

Educational (1900) Department.

ORDINARY MS.

G.O., No. 340

DATED 3-8-00 ✓

INDEXED.

2020-16

[Despatch Abstract.]

University of London

In forming the Senate of the University of London, the Government having considered the protest, memorandum presented to them in connection with the election of a representative consistent with the provisions of the Statute.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
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[Ed. 5]
-4-5-99.

Educational (189) Department.

(9m)

CURRENT No. 936

284
10 99

From The Registrar of
The Madison University

Order.

No.

Dated 9. 7. 00

Received

Registered 12. 7. 00

Enclosures 4

Spare copies

SUBJECT.

Submg a Copy of the minutes
of the meeting of Senate held
on the 3rd May, in connection
with the election of a Registrar.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Minutes of Meeting.

The Vice-Chancellor announced that the business before the Senate was the appointment of a Registrar on the nomination of the committee elected under by-law 112 and that a ballot would be taken accordingly.

During the ballot it was proposed by

Mr. H. K. Beauchamp,

and seconded by Mr. W. E. Hoare:

"that the meeting be dissolved".

The proposition was lost. (15 voting for and 27 against).

The Vice-Chancellor announced the result of the ballot to be as follows:-

Mr. A. J. Grieve. 28.

Mr. W. A. Burn. 3.

The question was raised as to whether 23 represented the majority of the Fellows present as required by the Act of Incorporation. The number present was ascertained to have been 55. The Vice-Chancellor thereupon declared Mr. Grieve to have been elected Registrar.

(sd) H. H. Shephard, M.A.

Vice-Chancellor.

(sd) A. G. Bourne, D.Sc., F.R.S.

Registrar.

Senate House.
4th May 1900.

(True Copy).

A. R. Bowler D.S.C., F.R.S.
Registrar.

Senate House.
9th July 1900.

(14)

University of Madras.

SIR,

The following protests with reference to the meeting of the Senate held on the 3rd instant having been lodged with me under by-law 60 are herewith circulated.

I am to request you to record a vote for three members of the Senate to form a committee to prepare a memorandum in support of the resolution.

I have the honor to be,

Sir,

Your most obedient servant,

A. G. BOURNE, D.SC., F.R.S.,

Registrar.

SENATE HOUSE,)
14th May, 1900.

PROTESTS.

From

Rai Bahadur the Honorable P. ANANDACHARLU, B.L., C.I.E.

The following briefly are among the grounds of my protest :—

1. That there was not a Meeting preliminary to election of the Registrar for the vacant post, as there should have been, in order to receive the Report of the Committee and vote upon the acceptance or rejection thereof per By-law 112.

2. That even if the reception of the Report is a physical act and was capable of being done at the same Meeting as the election, the opportunity was denied to the Senate to exercise its antecedent right to approve of or dissent from the Report as a whole.

3. The Senate had the undoubted right to reject both the names in the first instance distinct from the right to elect one out of the two named by the Committee. The course adopted rendered it impossible to exercise the former of the said rights.

4. The circulation of the ballot-box and the collection of the voting papers while the proposition for a dissolution of the Meeting in accordance with By-law 28 was yet before the Meeting invalidate the election, inasmuch as the Fellows could not and would not vote and should not fairly have been called upon to vote before the result of the proposition to dissolve the Meeting was finally declared.

5. The election being in the nature of a pure snatch vote as only 28 voted out of 55 present recorded their votes, the appointment does not merit confirmation.

From

M.R.R. P. TYAGARAYA CHETTI GARU, B.A.

The following are the grounds on which I base my protest against the Resolution of the Senate in appointing a Registrar on Thursday last :—

1. There was not a Meeting of the Senate to receive the Report of the Committee and vote upon the acceptance or rejection of the same prior to the election of a Registrar as required by By-law 112.

2. In the absence of a preliminary Meeting, the right of receiving and accepting or rejecting the Report of the Committee was denied to the Senate at their Meeting of Thursday last.

3. The course adopted by the Vice-Chancellor at the Meeting of the Senate on Thursday last, rendered it impossible to exercise their right to reject both the nominees of the Committee in the first instance distinct from the right to elect one out of the two named by them.

4. The course adopted by the Registrar at the Meeting by collecting voting papers for the appointment of a Registrar when a proposition for dissolution of the Meeting was being moved and seconded vitiates the whole ballot by which the Registrar was appointed.

Recd. 4
May 936

Protests.

Any member of the Senate intending to protest against a resolution of the Senate shall give notice of his intention to the Registrar within forty-eight hours from the date of the meeting at which the resolution was passed, and within one week from such date lodge his protest with the Registrar. The Registrar shall thereupon cause the protest to be printed and circulated to each member of the Senate who was present at the meeting with a request that he will record a vote for three members of the Senate to form a committee to prepare a memorandum in support of the resolution. The three members receiving the largest number of votes and who are willing to act shall frame the memorandum accordingly, and the Registrar shall submit the protest and memorandum, together with a copy of the resolution, for the consideration and orders of the Governor in Council.

(5)

Memorandum in support of the resolution passed
at a meeting of the Senate held on the 3rd May 1900

I. In both protests, it is suggested that by-law 112, under which the meeting of the 3rd May last was held, contemplate the convening of three meetings of the Senate in the matter of the election of a Registrar: one for the purpose of electing a nominating Committee, a second for receiving the report of the Committee, and a third for electing a Registrar.

The language of the by-law is ambiguous and is capable of the above interpretation. On the other hand there is nothing in the by-law which would justify one in regarding as irregular a procedure in which both the business of receiving the report of the Committee & the business of electing a Registrar are placed before one & the same meeting. This course which best consults the convenience of Fellows was adopted at the meeting of the 3rd May, & is strictly in accordance with precedent. It was adopted without dissent or protest, on three previous occasions that is to say on every occasion of the election of a Registrar since by-law 112 first came into operation.

II. As regards the remarks in paras 2 & 3 of both protests, it may be stated that there would appear to have been some misconception as to the precise nature of the rulings of the Vice Chancellor at the meeting of the 3rd May last. However this may have been, that the allegation that "the right to approve or dissent from the report as a whole was denied to the Senate" cannot be sustained, for, as a matter of fact a motion for the dissolution of the meeting was put to the Senate and voted on. The motion was lost, 18 voting for and 27 against it. Had the motion been carried, it would, in view of by-law 28, have amounted to a rejection of the report of the Committee.

III. In both protests, exception is taken to the action of the Registrar in circulating the ballot-box while a proposition for dissolution was before the meeting, but no reason is assigned in support of the opinion that such action "invalidates" the

election. In acting as he did, the Registrar was carrying out the instructions of the Vice Chancellor, who, as Chairman, was "the sole judge on any point of order" (vide by-law 43) & did not act in contravention of any by-law or regulation.

IV The argument in para 5 of the first protest involves a mis-statement of fact & is futile. As a matter of fact 31 & not 28 Fellows put in voting papers. Moreover, Mr. Lee's election must be held valid, for, in receiving 28 votes at a meeting at which 55 Fellows were present, he was elected "by the majority of the members present" (vide Section IX of the Act of Incorporation)

G. H. Stuart
J. B. B. Herbert

F. W. Pellett

2

CURRENT No. 936

July 9th - 1900.

To

10 JUL 1900

Sir,

A. R. Bowler D. Sc., F. R. S.

Registrar.

Swed. 1
to Mr 936

19 —19

FROM

THE REGISTRAR OF THE
UNIVERSITY OF MADRAS.

No.

Dated

Received

19

SUBJECT.

[F.]
301-7-6-00.

5
Educational DEPARTMENT.

C. No. 936.

SUBJECT.

Election of a Registrar.

FOR ORDERS.

Mr. Cooper. Oakley, the ^{late} Registrar
of the Madras University died on the
16th April 1899 and Dr. Bowne of the
Presidency College was appointed
to perform the duties of Registrar
as a temporary arrangement.

2. On the 3rd May 1899 the Senate
appointed a committee of 5^x fellows
under Reg. Law 112 to nominate two
persons for the post so that one of
them might be eventually elected.
On the 1st December 1899 a meeting
of the Senate was held to receive
the nominations and to elect one
of the nominees as Registrar. The
nominees were Messrs. Rind & Payne.
From disinclination to elect either, the
Senate adjourned the meeting. The Senate
met again on the 13th January, 1900, for

Vide Madras Mail 17th April.
Volume is not put up as it is too
heavy & single copy is not available.

G.O. no 284 d 17th May 1899 E.

Vide Madras Mail
4th May.

& Messrs Duncan, Stuart, Bourne
Bhaskaran Aiyangar & Justice
Subrahmanya Aiyar.

Vide Madras Mail
2nd Decr. 1899.

V. Hindu 15th Jan^y
1900 - put up.

the same purpose and again adjourned the meeting without doing anything. The next meeting appears to have been held on the 20th April 1900 when the Committee of five appointed at the meeting of the 3rd May 1899 seem to have been asked to submit two fresh nominations. They accordingly nominated Messrs Lyriev and Burn. A meeting of the Senate was then held on the 3rd May 1900 to receive these nominations and to elect one of the nominees as Registrar. At the meeting the Vice-Chancellor announced, that the business before the Senate was the appointment of a Registrar on the nomination of the Committee elected under by-law 112 and that a ballot would be taken accordingly. During the ballot a proposition was brought forward by one of the Fellows that the meeting be dissolved. This was lost and as the result of the ballot Mr. A. J. Greene was declared to be elected, as many as 24 fellows not voting.

3. Protests were then lodged by two fellows under by-law 60 against the election. The grounds set forth in

see Minutes for 2nd April 1899 put up.

vide minutes of meeting now submitted by the D.F.

in both protests are

(1) That there were no separate meetings of the Senate as required by by-law 112 to receive the nominations and to elect a Registrar.

(2) The opportunity was denied to the Senate to exercise its right to approve of or reject the nominations as a whole.

(3) Voting was allowed to go on when a proposition for dissolving the meeting was being moved and seconded.

(4) The election was of the nature of a pure snatch vote as only 58 fellows voted out of 55 present.

4. In accordance with by-law 60, a committee of three members of the Senate - Messrs Stuart, Bilderbeck and Kellet - have prepared a memorandum in support of the resolution and against the protest.

In regard to ^{Ground (1) above, this Committee} ~~they~~ say that the language of by-law 112 is ambiguous and capable of the interpretation that there should be three meetings under the by-law, (1) to appoint a Committee of five, (2) to receive their nominations and (3) to elect a Registrar.

The first point includes a contention that at the same meeting as that at which the nominations are presented, there should be voting to accept or reject the proposals as a whole. H.P. 27.7.1900

The second point is limited to the alleged inability of the Senate ^{in consequence of the procedure adopted} to exercise the right of rejecting both the nominees. H.P. 27.7.1900

They observe however that there is nothing in the by-law which would justify one in regarding as irregular a procedure in which the business of receiving the report of the Committee and the business of electing a registrar are placed before one and the same meeting and that this course was strictly in accordance with precedent. It is submitted however that the procedure adopted was undoubtedly not in accordance with the provisions of the by-law. If so, the fact that it was in accordance with precedent is of no value as it cannot make it legal. If however it is contended that separate meetings are not absolutely necessary for receiving the nominations and for electing a registrar, there should, it seems even then, be separate motions on the two points. The Senate can proceed to the election of a Registrar only after a motion for receiving the nominations is carried. This ~~was~~ the procedure ^{was recognized} adopted at the meeting of the 1st December 1899 but on the present occasion the

* This is a matter of opinion, & the Chairman & the signatories to the memorandum view the question differently. N.P.

† It is quite true that no number of ^{previous} illegalities can legalize an action, but ~~our~~ ~~unanimous~~ ~~unanimous~~ the authors of the memorandum mean no more than this - that the rule is not absolutely clear, but has always been read in a particular way. N.P.
27.7.1900

‡ This would probably be contrary to by-law 8. The point is referred to below. N.P.
27.7.1900

the Vice Chancellor announced that the business before the Senate was the appointment of a Registrar on the nomination of the Committee elected under by-law 112 and that a ballot would be taken accordingly."

5. From the closing portion of the above para. it will be seen that the second ground ^{for} the protest is ^{also} more or less valid. The Committee who prepared the memorandum does not however think so as a motion for dissolving the meeting was proposed, seconded and lost and this is tantamount to negating a proposal to reject the original Committee's nominations. It is submitted however that the two things are entirely different and it is more than probable that several of those who voted against the dissolution of the meeting would have voted for the rejection of the original Committee's nominations ^{if the opportunity was not given to them}.
6. The third and fourth grounds for the protest are not of much importance and have been ^{answered}

* At a meeting people must be on the alert. The G. in C. does not exercise powers under the Act of Incorporation to the same persons as the can. sequence of this stupidity. N.P. 27.7.1900

† The opportunity was given them. They had merely to turn Mr Beauchamp's misapprehension into a reality. N.P.

27.7.1900

answered by the Committee who prepared the Memorandum.



W.D.

8/11
21/7/00

Let the several issues of the "Matra Mail" (2^d Dec? 1898, 4th May 1900, & 17th idem) to which the note refers be put up here, please.

W.D.

23.7.1800

The note above gives a full history of the case but I do not think that the contents in it can be accepted. The procedure adopted seems to have been in ^{perfect} accordance with the by-laws, if it is traced from step to step.

First came by-law 112, the relevant part of which runs as follows :-

"In the event of a vacancy occurring in the office of Registrar, meetings of the Senate shall be convened for the purpose of electing a committee of five Fellows to nominate not more than

i. Convening of Senate for purpose of electing a committee of its ^{Fellows} members for certain purposes.

Election of Committee.

ii.

two candidates, of receiving such nominations, and of electing a Registrar.

Next came by-law 49, under which the Senate may when it thinks fit appoint a committee... of its Fellows.

iii.

Next came by-law 55, first clause :-

"The resolutions of a committee appointed by the Senate shall be embodied in a report... which shall be laid before the [whole] committee for adoption..."

Draft report of committee containing nominations adopted.

Agenda paper.

iv.

Next came by-law 4, in regard to the issue, with the notice of the coming meeting of the Senate, of an agenda paper showing the business to be brought before the meeting.

Presentation of nominations to Senate

v.

Next by-law 55,

clause

The report [embodying the resolutions of a committee appointed by the Senate] shall be presented to the Senate at its next meeting.

Then came by-law 8, which provides that "at every meeting the business to be entertained shall, unless the meeting by special vote otherwise determine, be taken in the following order:-

i. The election, if ... part of business ... of the Chairman

ii. Any motion for a change in the order of the business.

iii. The election, if it is part of the business to be entertained at the meeting, of any official of the University.

iv. Any business and motions which due notice has been

vi. Election of registrar first business of meeting, there being no question of election of chairman & no motion for change in order of business to take priority.

Ballot for registrar.

Motion for dissolving meeting, interrupting ballot.

Motion takes precedence.

Taking on motion.

Motion having been lost, ballot ~~not~~ concluded, & registrar elected.

Arguments used in protest. First argument founded on fact that there are three successive clauses in by-law 112.

Two meetings necessary.

That is so and nothing more. M.A.

Contention that there must be three meetings.

9

given.

Next came by-law 56, providing for ballot.

Next, by-law 28, which allows a motion that "this meeting be now ~~now~~ dissolved."

Next, by-law 33, last clause, giving precedence to that motion.

Next, by-law 46, providing for the taking of votes.

Lastly, by-law 56, under which a registrar is elected.

3. With regards to i, the arguments of the protests appear to be largely founded on the successive clauses in by-law 112.

It is certain that there must be two meetings at least under that by-law, for under by-law 55, second clause. The report of the Committee of five has to be presented to the Senate at its "next" meeting - i.e. the meeting next to that at which the Committee is appointed. But it is certain that there must be three meetings the Senate being empowered

do more at the second meeting of the three than to receive the report of the committee and to accept or reject it as a whole.

It is clear that by-law 112, & the other by-laws are silent about this acceptance or rejection, by votes, of the committee's report as a whole, after the presentation of the nominations but before the act of voting on the question of election.

So far as the contention in respect to the necessity to have three meetings under by-law 112 may rest on the fact that there are three successive clauses, it is almost needless to point out that, grammatically, there is nothing in the wording of the by-law to justify such an argument; if one were to be hypercritical it might be contended ^{with much} that more force than in consequence of the triple repetition of the word "of" before the clauses, and the use of the plural word "meetings", there should have been more than one meeting for

Alleged limitations of power of Senate at the second meeting.

Contention that report of committee (i.e. the nominations presented by them) should be accepted or rejected as a whole prior to act of election.

By-laws do not refer to the point.

No "grammatical" necessity to have more than two meetings.

Possible argument that six meetings are necessary.

Summary against first point in protest.

Nothing in by-laws in support.

Terms of one by-law appear to be contrary to argument

* See by-law 8 iv. (a) (b), which I omitted to quote in full at the beginning of this note. M.P.

27.7.1900

11
14
Of the three the performance of each act, viz. the election of a committee, the receiving of nominations, & the election of a registrar.

4. As there is nothing in the ^{of the by-law} wording to prove the case of the protesting members of the Senate; as there is nothing in any by-law to prove that the report of the committee containing the nominations had to be accepted or rejected as a whole before at a meeting of the Senate preceding that convened for the purpose of electing a registrar; & as the terms of by-law 8 (providing as they do for the precedence of elections of officials over any other business but the election of a chairman & motions for a change in the order of the agenda, and silent as they are in regard to debates on ^{"motions"} proposals ^{or proposals} not presented by the Syndicate,) appear on the whole to show that discussion, apart from voting, in regard to nominations under by-law 112, ~~is~~ is

contemplated in the ~~act~~ by-laws of the University, ~~where~~ the case of Messrs. ~~Massachusetts~~ Ananda Charles & Jagaraga Chetti falls.

But it may be added that the procedure objected to, but ~~was~~ maintained in this note & he correct, is of course very common, ~~uncommon~~

It would not be easy, ^{indeed} to cite cases in which a report of a committee or council, nominating persons for election by a body of persons, had ^{first} been received; & then voted for as a whole; ~~within~~ the voting by ballot following as an ~~altogether~~ separate & subsequent proceeding. ~~Nothing~~ ^{Of course} the ordinary practice is to receive such nominations & then to proceed to ballot at once, it being left to any person who objects to all the nominees to use the existing by-laws or rules of the institution to ^{if he can} obtain an adjournment of ~~the~~ meeting.

Additional argument against first point in protest, from common analogy.

Second point in protest:

Proposals may be rejected en bloc by protesting making a certain motion. Motion actually made but defeated.

Therefore contention that the Senate was denied the opportunity of rejecting both nominees falls to ground.

Third point in protest.

13 15 This Mr. Beauchamp did, & here follows the second contention. 5. It is idle to say that it was impossible to exercise the right of rejecting both names. By-laws 28 and 32 are of course framed for the very purpose of enabling a majority of the Senate to reject en bloc proposals which otherwise may be carried in some form or other at a meeting; & if the protesting members ^{& others} were ignorant of the proper course of proceeding & failed to support Mr. Beauchamp's motion in consequence, it was their own fault. But who can believe it?

6. As regards the minor objections.

The contention that because the ballot-box was going round while the Senate was in the act of considering & voting on Mr. Beauchamp's proposal that the meeting should be dissolved, the "whole ballot" was vitiated

No arguments in support. (C)

* By-law 33, last clause.

*† If it did travel about, there
was of course a little informality but
nothing more than happens at every
meeting in this world.

Any member who objected
could have called the
Chairman's attention to the
fact.

* 39. The Registrar shall be appointed by the Senate.

15
16
Then it is when an M.P. goes
into the money lobby &
his vote is counted among
the others when he meant to
be among the Naes.

The final objection is
equally a "pis aller". The
by-laws are of course silent
as to "snatch water". The
contention is ^{really} ~~profoundly~~ one
that the powers of the
Senate under *by-law 39
are subject to revision: which
is, as Messrs. Stuart & his
fellows observe, "futile".

7. Reader by-Law 60, The
Governor & in Council has to
pass "orders" on the protest,
memorandum & resolution,
after considering them.

It is proposed to say
that "H.R. in C., having con-
sidered the protest, memorandum
& resolution, considers that
the resolution is valid."

Proposed order ^{resp}
order no 90340 D 3-8-00.

27/10

yes
AS
30-7-00
30.7.00
F.E.H.
8.00

(If the Senate think fit
they can revise the Bylaw)

AA Yes. They ought to
suffer the
Rest of the nation. Univ. 9.54 15.00

MS
 vii
 28 60
 27.7.1800
 27.7.1800

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

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

CURRENT No. _____

ENCLOSURES TO G. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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 IN ORIGINAL.

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