available & that the work of the school can proceed without interruption pending its reorganisation.

HOS
24/6/04.

HOS
24/6

To the Coll: of Malabar } despatched 25/6/14
" Dy " " }
" Final Departt despatched 27/6/14

First copy sent to Press.

Returned for signature.

Despatched in print.

NUMBER OF COPIES REQUIRED. { Order complete. / Letter only. / Order complete with Letter.

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

19/

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.