[E.]

800—17-12-02.

Educational (1905) Department.

ORDINARY MS.

G.O., No. 111

DATED 21.2.05

(23)

INDEXED

(C)

[Despatch Abstract.]

Building grant.

Declining to disapprove of the action of the Director of Public Instruction in the matter of his refusing a grant for the purchase of a building for the Indian Christian Girls' School, Black Town, Madras.

BACK PAPERS.

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

FURTHER PAPERS.

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

E.

EDUCATIONAL DEPARTMENT.

CURRENT FILE.

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From Revd. H. W. Rawlings		27-1-05	1-15
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[P. T. O. FOR PUT UP PAPERS.

PAPERS PUT UP WITH CURRENT No. 156

Papers of the department to which the current belongs.

Number.	Date.	Original (=O) or spare copy (=S. C.).	Remarks. (In this column such of the papers as have been removed for copying, printing, &c., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.
633	19-10-04	S.C.		

Papers of other departments.

Department.	Number.	Date.	Original (=O) or spare copy (=S. C.).	Despatcher to note the return of the papers to the departments concerned.

[E. / 1]

1,000—5-12-02.

Educational (1905) Department.

CURRENT No. 156 05

From

[Name] Rev. A. W. Reed

[Designation] Manager, Indian Christian Girls' School, Black Town

[Station] Madras.

No. _____ *Received* 31. 1. 1905.

Dated 27. 1. 1905.

Enclosures _____ *Registered* 1. 2. 1905.

SUBJECT.

Appealing against the proceedings of the Director refusing building grant for the purchase of a building for the school.

BACK PAPERS.

FURTHER PAPERS.

N.L. 1-2-05

CURRENT NO. 156

ASSISTT SECY TO GOVT. 31. JAN. 1905 LEGISL. MUNIC. FOL. & LEG DEPTTS.

Wesleyan Mission House
Vepery. Madras

4

D.P.I. for records
Hy
31 Jan.

Jany 27th 1905

From Rev H.W. Row, Manager, Indian Christian Girls' School,
Black Town, Madras.

To The Secretary to Government in the Educational Depart.

Sir,

I have the honour to request that you will give a careful perusal to the enclosed copies of a correspondence between myself and the Director of Public Instruction regarding an application made by me for a building grant.

The case is one that presents unusual features which are carefully explained in the application. Enclosure A.

In declining to recommend the grant the Director takes three grounds each one of which is based on a total misconception of the facts. Enclosure B.

In a subsequent letter requesting the Director to reconsider his Proceedings (No 6445 Dis. dated 20th Oct. 1904 – enclosure B.) it is clearly pointed out that the facts are quite the reverse of what they are stated or are assumed to be in those Proceedings. Enclosure C.

The Director, however, in Proceedings Dis No 7301 dated 25th Nov. 1904 (enclosure D.) refuses to reconsider his Proceedings. Enclosure D.

I have, therefore, the honour to submit the case to you for such action as you may deem fit and would suggest 1. that if there is any doubt as to the soundness of the case in law and equity my application – enclosure A – and my subsequent letter – enclosure C – may be submitted to the Government Solicitor for an opinion : 2. that if no such doubt arises you will request the Director of Public Instruction to consider the

Requests if Can a grant is made. The Rules are a matter of favour

the application on its merits.

I have, Sir, the honour to be
Your most obedient servant
H.W. Raw,
Manager, Indian Girls' School
Black Town, Madras

Copy.

ENCLOSURE A

Wesleyan miss.y Hse, Ritherdon Rd.
Vepery. Madras
27- ix - 04

From Rev. H.W. Raw, Manager,
Indian Christian Girls' School, Pothanis Broadway,
Black Town, Madras

To The Director of Public Instruction,
Madras

Sir,

I have the honour to forward herewith an application for a grant of Rs 1593/- towards the purchase of a school-building for the Indian Christian Girls' School, Pothanis Broadway, Black Town, Madras. A plan of the building and a valuation statement are enclosed, the latter shewing valuation of the land and buildings on it to be Rs 4781/.

Enclosed
Application;
Plan;
Valuation statement.
"

The school has been in existence 2 years and 3 months. It has steadily grown & has already attained an assured position. There are 58 scholars on the rolls. The school has been recognized by the Department.

The one guarantee of permanent efficiency still lacking to the school is its need of premises of its own. The advisability of such a school securing its own premises, especially in such a quarter of the city, needs only mention to be admitted. At present the school has no building of its own. It is occupying on rent the building in respect of which this application for purchase grant is made. This building has proved well adapted for the purposes of a school & the Manager desires to purchase it & so secure to the school a permanent abode. The Assistant Inspectress in her report on the school dated the 9th inst. states that the "Accomodation & Sanitation" is "good".

The building is a large, well built hall with detached

latrine accomodation thas, upon the East & South open spaces sufficient for the purposes of drill. The locality is one of the most densely hobulated parts of the city & this fact conditions any efforts to secure suitable school-buildings. It would probably be impossible to secure in that crowded locality any other existing building so well adapted for school purposes as this one. And the excessive cost of purchasing a site & erecting new buildings upon it would put that course out of the question even if a suitable and sufficient site could be acquired in that neighbourhood.

There is, however, a certain difficulty connected with this application which I wish to explain as fully, yet as succinctly as possible. The building, though it will have to be bought by the Manager just as any other building, is already vested in the Wesleyan Methodist Missionary Trust Association and when bought for the use of the Indian Xtn. G. School it will have to be vested in the same body.

The circumstances are as follows:—

The building was originally the Wesleyan Mission Tamil Church, Black Jn. When a new church became necessary an arrangement was made to sell the old church & the scheme for the new church was sanctioned and floated on that expectation. But the sale arrangement fell thro' and before another arrangement could be made it became evident that the building would be needed for the F.C. Girls' School & that to sell it would be to let slip the best building in the neighbourhood for that purpose. The building, therefore, remains as an unrealized asset of the new church scheme which is consequently and on that account in debt, the new church having in the meantime been built and the expenditure incurred which should have been met by the sale of the old church. So that the new church scheme is at the present time in debt to the extent of Rs 5757 (exclusive of interest due) and against this stands the

old

old church building, an unrealized asset valued at Rs 4781/-.

To sell this building and buy another for the I.C. Girls' School would of course be the simplest plan. Such a course would obviate the difficulty I am explaining. But that course, though simple, would be foolish in the extreme. To adopt it would be to let a most suitable building slip thro' our fingers with no likelihood of securing another at all approaching it in suitability. Both as regards situation and adaptability for school use this building is just what we need.

The equity of this application will be seen at a glance. It is a donation purchase. The Wesleyan Missionary Society will have to buy and pay for this building just as much as any other. An actual money grant of the two thirds share due from the management will have to be made – and will be made – from the Society's Home Funds in precisely the same manner as in the case of the purchase of any other property. And the building would pass permanently to educational uses just as any other of our W.M. school or college buildings. – So much for the reality, the substance, of the purchase.

It is only as to the form that any difficulty arises. The technical difficulty that the Educational Department can only legally make grants for a "purchase" could if necessary be surmounted in the following way — it being assumed that to substantiate a claim for "purchase" grant a legal conveyance of property from one party to another is required. Such a legal transfer can readily be secured and produced. The Wesleyan Methodist Missionary Trust Association are prepared, thro' their local attorney, to sell this property to another friendly party & the W.M.M. Society would buy it back and vest it — as it does all its property — in the W.M.M. Trust Association. This second conveyance would be a

legally

legally sound substantiation of a purchase having been effected, if indeed such strict legal proof be necessary.

We do not, however, wish to incur the expense of making this sale & purchase if the Educational Department does not consider it necessary or if the Educational Depart[t] would not then be prepared to consider the application for grant upon its merits without preliminary objection.

I have the honour, therefore, to request that the matter be taken into careful and sympathetic consideration & that a reply upon the last point may be given as soon as convenient.

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

sd/. H.W. Rawe

Manager.

Copy.

ENCLOSURE B

Dis No 6445 of 1904
Dated 20th Oct. 1904

Proceedings of the Director of Public Instruction.

Read the following paper:—

Letter from the Manager, Indian Christian Girls' School, Popham's Broadway, Black Town, dated 27th September 1904 submitting application for a building grant.

After a careful consideration of all the circumstances of the case, the Director regrets that he is unable to recommend the application to Government for favourable consideration, as it does not fall within the scope of the code. Rule 117 of the Code contemplates grants being given only for the erection, or enlargement, or purchase of a building which has necessitated fresh expenditure on the part of the Managers and the spirit of the Code is distinctly against grants being given in consideration of former expenditure incurred on buildings. The procedure suggested by Mr. Rau with a view to have this application treated as an application for a purchase grant does not meet with the approval of the Director; for, apart from the ethics of such a transaction, it cannot be regarded as a bona fide purchase, in the sense that it has involved additional expense to the Managers concerned. Further the approval of the course proposed would create a dangerous precedent in that it would give a claim to all Managers, who had not drawn grants for buildings erected in former years, to apply for purchase grants similar to that applied for in this case. Such applications

for

for grants have been consistently refused in former years and the Director is not prepared to make an exception in this case.

sd/ S. Sathianadhan
For Director of Public Instruction

Copy ENCLOSURE C

Wesleyan Mission House
Vepery, Madras

28.X.04

From Rev. H.D. Rae, Manager,
Indian Christian Girls' School,
Popham's Broadway, Black Town.

To The Director of Public Instruction
Madras.

Sir,

With reference to your Proceedings No 6445 of 1904 dated 20th Oct. 1904, I have the honour to request your attention to the fact that the facts stated in my application for a purchase-grant for a school-building for the Indian Christian Girls' School are exactly the reverse of what they are assumed or alleged to be in the said Proceedings disposing of that application. If this is due to any lack of clearness in my Statement of the case I crave permission both to tender my very sincere apologies & to restate the facts.

With the principles enunciated in the said Proceedings I fully concur. And if the facts of the case had been as stated or implied in those Proceedings the conclusions arrived at would have been incontestable. But I have the honour to submit that the facts are so entirely different from what, possibly thro' some obscurity of mine, the Director has conceived them to be that these principles have no bearing upon the present case.

Three grounds are alleged by the Director for the refusal of the application. They are:—

1. "Rule 117 of the Code contemplates grants being given only for the erection, or enlargement, or purchase of a building which has necessitated fresh

expenditure

expenditure on the part of the Managers and the spirit of the code is distinctly against grants being given in consideration of former expenditure incurred." The school, as stated in the application, has only been in existence for 2 years and four months & possesses no building of its own. The application, on the other hand, expressly states that fresh expenditure to the full extent of the 2/3rds share of the purchase-money will have to be incurred by the Manager. The application cannot therefore be ruled out, the Manager submits, on the ground alleged.

2. The second ground alleged is that "it cannot be regarded as a bona fide purchase in the sense that it has involved fresh expenditure to the Managers concerned." It is true that the expenditure has not yet been incurred. If it had already been incurred no grant could be given, according to the Rule that clearly states that "grants shall not be given for a building regarding which the sanctioning authority has not been consulted and for which aid has not been promised previously to its erection, enlargement or purchase". But that additional expenditure will be incurred in the purchase of the building is, as above said, expressly stated in the application.

As this point is really the main point at issue throughout I have the honour to state that I as Manager (There is but one Manager concerned) shall, in order to acquire that building have to incur the fresh expenditure of Rs 4781/- and it is towards this fresh expenditure that the application asks for a grant of one-third of the cost. Of the two-thirds due from the Manager the greater part, (practically the whole) will be obtained by a direct grant from the Home Committee of the Wesleyan Missionary Society made expressly for this purpose. In substantiation of this statement I beg to enclose a certified copy of an extract from the minutes of the Annual Synod of the Wesleyan Mission, Madras District, held in January of this year. In that minute the Synod

Synod, on behalf of the Manager, requests permission to buy the building in question for the use of the Indian Christian Girls' School & asks for a grant from the Home Committee of £200 to expressly towards the purchase of the same. The building in question does not in any sense belong to the Manager of the school & the only way to in which he can acquire possession of it is by purchase. That the purchase will be from a body connected with the same mission as that with which the Manager is connected does not, the Manager submits, invalidate in any way the bona fides of the purchase. At and for a price fixed by a professional valuer the Manager must purchase and pay for the building. In face of these facts the Manager fails to see any ground for the Director's statement that the purchase cannot be regarded as a bona fide one.

3. The third and only remaining ground alleged for the refusal of the application is that "the course proposed would create a dangerous precedent in that it would give a claim to all managers, who had not drawn grants for buildings erected in former years, to apply for purchase grants similar to that applied for in this case". If the phrase "for buildings erected in former years" refers to buildings erected or acquired for school purposes in former years then the present case is, I beg to state, totally different. The building never was erected for school purposes & has never yet been acquired for school purposes. This fact, I venture to think, could not have been more explicitly stated than it is in my application. Consequently no such dangerous precedent as the Director fears could possibly be set by making the grant applied for. But if, on the other hand, the phrase quoted simply refers to any previously erected building then no precedent will be established as such grants have constantly been made. The Code expressly contemplates grants for the purchase of buildings & presumably those buildings must have previously been erected before they can be purchased. Such a grant was made only a year and a half ago to the present writer in respect

respect of a large Hindu Girls' School of which he is Manager. And, as stated in the application, the exigencies of such a crowded locality as Black Town make the course of purchasing an existing building almost the only course practicable.

The Manager fears that some of the misapprehension of the case may be due to the Director assuming that the name "Wesleyan Mission" denotes a single homogeneous body instead of a number of quite distinct bodies connected by a common faith.

If the Manager did not make the above stated facts clear in his application he has the honour to express due regret. Should there still be any obscurity he will esteem it a favour to be called upon to explain it.

In conclusion, I have the honour to respectfully request the Director to reconsider his Proceedings in the light of the above ~~mentioned~~ restatement of the facts of the case and, if the Director wishes it, to permit me to withdraw my application for resubmission in a more explicit & lucid form.

I have, Sir, the honour to be
Your most obedient servant.
sd/- H.C.O. Rau, Manager.

Extract from the Minutes of the Annual Synod of the Wesleyan Mission, Madras District, January 1904.

(After shewing the necessity for the proposed expenditure and the suitability of the old Tamil Church building for the purposes of a school house for the Indian Girls' School the Minute continues:-)

"The Synod, therefore, proposes that it" (the building referred to) "should be bought for the school purposes from the Tamil Church Buildings Committee. It is hoped that a grant towards the purchase of the buildings for the school will be obtained from the Educational Department of Government.

The balance

The balance is asked as a grant from the Home Committee. The building is valued at Rs 4500/- towards which £ 200/- is requested as a grant from the Home Committee."

This is a correct extract from the minutes of the Annual Synod of the Wesleyan Mission, Madras held January 1904.

sd/- James Cooling.

Chairman & General Superintendent,
Wesleyan Mission, Madras.

N.B.

It should be explained that our Synod minutes are in the form of answers to questions for the information of the Home Committee. The above minute is in answer to a question whether there are any proposals to lay before the Committee for the erection of buildings or the acquisition of property. The above minute is our formal application, in accordance with our method of procedure, to the Home Committee for a building or purchase grant.

sd/- H.W. Raw

ENCLOSURE D

Dis. No 7301 of 1904
Dated 25th Novr 1904.

Proceedings of the Director of Public Instruction.

Read the following papers:—

Letter from the Rev. H.W. Raw, Manager, Indian Christian Girls' School, Popham's Broadway, Madras, requesting to reconsider Proceedings Dis No 6445, dated 20th Octr 1904 declining to recommend the application for grant towards the purchase of a building for the school.

The Director regrets that he is unable to reconsider Proceedings No 6445, dated 20th Octr 1904

sd/ S. Satthianadhan
For Director of Public Instruction

16

[E. & L. 6.]
500—8-[illegible].

EDUCATIONAL DEPARTMENT.

C. No. 156, From the Reverend H. W. Raw, Dated 27-1- 1905.

Endorsement. No 63
3-2-5.

Referred to the D.P.S. for remarks.

desp 2/2/5

MAD 1/2/5

PH 1/2/5

H 2.2

D.P.S 3/2/5

Stock Form No. 135
3,000—6-10-04.

Educational (1905) Department.

CURRENT No. 241

From

[*Name*] The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.,

[*Designation*] Director of Public Instruction,

[*Station*] Madras.



No. Rep on C/No 1002/5 *Received* 190 .

Dated 9th February 1905

Inclosures 1 in original *Registered* 10.2. 1905.

SUBJECT.

Submitting remarks on the appeal against the proceedings of the Director refusing building grant for the purchase of a building for the Indian Christian Girls' School, Black Town, Madras.

BACK PAPERS.

Encl no. 63 & 3-2-05

FURTHER PAPERS.

N.G. 10-2

18

To

The Secretary to Government,

Educational Department.

Sir,

Page 15, ct file

In reply to your endorsement No. 63, dated 3rd February 1905, I have the honour to state that Mr. Raw's application for a building grant has already received very careful consideration. The Manager has, I think, no cause to accuse himself of lack of clearness. The facts of the case, as I understand them, are as follows:---

The Wesleyan Mission finds it necessary to provide a new Church building for their Tamil Christians in Black Town, as the present building which was erected several years ago to serve the purpose of a Church, is found unsuitable. They propose, therefore, to sell this old building and erect another in its stead, which they do at a cost of ₹5,157. The sale arrangement falls through somehow, and the Mission as an after thought decides upon using the vacated old Church building for one of their girls' schools; and Mr. Raw, as an agent of the Mission, applies for a grant for what he chooses to call the "purchase" of this building, which has for several years been the property of the Mission and will continue to be its property.

2. In order to substantiate a claim for a bona-fide purchase grant the manager proposes in his first letter the nominal sale of the property by the Wesleyan Mission Trust Association to a friendly third party, and the re-purchase of it by the Trust Association. I maintain that in order to constitute a bona fide purchase there must be fresh expenditure incurred. This is exactly what the Mission as a body has not done, and does not propose to do so far as providing accommodation for the school is concerned, though it has incurred fresh

expenditure

 19

expenditure in building a new Church for its congregation.

Pages 10-14, ct file

3. In his second letter Mr. Raw contends that the purchase is bona fide, in as much as the manager of the school will have to incur the fresh expenditure of ₹4781 in purchasing the building. But the purchase will be made from the Mission itself i.e. the body from whom he expects to get the two-third grant, the other third being expected to be met from Provincial Funds. That is to say the Mission is to give a grant of ₹3188 to the Manager with a view to his paying back to the Mission this amount + ₹1593, the grant from Provincial Funds, the building remaining all the while for all practical purposes the property of the Mission. It will be observed that there is no reference made in the second letter to the friendly transaction with a third party, for the transaction according to the second proposal is between the manager of the school, who is, of course, an agent of the Mission and the Mission itself. In plain words it is requested that a grant of ₹1593 be paid from Provincial Funds for effecting a nominal transaction between the Mission and the manager which does not involve any additional expenditure to either party.

4. The resolution of the Synod which Mr. Raw quotes in support of his contention that the purchase will be a bona fide purchase seems to me inexplicable in the light of his own statement in the first letter which is to this effect and is presumably a correct statement of the position:--"The building is already vested in the Wesleyan Methodist Missionary Trust Association and when bought for the use of the Indian Christian Girls' School it will have to be vested in the same body." The statement gives no ground, I think, for the assumption that the Wesleyan Mission is the house divided against itself which the Manager would represent it to be. In the face of the above statement, there can be no real purchase even though a friendly third party or the Synod may intervene with an ingenious resolution.

5. Whether a grant is given or not, the school will doubtless remain where it is. In the former case the Mission would have to pay less to liquidate the debt on the Church.

If a better school building is required (and could be procured by paying more money) the Mission may sell the existing building and by utilizing the whole of the purchase money together with a grant upon a new school building secure a better building. It would, as the Manager points out, be the simplest plan but it would not help in liquidating the debt upon the Church.

6. With regard to the matter of precedent, I still think that to give a grant would be to create or it may be to follow a bad precedent. There are very many schools held in buildings now used also as Churches. It should not be open to the management to secure assistance from Provincial Funds for the building of a new Church.

7. I am bound to admit that if the Manager, in this case, had sold the old Church building and had said nothing about that transaction and had then come forward with any suitable sum of money and applied for a grant to erect or purchase a school-house, he would have been eligible for a grant. This shows how difficult it is to arrange a satisfactory system of aid to Mission agencies. They come to the country with two avowed objects and are prepared to spend a definite sum of money upon them. In a sense in so far as Government defrays part of their expenditure upon education so much the more money is set free for Evangelical work. All that can be done is to make sure that the public funds spent in this way are doing more for education than if spent in some other way. Aid given to indigenous effort may be viewed from another standpoint altogether. The effort is in itself an education. In this case there is no evidence that the grant would do anything for

education

education which is not now being done. 21

I have the honour to be,

Sir,

Your most obedient servant,

A. J. Bourke

Director of Public Instruction.

B.S. 8-2-05

[F/2.]
1,500—3-12-04

EDUCATIONAL DEPARTMENT.

C. No. 156 From The Revd. H. W. Law No. , dated 27-1-1905.

SUBJECT.
Appeal against the decision of the D.P.I. in refusing a building grant for the purchase of a building for the Indian Christian Girls' School, Black Town.

D.P.I. for remarks.

H.D.T.
31-1-05.

The draft endorsement placed below may issue.

H28
1/2/5

1/2/5

2.2

[Endorsement no. 63 dated 3rd February 1905.]

From the D.P.I. no. 1002/5, dated 9th February 1905.

There seems to be no grounds for interference. There is no new building constructed and no bona fide purchase from others. The case has less to commend it than even the application from the Sisters of the Church for a grant-in-aid of their Collegiate School, which was refused.

H.D.T.
10-2-05.

A draft order is submitted below for approval.

H28
14/2/5

14/2/5

Draft received with my minute

HDT
16-2-05.

* See no. 633/28 M
19-10-04

ds.

[E. 12]

1,000–21-9-04.

EDUCATIONAL DEPARTMENT.

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

" " " " " " 190 .

READ ALSO:–

C. No. 151 , From the Revd H. W. Rao , No , dated 27- 1- 1905.

" " 241 , " " D.P.I. , " 1002 , " 9- 2- 1905.

" " " " " " 190 .

ORDER No. 111 , dated 21. 2. 1905

Mio

20/2/5

The Government see no sufficient grounds to interfere in the matter.

Revd 14/2/05.

14/2/5

21.2.5

Despatch of

Letter to the Director of Public Instruction in this matter

21/2/05

To the Revd H. W. Rao (P&O)

" D.P.I. (Z+O)

Despd 23/2/5

When given for copying ——
When copied ——
When examined —— } 190 .
When signed ——

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

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT.								
STATEMENT WITH DITTO.								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

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