[illegal]

Educational (1905) Department.

ORDINARY PRINTED.

G.O., No. 484

DATED 14-7-05

INDEXED

ORIGINAL

[Despatch Abstract.]

Building grants, agreement.

Delegating, with remarks, to the D.P.I. the power of issuing Special orders of exemption from executing a mortgage bond or deed of acceptance in respect of building grants, Subject to the ordinary provisions of Contract & revision of the Govt.

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Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd. } 1905. *Enclosures*

Regd. } *Spare copies*

ORIGINAL

G.O., No. 484, 14th July 1905.

N. P.

Building grants agreements.

Delegating, with remarks, to the Director of Public Instruction the power of issuing special orders of exemption of responsible persons or associations from executing a mortgage bond or deed of acceptance in respect of building grants.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following paper:—

G.O., No. 474, Educational, dated 11th July 1905.

Abstract.—Ordering the publication of a notification in the *Fort St. George Gazette* making certain alterations in the Grant-in-Aid Code for 1905–1906.

Order—No. 484, Educational, dated 14th July 1905.

The Director of Public Instruction will be informed that the alteration in rule 120 (ii) of the Grant-in-Aid Code sanctioned in the Proceedings read above was ordered as the rules regarding building grants appeared to the Governor in Council to be unnecessarily rigid, were causing a great deal of excitement among educational bodies and were calculated to cumber Government with a large number of title-deeds of which it is not desirable that they should be custodians. In the rules as now altered the execution of deeds will only be required in cases in which the good faith of receivers of grants may reasonably be doubted, responsible persons and associations being treated as trustworthy and exempted from executing any deed. The Government consider that the Director ought to be able to differentiate doubtful cases and apply the rules thereto and accordingly delegate the power of issuing special orders of exemption to the Director, subject to the ordinary powers of control and revision of the Government; but the Director should take the orders of Government in any case of doubt.

2. With reference to representations made by the Missionary Council on Aided Education, the Honorary Secretary of the Council has been informed that the Governor in Council has decided to exempt responsible persons or associations from executing a mortgage bond or deed of acceptance in respect of building grants by special order in each case where the execution of such documents appears to be unnecessary. The power of exemption will, as ordered in paragraph 1 *supra*, be exercised by the Director subject to the control of Government except in cases in which the Director considers a reference to Government desirable.

(True Extract.)

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

To the Director of Public Instruction.

Educational Department.

NOTES CONNECTED WITH G.O., No. 484, EDUCATIONAL, DATED 14th JULY 1905.

[Subject.—*Building Grants.*]

Demi-official from the Hon'ble Mr. A. G. Bourne, D.Sc., F.R.S., Director of Public Instruction, to Sir James Thomson, dated Adyar, 14th June 1905.

I enclose a letter from the Deputy Director who deals with building grants. This will give you the information for which you asked me. I would ask you to consider the insertion of the words—

"Unless specially exempted from so doing" between "shall" and "execute" in rule 120 (ii);

and that in Appendix 8 (page 71) we add the words—

"that the property is unencumbered and that it will not be alienated or encumbered within $\frac{\text{twenty}}{\text{five}}$ years and"

between "declare" and "that" in line 1 of the declaration.

Enclosure.

Demi-official from E. W. Middlemast, Esq., Deputy Director of Public Instruction, to the Director of Public Instruction, dated 11th June 1905.

Your letter of the 7th regarding Building Grant Rules.

2. If Government intends to relax the rules so considerably that the execution of the mortgage deed will become the exception and not the rule, what you propose will meet the case, *i.e.*, that in rule 120 (ii) the words "if required to do so" should be inserted between "shall" and "execute". Practically that is the form of the old rule.

If, on the other hand, Government is prepared to dispense with the mortgage deed only in special cases, the words to be inserted should be "unless specially exempted".

This is a less invidious way of putting it in any case.
A. G. Bourne.

The above change will not *per se* require any change in rule 122, though that rule might be improved.

3. You ask what should take the place of the mortgage deed where it is dispensed with. I look at the question in this way. The conditions of the grant are set forth in the Code; the mortgage deed is required to protect Government from (1) misunderstanding of these conditions on the part of managers, (2) *mala fides* in carrying them out. I assume that in dispensing with the mortgage deed Government takes for granted the *bona fides* of the manager. It only remains then to get an assurance that he fully understands the conditions of the grant and is prepared to carry them out. This, I think, may be effected by a simple declaration at the foot of the Grant-in-Aid Bill stating (1) that the property is unencumbered, (2) that it will not be alienated or encumbered within twenty years, (3) that the provisions of rule 122 will be observed.

4. I may mention here that the mortgage contains a provision not included in rule 122, viz., that in the event of the manager failing to appoint an arbitrator the amount to be refunded should be the whole amount of the grant. Failing to appoint an arbitrator would, I think, be an act of *mala fides* and so according to my assumption above need not be considered in cases where the mortgage is dispensed with.

5. From the office point of view I would deprecate any mere tinkering with the present rules. We have got into the swing of them now and the work if tedious goes on smoothly enough. Where Government think they ought to protect themselves they should do so thoroughly, and the present mortgage seems to fit the Bill; where they mean to trust the manager they should go the whole way. To prescribe another less stringent form of deed, say, a deed of acceptance would mean a vast deal of trouble and would not protect Government from *mala fides*.

A. G. Bourne.

6. I doubt whether it would be advisable to form a list of privileged bodies. For one thing we would have to adjudicate on the pretensions of lots of bodies who might never apply for a building grant, and a good deal of our work would be labour lost. Again in such a list I expect that Mission bodies would predominate, which would perhaps provoke comment. It seems to me that there should be a presumption in favour of Local Boards and Municipal Councils, large Missions, Committees registered under the Companies Act, and Church schools (these however would probably come under the European code soon), and in their cases the mortgage deed might be dispensed with on the Director's simple recommendation. With regard to proprietor-managers and unregistered committees there should be no exemption. I would not consider the former class absolutely privileged, but only presumptively. Special circumstances in the knowledge of the Director might make it advisable to recommend that the mortgage deed should be exacted.

A. G. Bourne.

A. G. Bourne. 7. It seems to me that the last paragraph of rule 122 would justify Government in making good its claims out of teaching grants.

8. You do not mention the deed of acceptance. I would suggest that it also should be dispensed with also on the same terms as above.

A. G. Bourne. I am no lawyer, but speaking as a layman it seems easy to circumvent it assuming *mala fides* on the part of the manager.

9. It would be an excellent thing to form a list of building grants paid, especially if we were able to show, as I fancy we could, that the cases where Government have been defrauded are practically *nil*. I have not made enquiries yet about the feasibility of it, because the grant section has been set to work to disentangle the results grant actuals of 1904–1905 in order to supply the Assistant Inspectors with data for the provisional allotment of annual grants to be made in September. However I hope to be able to report when you come to office.

P.S.—I am afraid that our building grant registers and audit registers won't carry us back for more than 11 or 12 years. We could, of course, with the aid of the index ferret out the building grants much further back, say till 1864, but it would involve a vast hunting up of old records. The indexes do not always specify the amount of the grant.

Demi-official from L. M. Wynch, Esq., Private Secretary to His Excellency the Governor, to the Hon'ble Sir James Thomson, K.C.S.I., dated Ootacamund, 20th June 1905.

In his letter of the 9th June, which I enclose, the Rev. Chamberlain of Vellore asks if His Excellency would be pleased to receive a deputation, on behalf of the Missionary Council on Aided Education, to discuss the subject of the indenture bonds recently introduced into the Grant-in-Aid Code.

2. On a reference made to him Dr. Bourne says that he does not think these bonds are necessary in dealing with responsible bodies and that he is under the impression that you intend to propose an exempting clause.

3. In these circumstances, and as the matter is one which concerns your department, I am desired by His Excellency to send you the correspondence and to ask whether you would be good enough to see the Rev. Chamberlain who is at present staying at "Wyoming", Coonoor.

Enclosures No. 1.

From the Rev. W. I. Chamberlain, M.A., Honorary Secretary, Missionary Council on Aided Education, to the Private Secretary to His Excellency the Governor, dated Vellore, 9th June 1905.

I write in behalf of the Missionary Council on Aided Education to request you to be good enough to move His Excellency the Governor to receive a Committee of the Council and discuss with them the indenture bonds recently introduced into the Grant-in-Aid Code, the signing of which, amounting to mortgage deeds for grants above Rs. 1,000 is a condition precedent to receiving the grant-in-aid.

2. In order to a better understanding of the matter which we desire to lay before His Excellency I enclose some documents.

3. It was our purpose to approach the Governor on his return from Calcutta in January or February or March; but understanding that between his return to Madras and the moving of Government to Cotacamund, His Excellency's time was very much occupied we postponed the matter.

4. We desire to assure His Excellency that it is in no spirit of antagonism that the Council on Aided Education presses this matter. We have had a number of discussions formal and informal, with officers of the Educational department including the Director, all of whom have received our representations in the most sympathetic manner.

5. There are very real and practical difficulties that confront some Societies when called upon to execute what is, practically, a mortgage deed, producing in some cases an *impasse*, as with the United Free Church Mission at present. We know of other Societies that find the difficulties so great that they are proceeding with the construction of school buildings without seeking the grant-in-aid.

6. We do not wish to escape all conditions, but so far as we have learned the proposed indenture bonds of the present Code involve more stringent guarantees than are insisted upon in other Provinces. It is not our purpose to press, necessarily, for the acceptance of our proposed deed of acceptance No. II (copy of which is enclosed) since Government in its G.O., No. 131, dated 6th March 1905, seems disinclined to accept it. But we should be glad of an opportunity of laying the matter before His Excellency so that in considering the alterations to be introduced into the Grant-in-Aid Code for 1906-1907 or earlier the matter may be before Government.

7. The special committee appointed to wait upon His Excellency originally consisted of Messrs. Cooling and Stewart of Madras and myself. Owing to the absence of the two former I shall need to invite two other members of the Council now on the Nilgiris to accompany me, should our request be granted. Any date between the 15th and 25th June, that would best suit the convenience of His Excellency, would meet our convenience also.

Letter—from the Revd. J. Cooling, Acting Honorary Secretary, Missionary Council on Aided Education.
To—the Members of the Missionary Council on Aided Education.
Dated—Madras, 22nd November 1904.

You are aware that the Madras Government has recently introduced certain Forms of Deeds to be executed by managers of schools on applying for building grants. The Council for months past has had this subject under consideration and has both formally and informally discussed the matter with the officers of the Education department.

The Council has at last decided to approach Government on the subject. Herewith I send you four Forms of Deed which have been drawn up by a Sub-committee of the Council which it is intended to lay before Government with the request that they may take the place of those which Government itself has prescribed.

No. I is intended to be signed by the representatives of a Missionary Society *once for all*. The intention of the Council is to urge the acceptance of this upon Government in place of all its own forms. But the Council feels after what has already taken place that Government is scarcely likely to accept this proposal. It has therefore prepared three other forms Nos. II, III and IV which are intended, No. II for grants over Rs. 1,000, No. III for grants from Rs. 500 to Rupees 1,000, and No. IV for grants under Rs. 500. Nos. III and IV are the forms which Government itself has drawn up with the insertion of the clause "but the amount to be so paid . . . . receipt of the said grant." This clause limits the time within which a refund can be claimed to 20 years and limits the amount of the refund.

No. II the Council recommends shall take the place of the deed originally proposed by Government. The great difference between it and the Government deed is that the latter is practically a mortgage deed and requires the handing over of the title-deeds of the property whilst the deed drawn up by the Sub-Committee of the Council is simply a covenant embodying the provisions of rule 122 of the Code and does not necessitate the deeds of the property being handed over to Government.

Since the Sub-Committee of the Council completed its work a revised Grant-in-Aid Code has been issued (*Fort St. George Gazette*, October 25th, 1904). In it four seperate Forms of Deed are given for grants over Rs. 1,000 according as the grant is for a proposed erection, an enlargement, a purchase, or a completed erection. There will be no difficulty in adapting the Council's No. II deed to all four kinds of application.

If the members of the Council approve generally of the enclosed Forms of Deed it is proposed as soon as Lord Ampthill returns to address Government on the subject and ask that it will either substitute our No. I in lieu of all its own forms or failing that our Nos. II, III and IV in place of those now prescribed.

I may add for the information of members that on the representations of the Council Government has yielded on two points. First it does not now insist upon a *mortgage* deed for grants under Rs. 1,000, and secondly, it has introduced a time limit into the deeds for grants over Rupees 1,000 but the time mentioned is "——years" instead of the 20 years of the Code. Moreover it has strangely omitted the time limit in the deeds of acceptance for grants under Rs. 1,000.

If you have any suggestions to make will you kindly let me have them at an early date.

Proposed Deed of Acceptance.

II.

THIS INDENTURE is made the day of One Thousand Nine Hundred and BETWEEN us whose names are entered in the margin and whose signatures appear at the foot hereof (hereinafter called "*The Committee of Management") of the one part, and THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter called the Secretary of State) of the other part: WHEREAS the said Committee is desirous of purchasing for the purpose of a school (or college) the piece or parcel of land particularly described in the schedule hereunder written with the buildings thereon at the price of Rs. erecting buildings for the purpose of a school (or college), (or enlarging the school (or college buildings), (or rebuilding the school or college buildings) on the piece or parcel of land particularly described in the schedule hereunder written at the cost of Rs.

AND WHEREAS the Committee in accordance with the provisions of the Grant-in-Aid Code of the Madras Educational Department now in force has applied to the Secretary of State for a grant-in-aid of the sum of Rs. being part of the said purchase money (or cost) of Rs. and has submitted to the Government of Madras the certificate referred to in Rule of the said Grant-in-Aid Code as to the value of the said buildings; AND WHEREAS the Secretary of State has consented and agreed to make the said grant in the manner provided in Chapter of the said Grant-in-Aid Code upon the Committee duly (acquiring the said premises and) entering into the covenants on its part and giving the security hereinafter contained AND WHEREAS the said piece or parcel of land together with the buildings thereon is now vested in the Committee and the Secretary of State has paid to the Committee the said grant-in-aid of Rs. NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the said payment receipt whereof the Committee does hereby acknowledge the Committee does for itself its successors and assigns covenant with the Secretary of State his successors and assigns that the Committee will from time to time and for the period of twenty years from the date of payment of the said grant-in-aid conduct and manage the school (or college) in accordance with the rules and regulations for the time being in force in the Madras Educational Department so far as the same respectively are applicable to the said school (or college) AND will not prior to the lapse of the said period of twenty years divert or allow to be diverted the said buildings to other than educational purposes approved by the Government of Madras but under reservation always of the right of the said Association to use the said buildings out of school or college hours for other purposes approved by the Association AND will during such period keep the said buildings in good end substantial order and repair so that the same may be always efficient for use for the purposes of the said school (or college) AND will in the event of the said buildings at any time prior to the lapse of the said period ceasing to be required for the purposes of the said school (or college) or being diverted to other than educational purposes approved by the said Government of Madras but under reservation as aforesaid forthwith repay to the Secretary of State his successors or assigns the said sum of Rs. or so much thereof as shall be determined by arbitrators to be appointed as provided by Rule of the said Grant-in-Aid Code but the amount to be so paid to Government shall not exceed the amount of the said grant originally received decreased by one-twentieth thereof for each complete year that may have elapsed from the time of the receipt of the said grant AND will further in the event of such repayment not being made within one month from the determination of the amount of same if so required to do by the Secretary of State his successors or assigns sell to the Secretary of State his successors or assigns the said piece or parcel of land with the buildings thereon at a valuation to be determined by the said arbitrators who in making their award shall deduct from the price thereof the amount payable to Government as aforesaid; PROVIDED ALWAYS that in the event of neither of these courses being followed the Secretary of State his successors or assigns may recover from the Committee by such means as may seem fit the amount determined as aforesaid IN WITNESS WHEREOF the said members of the Committee of Management and the Director of Public Instruction for the Presidency of Madras by the order and direction of the Governor in Council of Fort St. George acting for and on behalf of the said Secretary of State have hereunto set their respective hands and seals the day and year first above written.

* By "The Committee of Management" is meant the attorney or attorneys of the Society, or Association or other body which is the legal owners of the property.

Meeting of the Missionary Council on Aided Education held in the Y.M.C.A. Building at Madras on Saturday, March 18th, 1905, at 2-30 p.m.

Present—Miss Henderson, Revds. J. S. Chandler, J. Cooling, W. Chree, A. A. Dignum, D. Downie, A. H. Davey, H.Gulliford, G. Pittendrigh, J. Lazarus, M. Phillips, and W. I. Chamberlain. Also Messrs. C. A. Paterson and L. E. Martin.

Revd. J. S. Chandler was voted to the chair. The meeting was opened with prayer.

The Secretary read the Minutes of the Proceedings of the Council at its meeting on the 1st October 1904—

I. The Secretary laid before the Council the letter, dated 22nd November 1904, and four Forms of Deeds, proposed in place of those prescribed by Government to be executed by managers of schools on applying for building grants, drawn up by the special Sub-Committee under instructions from the meeting of the 1st October 1904. After discussion it was

Resolved—that these be accepted as a partial report of the Sub-Committee and that the Committee be further requested to seek an interview with His Excellency the Governor with a view of making to him formally the request outlined in paragraph 6 of the letter of the Committee, dropping the proposed Forms Nos. III and IV.

The Honorary Secretary was added to the Committee for this purpose.

II. A letter was read from the Revd. Dr. Downie calling the attention of the Council to the Educational Department's reported intention of withdrawing salary grants from high schools.

Resolved—that the Honorary Secretary make definite enquiries of the Director of Public Instruction with regard to these reports, so widely circulated among managers of high schools, with a view of securing an opportunity for the discussion of such a policy if its adoption be under consideration before it is finally decided upon.

III. Revd. J. Lazarus read a statement before the Council with reference to scholarships for Indian women studying in colleges. It was

Resolved—that the matter be referred to the Executive Committee with a view to securing further information and reporting to the next meeting of the Council.

IV. Dr. Phillips placed before the Council the request of the L.M.S. to have Mr. Cotelingam on the Council. The Secretary was authorized to place Mr. Cotelingam's name on the Executive Committee.

Adjourned with the Benediction.

J. S. CHANDLER,
Chairman.

W. I. CHAMBERLAIN,
Honorary Secretary.

Meeting of the Executive Committee of the Missionary Council on Aided Education held at the C.M.S. House, Egmore, Madras, at 2-30 p.m. on Friday, March 31st, 1905.

Present—The Revd. Canon Sell in the chair, Miss Henderson and Messrs. Cooling, Cotelingam, Pittendrigh, Smith, Stewart, Wolf and Chamberlain (*Secretary*).

Read Proceedings of the meeting of the Council of March 1st, 1905.

The Secretary placed before the Committee G.O., No. 131, dated March 6th, 1905, in which Government declines to accept the proposed Deed of Acceptance drawn up by the Sub-Committee of the Council, designated as No. II, which was forwarded by Revd. J. Stewart in connection with correspondence with the Director of Public Instruction.

Resolved—that the Committee should carry out the instructions of the Council with reference to a Deputation, appearing before His Excellency the Governor with a view to pointing out the difficulties felt with regard to the Government proposed Form of Deed for sums over Rs. 1,000.

EDW. SELL,
Chairman.

W. I. CHAMBERLAIN,
Honorary Secretary.

ENCLOSURE No. 2.

Demi-official from the Hon'ble Mr. A. G. Bourne, D.Sc., F.R.S., Director of Public Instruction, to the Private Secretary to His Excellency the Governor, dated 17th June 1905.

I wrote the other day to Sir James Thomson at his request about these mortgage deeds. I do not think that they are necessary at all when we are dealing with responsible bodies to whom we are paying large monthly grants for educational purposes. If and wherever a deed is considered desirable it should be legally valid. It is doubtful whether the deeds proposed by the Missionaries are worth the paper upon which they are written.

2. I think Sir James intends to propose an exempting clause. I have at any rate suggested such an one.

Will the office please consider the Director's proposals? I do not myself find any objection to them if we decide to depart from the determination to require bonds in all cases. And I think we may safely vest discretion in the Director as to the cases wherein bonds may or may not be required. When required they should be in full legal form as in the Code provided.

2. The papers from the Private Secretary to His Excellency the Governor I have acknowledged, telling him that he may tell Mr. Chamberlain that the question is under my consideration and if it is necessary I shall see his deputation.

3. The matter may be expedited.

J. T[HOMSON]—21-6-05.

Please note hereon early.

H. D. TAYLOR—21-6-05.

1. Proposed addition to Rule 122 :

Submitted this will meet the case.

2. Proposed addition to declaration in Appendix S :

Perhaps " it will not be alienated or encumbered *without the consent of Government*" instead of " it will not be alienated or encumbered ". The additional words are superfluous as Government is above the Code ; but they make the rule look less stringent. Missions might object that under certain circumstances they should be permitted to mortgage a building or even sell it in the interests of the school, *e.g.*, the numbers fall and the building isn't wanted any more, while the money got on or for it could be turned to account.

A. GALLETTI—22-6-05.

Personally I am inclined to doubt whether a declaration in Appendix S on the part of a manager that a building *will not be* mortgaged within 25 years would except in the case of recognised Missionary bodies or associations be more than an empty declaration. I doubt if it could be treated as a *condition* of the grant, but there is no objection to entering it for what it is worth. A manager might die, and his successor might not be bound.

2. The amendment proposed by the Director, with the addition suggested by Mr. Galletti may be accepted.

H. D. TAYLOR—22-6-05.

The declaration in S will have a value I think which we need not minimise by anticipation. But it will have a greater value if we insert—

" for myself and for my successors in the said office " after the word " school " in the first line of the declaration.

2. Mr. Galletti's emendation is accepted.

3. I think the consent of another Member to the alterations proposed is necessary before issue. Draw up a brief note of the reasons (*a*) the rigidity of the current rules is unnecessary, (*b*) is causing a deal of ferment among educational bodies, (*c*) cumbers Government with title-deeds of which it is not desirable they should be custodians, and (*d*) the department ought to have no difficulty in differentiating the doubtful cases and applying the rules thereto, by way of explanation.

A

Free Church Mission.
American Madura Mission.

4. Presuming that Government agrees, the two files with me, now returned, may be disposed of by telling the Director that bonds in these cases are unnecessary.

J. T[HOMSON]—23-6-05.

Will Assistant Secretary please draw up the note asked for by Honourable Member at '**A**'.

H. D. TAYLOR—24-6-05.

Received to-day. Office to put up papers about the delay in making a grant to the Parsi High School and the list of pending grants.

A. GALLETTI—27-6-05.

About the grant to the Parsi High School, please see—

(1) G.O., No. 494, Educational, dated 10th August 1904, and

(2) G.O., No. 31, Educational, dated 20th January 1905 ; also

G.O., No. 597, Educational, dated 27th September 1904.

2. The list of pending grants is given in G.O., No. 200, Educational, dated 29th March 1905.

T. KANAKASUNDARAM PILLAI—27-6-05.

The history of the deeds will be found in the note flagged W and in the notes to G.O., No. 513, dated 16th August 1904. Two kinds of deed are prescribed, one for large amounts which though called a mortgage deed is really a deed of conveyance upon trust, and the other for small amounts, a mere deed of acceptance.

2. The Grant-in-Aid Code has since 1885 said that a deed could be required. In 1903, it was discovered in the Secretariat that, in practice, no deed had ever been executed and that the Director had not even got a form of deed in his office. Then the orders which have since been objected to were passed.

3. Other provincial Codes prescribe similar deeds.

United Provinces Code, XII, 9 and 10, requires the agreement to be executed *in all cases* before or at the time the money granted is paid over. Punjab Code, 115, says no portion of any grant-in-aid of buildings will be paid till the manager has executed and registered the prescribed bond.

Burma Code. Chapter V, only applies to *indigenous* schools. But the expression covers some Missionary schools (Note to Chapter I, 10).

Burma Code, V, 23, says the grantee will be required to enter into a covenant.

Bengal European School Code (the general Code is not in the library) says " the managers shall undertake to execute a trust-deed in the standard form." The standard form is very similar to ours.

4. This Government have modified their deed to meet objections: see G.O., No. 513, dated 16th August 1904, G.O., No. 652, dated 3rd November 1904, and G.O., No. 739, dated 15th December 1904.

They have, however, on the advice of the Government Solicitor and Advocate-General, said they must have the custody of the title-deeds of the land and buildings conveyed. One Mission had its title-deeds filed in a Court, another had left them at home with the Mission authorities there. Also Mission school buildings are usually erected on sites on which there are other buildings, *e.g.*, the Missionary's bungalow. Also there would in the course of time be a large accumulation of deeds in the Director's office: 120 to 140 building grants are made every year : in a few years there would be thousands of deeds in the Director's custody ; he would prefer not to be responsible for them.

And the United Free Church say that they can't get their deeds owing to the split in their church.

H.D.T.

Another difficulty is that the representatives of the Mission in this country are usually not the legal owners. They would have to send the deed home to be executed. One Mission sent the deed to its Home Committee. The Home Committee sent it to their Solicitor. This sort of thing means a great waste of time. A power of attorney to the representatives out here would not get over the difficulty in all cases, *e.g.*, one of the American Missions has a rule that " no property is to be mortgaged or assigned without authorization of the Prudential Committee " (sitting in America).

The Missions have also objected to being put to the expense of a deed.

5. Up to May 1904 not a single deed had been executed. It was pointed out in the notes to G.O., No. 31, dated 20th January 1905, that the new rule about deeds had practically stopped the disbursement of building grants. Honourable Member wanted further information which was called for and appears in G.O., No. 200, dated 29th March 1905. Please see the remarks in the last column of the statement in that paper. " Deed to be executed, matter under correspondence " is the commonest

remark. There has always been, without the new matter of these deeds, a great deal of red tape in the Director's and Public Works Department offices which has delayed the disbursement of building grants promised and due.

A. GALLETTI—28-6-05.

From the statement furnished in G.O., No. 200, dated 29th March 1905, it will be seen that the building grants sanctioned and not paid amounted to Rs. 80,497, nor was it possible to state, pending execution of the deeds, in what year the expenditure would be incurred. Hence proper budgetting was rendered a matter of difficulty.

2. Under existing orders delays in the issue of orders or grants are avoided as there is no *double* scrutiny by the Public Works Department, while a period is fixed within which each work should be completed and the accounts of actual expenditure submitted to the Director of Public Instruction, so that it can be definitely known when grants promised will fall due for payment.

H. D. TAYLOR—29-6-05.

The Secretary's note next above seems intended to show that the delays caused to the issue of grants for buildings were sought to be amended by arrangements made in the Government office with a view to secure expedition in disbursement. That is so: but when Government started on this business of requiring securities for their money's proper use I, at least, did not know it would land me in the present *impasse*. The beginning of it will be found in G.O., No. 305, dated 23rd June 1903, with some doubtfully-responsible manager (in Madura I think) and spread from that point because I considered there should be the same sort of treatment for mission bodies as for other applicants. Having put ourselves into the lawyers' hands over the form of documents required we got into deeper and deeper waters—as was only natural perhaps since their role is to "make siccar."

2. What I propose now is to make the deeds which the lawyers prescribe applicable to such cases as might be called doubtful cases and to treat responsible parties as trustworthy and not to be subjected to deeds. The Director ought to be able to exercise the discretion that is requisite: if he finds it necessary to consult Government he can do so.

3. We shall then have made this advance at least over the state of things pertaining up to 1903 that the Director must protect Government against adventurers.

4. The whole matter has been dealt with hitherto by Educational I believe. I see no occasion for general circulation.

J. T[HOMSON]—30-6-05.

I agree to the course proposed by my Honourable Colleague who will perhaps inform Mr. Chamberlain of his decision and suggest that a deputation is now unnecessary. Or I can do so if my Honourable Colleague prefers it and will check a draft prepared in the department.

A[MPTHILL]—1-7-05.

Please draft.

H. D. TAYLOR—3-7-05.

A draft Government Order and a demi-official to the Rev. Mr. Chamberlain are placed below for approval.

2. A draft is also put up on the linked files.

T. KANAKASUNDARAM PILLAI—3-7-05.

A. GALLETTI—4-7-05.

H. D. TAYLOR—5-7-05.

The Under Secretary has used the words "in special cases" in the letter to Dr. Chamberlain. I am not clear what he means to convey by these words. The new Grant-in-Aid Code is not with me (as usual), but there are no special cases of building grants so far as I remember. If Mr. Galletti means that the Director is to have power to exempt in special cases only, then the wording is not correct because as a matter of fact the Director will generally exempt. For the words in question it would seem proper to write "where such documents appear to be unnecessary."

J. T[HOMSON]—6-7-05.

I take Mr. Galletti to mean that a special order of exemption is necessary in each case in which the execution of agreements is not insisted on.

2. The alteration proposed by Honourable Member seems clearer, only I would insert the words "in his opinion" between "appear" and "to be" so as to make it perfectly clear that the Director of Public Instruction alone decides whether or no the execution is necessary.

H. D. TAYLOR—6-7-05.

Before 1903 the rule in the Code was not attended to and the Director let everyone off without enquiry. The exceptions may in future be more numerous in practice than the instances of application. But still the rule remains the general principle in logic and each exception a particular or special departure from it; and the Director will in each case require reasons for exemption (which is the same as making a special case of each case) instead of letting people off without enquiry as he used to.

A. GALLETTI—6-7-05.

Perhaps for the words "in special cases" the words "by special order in writing in each case where the execution of such documents appears ~~to him~~ to be unnecessary," may be substituted.

H. D. TAYLOR—7-7-05.

B The above amendation will best show what is intended. I delete "to him" because I do not wish it to appear that the Director is exempt from all control in the matter. Also the distinct delegation to the Director of Public Instruction.

2. Draft and issue a proceedings to the Director explanatory of Government's action, delegating discretion to him, and directing him to consult Government in cases of doubt. Refer therein to the Council on Aided Education's proceedings and say what answer has been given them.

J. T[HOMSON]—8-7-05.

Demi-official and notification may now issue.

Draft please as at **B.**

H. D. TAYLOR—10-7-05.

Demi-official from H. D. Taylor, Esq., Acting Secretary to Government, Educational Department, to the Revd. W. I. Chamberlain, dated 11th July 1905, No. 129.

In reply to your letter to the Private Secretary to His Excellency the Governor, dated the 9th June 1905, I am directed to inform you that the Governor in Council has decided to exempt responsible persons or associations from executing a mortgage bond or deed of acceptance in respect of building grants by special order in writing in each case, where the execution of such documents appears to be unnecessary; and that this variation of the rules will fulfil the purpose of the Missionary Council on Aided Education in asking His Excellency the Governor to receive a deputation on the subject.

2. I am to enclose a copy of clause (ii) of rule 120 of the Grant-in-Aid Code as now ordered to be revised for the information of the Council.

[G.O., No. 474, Educational, dated 11th July 1905.]

The demi-official and the order have issued.

2. The further draft ordered to be prepared is placed below for approval.

T. KANAKASUNDARAM PILLAI—12-7-05.

A. GALLETTI—13-7-05.

H. D. TAYLOR—14-7-05.

Signed.

J. T[HOMSON]—14-7-05.

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Issue in manuscript first and resubmit to me this evening.

H. D. TAYLOR—14-7-05.

The Government Order has been despatched and the file is resubmitted.

N.L.R.—14-7-05.

T. KANAKASUNDARAM PILLAI—14-7-05.

H. D. TAYLOR—14-7-05.

[G.O., No. 484, Educational, dated 14th July 1905.]

[E. 12]

1,000—24-9-04.

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EDUCATIONAL DEPARTMENT.

9

READ AGAIN G.O., No. 474 Edl, dated 11 7 1905.

" " " " " 190

READ ALSO:—

C. No. , From the , No. , dated 190

" " " " " " 190

" " " " " " 190

ORDER No. 484, dated 14-7- 1905

PS.

4

The Director of Public Instruction will be informed that the alteration in rule 120 (11) of the Grant-in-aid Code sanctioned in the Proceedings read above was ordered as the rules regarding building grants appeared to the Governor-in-Council to be unnecessarily rigid were causing a *great deal of excitement among educational bodies and were

* addressed by the U.S. in the fair.
MO
14/7/05

calculated to cumber Government with a large number of title deeds of which it is not desirable that they should be custodians. In the rules as now altered the execution of ~~deeds~~ deeds will only be required in cases in which the bona fides good faith of executions of grants may reasonably be doubted is made ~~applicable to doubtful cases~~, responsible persons and associations being treated as trustworthy and exempted from executing any deed. The Govt. consider that the Director ought to be able to differentiate doubtful cases and apply the rules thereto but ~~it is open to him~~ the Director shall take the orders of Govt. in any case, ~~in which he thinks~~ if doubt it necessary.

and accordingly delegate the power of issuing special orders of exemption to the Director, subject to the ordinary powers of control and revision of the Govt;

2. ~~The Director will be further informed~~ that a deputation from the Missionary Council on aided education recently sought an interview with His Excellency

With ref. to representations made by the Missionary Council on aided education,

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the Governor for the purpose of urging the acceptance by Govt of certain forms of deed prepared by the Council in lieu of those prescribed in the Grant in said Code and that the deputation has been informed that the Governor in Council has decided to exempt responsible persons or associations from executing a mortgage bond or deed of a acceptance in respect of building grants by special order in each case where the execution of such documents appears to be unnecessary and that this variation of the rules will fulfil the purpose of the Council in asking the Governor to receive a deputation on the subject.

H. Sects of the Council

The power of exemption will, as ordered in para. 1 supra, be exercised by the Director subject to the control of Govt except in cases in which the Director empowered to make a reference to Govt desirable.

To the D.P.D. Clerk 14.7.05

14.7.05

13.7.05

1281

14.7.05

14.7.05

[E. / 11]

500—24-11-04.

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EDUCATIONAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

~~Read the following paper:—~~

Read again G.O. No.474 Educational, dated 11th July 1905.

O R D E R:—No. 484 Edl., dated 14th July 1905.

The Director of Public Instruction will be informed that the alteration in rule 130 (ii) of the Grant-in-aid Code sanctioned in the Proceedings read above was ordered as the rules regarding building grants appeared to the Governor in Council to be unnecessarily rigid, were causing a great deal of excitement among educational bodies and were calculated to cumber Government with a large number of title deeds of which it is not desirable that they should be custodians. In the rules as now altered the execution of deeds will only be required in cases in which the good faith of receivers of grants may reasonably be doubted, responsible persons and associations being treated as trustworthy and exempted from executing any deed. The Government consider that the Director ought to be able to differentiate doubtful cases and apply the rules thereto accordingly and delegate the power of issuing special orders of exemption to the Director, subject to the ordinary powers of control and revision of the Government; but the Director should take the orders of Government in any case of doubt.

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2. With reference to representations made by the Missionary Council on Aided Education, the Honorary Secretary of the Council has been informed that the Governor in Council has decided to exempt responsible persons or associations from executing a mortgage bond or deed of acceptance in respect of building grants by special order in each case where the execution of such documents appears to be unnecessary. The power of exemption will, as ordered in para.1 supra, be exercised by the Director, subject to the control of Government except in cases in which the Director considers a reference to Government desirable.

(True Extract)

Ag. Under Secretary.

To

The Director of Public Instruction.

Desp. dated 14-7-05

5 copies desp. 21/8/05

sent to Press.

for signature.

ed in print.

G. O., No. 474 , DATED 11-7-05.

Number of copies required. { Order complete. 60 / Letter only. / Order complete with Letter.

B

To C. No.

So noted

GOVERNMENT A

CMC 17.7.05

GOVERNMENT.

HIGH SITTOO

ED AND UP, BEING MEANT FOR DESPATCH ORIGINAL.

A = Print in full.
B = Not to be printed.
C = Print abstract only.
D = Print heading only.