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12

ORIGINAL

[Despatch Abstract.]

Voorhees College, Vellore.

Requesting the Collector of North Arcot to inform the Principal, of the _____ that the Govt are not prepared to assist the American Mission at the present stage in acquiring the Site referred to & that the mission must itself settle the matter with the Owners.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1904} of Madras.

EDUCATIONAL.

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ORIGINAL

G.O., No. 316, 24th May 1904.

N

MAY.

Voorhees' College, Vellore.

Requesting the Collector of North Arcot to inform the Principal of the — that the Government are not prepared to assist the American Arcot Mission at the present stage in acquiring lands required for the college.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following paper:—

From Rev. W. I. CHAMBERLAIN, Ph.D., Secretary, American Arcot Mission, and Principal, Voorhees' College, Vellore, to the Collector of North Arcot (through the Sub-Collector, Vellore), dated 10th March 1904.

I have the honour to approach you with reference to moving Government to acquire the land required for the proposed extensions to Voorhees' College, Vellore, under the Land Acquisition Act I of 1894. Before stating my reasons, permit me to place the matter before you by means of a brief account of the institution on whose behalf the land is required.

2. The Elizabeth R. Voorhees' College is the highest educational institution of the American Arcot Mission. The college, which was affiliated to the University of Madras in January 1898, is the outgrowth of an institution of long standing. The earliest records available show that a school was founded by the Church of Scotland Mission in 1868. It was a Middle school, with about 100 names on its rolls, till the year 1880, when the school entered upon a period of greater prosperity.

Before the close of that year, there was laid the foundations of the spacious and substantial building which the college now occupies, and in 1882 it was completed and supplied with furniture and apparatus at a cost of nearly Rs. 20,000.

In January 1895 the Church of Scotland Mission High school building, with its appointments, was sold to the American Arcot Mission.

As the school continued to increase in strength during 1896 and 1897, rising to 900, the Mission decided to advance the institution to the standard of a second-grade college. The Mission was influenced to take this step because of the conviction that there was a good field for such an institution in the North Arcot and adjoining districts of Cuddapah and Chingleput, which, thus far, have no college within their boundaries.

In 1902 an American gentleman, Mr. Ralph Voorhees, gave the college $25,000, which amount, with the usual Government grants, will make available about one lakh of rupees. It is proposed with this amount to extend the college property, to erect separate college and departmental buildings, two hostels and a Principal's residence. An Endowment fund will also be established. The college is hereafter to be known by the name of the donor of this gift.

The college consists of three departments, the college proper, the upper school, (Forms II to VI inclusive) and the lower school (Infant class to Form I).

The normal strength of the college and all its departments is about 1,000, 10 per cent. being Native Christians, 15 per cent. Brahmans, 58 per cent. non-Brahman Hindus, and 17 per cent. Muhammadans.

The total number of lecturers, masters and pandits is about 50.

3. It is now two years and three months since the large gift referred to above was made. Immediately on its receipt diligent efforts were made to secure the land adjoining the present property. The logic of the situation was so clear that no other sight was thought of. Residential colleges have been so strongly urged by the University Commission and the Viceroy and are so much, also, the American idea, and the block, in the centre of which the college now stands, so peculiarly lends itself to this idea, surrounded as it is by main roads and a channel forming natural and permanent boundaries, that it seems impossible to think of any other site. The general situation is also ideal, being in the residential portion of the town and still adjoining the maidan and not far removed from the student quarters of Vellore.

4. Within a few months the sites marked A_1, and A_2, in the ground plan herewith attached, were purchased at a fair valuation. It was also ascertained that the sites marked E and F were procurable by purchase. The small lot occupied by the temple, protruding into the present property owned by the college, it is not proposed to disturb in any way. The lots B, C and D, therefore, remain to be procured. They are occupied by small bungalows renting for from Rs. 15 to Rs. 20 per mensem. Their purchase and removal will very little weaken the residential capacity of the town as two other and larger bungalows now rented by the College and Principal will be set free. Negotiations for the purchase of these three lots have been carried on long and prosecuted diligently. Payment much in excess of their appraised value was offered. There are written statements from all these landlords expressing willingness to sell their property, but at a valuation that is altogether prohibitive.

The land and bungalow marked B are appraised by a Government Revenue officer at Rs. 3,000, whereas Rs. 4,000 is demanded. The land and bungalows marked C and D owned by one family, are appraised by the same official at Rs. 8,900, whereas Rs. 15,000 is demanded. The Mission has offered for site B Rs. 250 and for C and D Rs. 1,000 in excess of the above appraisement.

5. It seems to the Mission that, since there are no other than financial objections to the sale of the property required, such inordinate demands should not be allowed to stand further in the way of a plan, made possible by the very generous gift to this country from abroad, and so much in the interests of the public of Vellore and of the district and so much in favour among the highest Educational and Administrative officers and University experts in India.

The purposes to which we propose to devote the land, when acquired, are indicated in the ground plan attached.

These are—

(*a*) The erection of a suitable school building for the primary department in place of the ordinary residental bungalow now rented.—In this department there are 600 pupils and the Inspector of Schools on his last visit to the school in October 1903 remarked as follows:—

> "In the lower school the boys are packed rather like sardines. The packing is so well arranged that work is not interfered with. But it will be a welcome change when proper buildings are erected for it on the same site as the upper school."

The Director of Public Instruction in his review of the Inspector's report (Proceeding Dis. No. 1, dated 2nd January 1904) remarks:—

> "The need for greater accommodation for the lower classes should not be lost sight of."

(*b*) A separate college building which is to include a lecture hall, recitation rooms and library.—This is in accordance with the recommendation of the Indian Universities Commission of 1902, paragraph 77, a portion of which reads as follows:—

> "Where a college has grown out of a high school we think it important that the college classes should be conducted in a separate building and under separate management."

(*c*) Two students' hostels.—These are now so universally demanded that they would seem to require no justification here. The Indian University Commission commends them (paragraphs 65–66), and the Viceroy in his recent convocation address at Calcutta (February 1904), of which an extract is enclosed, strongly urges the adoption and extension of the system.

(*d*) A Principal's residence.—This also is recommended by the Viceroy in the address above referred to and in the report of the Indian University Commission (paragraph 63): "Where space permits it is very desirable that the Principal and some Professors should reside in or quite near the college."

6. With reference to the application of the Land Acquisition Act to this case, along with the circumstances cited above, we call attention to the fact that the college is open to all classes of the community and is recognized by Government as a public institution and invite attention further to the following:—

(*a*) Madras Educational Rules, 1901, chapter I, section 1, which defines a public institution.

(*b*) The Grant-in-Aid Code of the Madras Educational department under which the college draws grants from public funds.

(*c*) The Proceedings of the Director of Public Instruction, No. 9341, dated 13th August 1891, and the Government notification published in the *Fort St. George Gazette*, dated 25th January 1898, "recognizing" the Arcot Mission college, and affiliating it with the University of Madras.

(*d*) The Proceedings of the Director of Public Instruction, No. 5306, dated 6th November 1902, sanctioning grants to the Arcot Mission college from public funds.

(*e*) The Government notification in the *Fort St. George Gazette*, dated 15th December 1903, *in re* the acquisition of land for "a public purpose, to wit, for the erection of the Basel Mission high school, Calicut."

(*f*) The G.O., No. 307, dated 24th June 1903, *in re* land acquisition where the circumstances, except in one particular, are very similar to our own.

(*g*) Section 41 of the Land Acquisition Act I of 1894 providing for the acquisition of land for public purposes.

(*h*) The Arcot Mission of the Reformed Church in America, of which I am Secretary, was incorporated or registered in 1894 under Act XXI of 1860, and the memorandum of the association was filed with the Registrar of Joint Stock Companies, Madras, at that time, and the annual renewal has been made each year since.

Since this Act gives us a legal standing and makes us liable to actions at law (section 6), it seems to bring us within the meaning of the word "company" as used in the Land Acquisition Act. If, however, Government feels that it would be better for us to be incorporated under Act VI of 1882 we will be glad to carry out such a suggestion.

Under section 5 of the Act XXI all purchases of property, since registration under this Act, have been made in the name of the society.

7. If it is necessary in order to satisfy Government that the land applied for is necessary for a public purpose, the Mission is quite prepared to execute a formal agreement that the site shall be used for the erection of school or college buildings and that it shall not be appropriated for other than educational purposes without the consent of Government.

8. In conclusion, I beg to state that the funds for the purchase of the needed land and the erection of the proposed buildings are now in deposit with the banks of Madras.

Enclosure.

"MADRAS MAIL", THURSDAY, FEBRUARY 18, 1904.

The Viceroy on Universities.

The main interest of the Viceroy's speech as Chancellor at the convocation of the Calcutta University last Saturday was in his opening sentences, in which he spoke so definitely about the change impending over—

The Ideal Universities.

What ought the ideal University to be in India, as elsewhere? As the name implies, it ought to be a place where all knowledge is taught by the best teachers to all who seek to acquire it, where the knowledge so taught is turned to good purposes, and where its boundaries are receiving a constant extension. If I may borrow a metaphor from politics, there is no scientific frontier to the domain of knowledge. It is the one sphere where territorial expansion is the

highest duty instead of an ignoble greed. Then the ideal University that we are contemplating should be centrally situated; it should be amply and even nobly housed; it should be well equipped, and it should be handsomely endowed. In these conditions it would soon create an atmosphere of intellectual refinement and culture, a moral quality and influence would spring within it, and traditions of reverence would grow up like creepers round its walls. Thus you see that the ideal University would consist of two aspects. It would be a place for the dissemination of knowledge and the encouragement of learning; and it would further be a human smithy where character was forged in the furnace of experience, and beaten out on the anvil of truth. Which of these two aspects is the more important I need not here discuss. A good deal depends on the state of moral and intellectual development of the race that is being educated there, and something also on the needs of the country concerned. But no good University, and certainly no ideal University, can exist without playing both parts.

Now, having drawn my sketch, if you ask me whether we have got this University here, or anywhere in India, the answer is unmistakably No. We are without the traditions, for the oldest University in India is not yet half a century old: we have not the environment or the atmosphere—they cannot be created in twice that time: we lack the buildings, the endowments, the teachers, the scholarships, the funds. It would be easy for any critic to contend that our Universities are no more than examining boards, our colleges, schools of a higher grade, our courses a test-book at one end a note-book at the other. I would not dispute with him if he went further and said that the pursuit of knowledge for its own sake, or for the training of character is only in its infancy, and that while we trim the wick of the intellect with mechanical accuracy we have hardly learned how to light up the lamp of the soul. But are we, therefore, to sit still or be dismayed? Are we not to make a beginning, or to foster such beginning—and I think that it clearly exists—as has already been made?

The Youth of the Nation.

Lord Beaconsfield once said that it is a holy thing to see a nation saved by its youth. Yes, it is; but there is a holier thing still, and that is to save the youth of a nation. I wonder how many of the good people who go to meetings and denounce the Government for ringing the death knell of higher education in India—and other tropes of that description—pause to think that you cannot ring the death knell of that which in the true sense of the term has never been born. Is there a thoughtful man in India who does not know that if we go on as we are now doing, education in this country, instead of becoming higher, must become lower; and that the best education will continue, as now, to be the monopoly of the few, instead of being increasingly diffused among the classes who are worthy of it? Our purpose therefore is not destructive, but constructive. We have to save the rising generation of India from walking in false paths, and to guide them into right ones. No Government can do this by itself, and no law that can be placed upon the statute book will effect it. But Government can provide the opportunity, and the law can supply the means; and then the responsibility will rest with others, both of your race and mine, for taking advantage of them. If, then, we have not got the ideal University, and are not in a position by a stroke of the pen to create it, at least let us render it possible in the future. The material is here in abundance: the teachers are available or can be procured: the system alone is at fault. I can see no reason why India should not one day rise to the conception of a University, not perhaps as advanced as that which I sketched a few moments ago, but immeasurably higher than anything at present existing in the country; a University which shall gather around it collegiate institutions proud of affiliation, and worthy to enjoy it; whose students, housed in residential quarters in close connection with the parent University, shall feel the inner meaning of a corporate life; where the governing body of the University shall be guided by expert advice, and the teachers shall have a real influence upon teaching; where the courses of study shall be framed for the development, not of the facile automaton, but of the thoughtful mind: where the professors will draw near to the pupils and mould their characters for good: and where the pupils will begin to value knowledge for its own sake, and not as a means to an end, I should like to see this spark of the sacred fire that has been brought across the seas, lit in one or two places at least before I leave the country, and I would confidently leave others to keep alive the flame.

The Need for Students' Hostels.

Speech by the Viceroy.

While His Excellency the Viceroy was at Dacca on the 19th instant, one of the duties he was called upon to perform was to lay the foundation stone of the new buildings for the Dacca college. In the course of his speech he made the following observations regarding the imperative need there exists not only in the Dacca college but in most big colleges and schools in India for supplying students' hostels for the accommodations of students attending the college from places outside the town in which they are situated:—

Above all, the most crying evil, amounting almost to a scandal, in the present situation, is that more than half of the students live in wretched boarding houses in the town, many of them unlicensed and uninspected, not always kept by the best of characters and amid insanitary

and undesirable surroundings. There the youths are exposed to constant and insidious temptations to which it is a wonder if they do not succumb. You might as well expect a young and sensitive plant to grow to maturity in an atmosphere tainted by noxious gases or exhalations. All these evils have been long recognised, but, as often happens where money is the stumbling block, things do go along until one fine day somebody communicates the impulse; every one wakes up and in a few months more is accomplished than has been done for years. Your Commissioner, Mr. Savage, has long worked to bring about this end, but it was reserved for the appearance of your new Lieutenant-Governor, Sir A. Fraser, in December last to strike the iron while it was hot and with his characteristic energy. To indicate the lines on which to proceed there are to be no half measures. The college and all its surroundings are to be moved to this new site outside the city where it is proposed to acquire some 65 acres of ground. Hither will be transferred the main buildings and here will be built other institutions such as the technical school already sanctioned, which will grow up around it. Here will be laid out a wide and open playground for the students; here will be raised the hotels for their board and lodging, and I hope in proximity to them residences for the professors as well; and here, finally, owing to the timely munificence of Kumar Ranendra Narain Roy, of Jaydebpur, are to be raised the walls of the combined meeting hall, lecture-room and common room, the foundation stone of which I am laying this afternoon. Now this is a good beginning, but let me impress upon you that it is a beginning only. The Kumar's generosity is admirable and opportune, but it will be more admirable and more opportune if it acts as an incentive to others. The site there is excellent, but there have still to be erected the other buildings upon it. The hall will do a great deal for the students while they are attending the courses of study at the college, but where are they to live? Remember that, that is the great question in the background. I have heard of benefactions promised or rumoured on behalf of the hostel. Let us hope that they will turn out to be true. The provisions of these boarding houses for students I look upon as the most urgent and immediate need of Indian education. They are no foreign invention, and no new thing. The underlying principle is the ancient Indian tradition, familiar in all parts of this country, that the pupil should live in the charge of his teacher. Already they have been founded in many parts of India, often by Missionary bodies or by private enterprise of some description; often by Local Governments and by official action. There are nearly 1,500 of them with over 47,000 boarders in different parts of the country. I should like to see the numbers in both respects multiplied by 10. If the essential principles of hostel life are duly observed, and the first of them is that residence in the hostel is to include supervision by the resident teachers, then I believe that the expansion of the system will do more for student-life in India and will exercise a more profound influence upon the future of the race than any other reform that can be conceived. I am glad, too, that a beginning has been made here, and that the excellent clergymen of the Oxford Mission are adding hostel accommodation, with the assistance of the Government, to their new buildings, but this will only provide lodging for 40 boys out of 400, and it is upon the 360 that I have my eye. In the process of reconstruction and regeneration, which I have described, the Local Government will, I am sure, play its part. It remains for the nobility and gentry of Eastern Bengal to follow the example that has been set to them to-day, to play theirs also. It would be the sincerest pleasure and satisfaction to me if I could think that my visit to this place had been associated with a forward movement that would not be arrested until it had accomplished all that is included in the plan, and that a definite stage had thus been recorded in the intellectual and moral progress of Eastern Bengal.

Tour Cur. No. 1, dated 12th March 1904.

Forwarded to the Collector. I received this communication late this afternoon. I understand from the enclosed demi-official that the present Collector wishes to make some remarks on it before he goes. I have no time to make any enquiries and therefore forward the papers to the Collector.

A. C. DUTT,
Sub-Collector.

Dis. No. 476, dated 15th March 1904.

Submitted.

Before applying to Government to move in the matter, sanction for a grant should, strictly speaking, have been obtained from the Director of Public Instruction to whom plans and estimates should have been forwarded (*vide* Madras Educational Rules, page 11, paragraphs 7 and 9, and Grant-in-Aid Code, paragraphs 117–118). Till the question raised by Dr. Chamberlain is, however, settled, the cost of the scheme, a factor which would, presumably, have to be known to the Director of Public Instruction, before he could pass orders cannot be ascertained. From paragraph 5 (*a*) of Dr. Chamberlain's letter, it seems the Director of Public Instruction has himself urged the necessity for part of the scheme.

It would, I consider, be advisable that he should give his opinion as to the whole scheme. I have taken an interest in the progress of the college for some years, and, as far as my opinion as a layman goes, strongly favour the extension proposed. I am also satisfied that the prices asked for the pieces of land referred to in paragraph 4 are unreasonable, and that the price demanded is not due to any sentimental objection of the owners to parting with the land, but to their mere desire of making as much out of it as possible.

It is not clear from Dr. Chamberlain's letter whether the scheme would necessarily lapse in the event of Government not interfering, but I understand that the donor or his representative is becoming dissatisfied that operations have not begun, and infer that there is some risk of its lapsing. I consider that Government would be justified in any legal step necessary to prevent such a beneficent scheme falling through on account of the mere greed of one or two private parties.

As to the legality of the proposed action—

Under section 4 (1), the land must be needed for a "public purpose". The only definition of this in the Act [section 3, clause (*f*)] is not helpful, and I can find no definition anywhere else. The college, however, falls under the category of a "Public Institution" (Madras Educational Rules, 1901, Chapter I, section 1) and this fact, and its functions which include the education of all classes of the community (end of paragraph 2 of Dr. Chamberlain's letter) leave no doubt that its enlargement would be useful to the public generally or in the common acceptation of the term a "public purpose".

The words "or for a company" in section 6 (1) show that even where a private company is concerned, Government may, if it deems fit, interfere if the objects of that company are of sufficient general importance to the community to make it advisable to do so. From paragraph 5, clause (*b*), it seems the Mission is registered as a company under Act XXI of 1860. The Mission could not be registered under Act VI of 1882 as suggested in the latter part of paragraph 5, clause (*h*), inasmuch as that Act only applies to companies trading for profit or otherwise. I am doubtful if the Mission should be registered under Act VI of 1882 as suggested in paragraph 5 of the letter, clause (*h*), instead of the Act under which it is registered. Act VI of 1882 only applies to companies trading for profit or charity. This Mission does not, like the Basel Mission, make a business of trading for charitable purposes, but it has an Industrial school at Arni (and possibly others outside the district) where furniture is made and sold, the profits presumably going to the Mission.

I have no copy of the Government Orders referred to in paragraph 5, clauses (*e*) and (*j*), and am unable to say if the precedent quoted is exactly on all fours with this or not.

If Government accepts my view that the land may be acquired, a formal appraisement and declaration will be submitted.

E. L. VAUGHAN,
Collector.

To the Secretary to Government, Educational Department.

Endt. No. 162, Educational, dated 31st March 1904.

Referred to the Director of Public Instruction for remarks.

(By Order.)

A. GALLETTI,
Ag. Asst. Secretary to Government.

From the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., Director of Public Instruction, to the Secretary to Government, Educational Department, dated Madras, 29th April 1904, Ref. on C. No. 3023.

With reference to your endorsement No. 162, Educational, dated 31st March last, herewith returned, I have the honour to submit the following remarks.

2. From the brief account of the institution given by the Secretary to the American Arcot Mission and Principal in paragraph 2 of his letter, it will be seen that the institution is of longstanding and that the college department supplies the educational needs of the North Arcot, Cuddapah and Chingleput districts and that it is open to all classes of the community. The Secretary's statement that the institution is in urgent need of additional accommodation in respect of both the college and the school departments is quite true. If the college is to fulfil the conditions of affiliation required by the Universities Act, which will soon come into force, it will have to be located in a better and more suitable building and will have to be provided with hostels besides. The munificent gift that has been made by Mr. Voorhees, by whose name the college is hereafter to be called, affords the Mission the funds required for the proposed extension to the present buildings.

3. The Government Order quoted by the Secretary in support of his application for the acquisition of the adjoining lands, viz., G.O., No. 307, Educational, dated 24th June 1903, no doubt affords a precedent in favour of the Mission. But, as remarked by the Collector in the penultimate paragraph of his endorsement, the case of the Basel German Mission, Calicut, is not quite similar to this case. The reason for the Government interfering in favour of the Basel German Mission is that there was a legal difficulty in the way of the Mission purchasing the land in the ordinary way. The owner of the land was willing to sell it, but being a member of the Puthia Kovilagam and a sthanam holder had no power to sell, as the Malabar Law prevented the alienation of tarward jenmi (*vide* paragraph 2 of the manager's letter and also the Collector's letter read in the Government Order). In this case there is no such legal difficulty; the owners of the lands which the American Mission wants to purchase have full power to alienate their property, and their reason for refusing to sell them to the Mission is that the Mission would not pay the price they ask for. But as pointed out by the Collector, the prices asked for are unreasonable. Under these circumstances the only ground on which Government interference is justifiable is that the land is needed for a public purpose; and I am inclined to think that, in view of what this institution has achieved in the past and what it is likely to accomplish in the future, with improved opportunities which its location in a more suitable building would place at its command, that the objects for which Government interference is sought for the acquisition of the land are of "sufficient general importance to the community to make it advisable to do so".

The Arcot Mission has already a legal standing since it has been registered under Act XXI of 1860, and the authorities concerned are willing to have the Society incorporated under Act VI of 1882.

I support, therefore, the recommendation of the Collector.

Order—No. 316, Educational, dated 24th May 1904.

The Collector of North Arcot will be requested to inform the Principal of the Voorhees' College at Vellore that the Government are not prepared to assist the American Arcot Mission at the present stage in acquiring the sites referred to and that the Mission must itself make the necessary settlement with the owners. It is however open to the Mission to register itself as a company under the Indian Companies Act, 1882, and then apply formally to Government for the acquisition of the sites for such company. Such application, if received, will then be dealt with on its merits.

(True Extract.)

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

To the Collector of North Arcot.
" Director of Public Instruction.

Exd. Shaik Karim.

Educational Department.

NOTES CONNECTED WITH G.O., No. 316, EDUCATIONAL, DATED 24th MAY 1904.

[Subject.—*Acquisition of land required for extending the building occupied by the Voorhees College, Vellore.*]

From the Collector of North Arcot, dated 15th March 1904, *No.* 476.
" *Director of Public Instruction, dated 29th April* 1904, *No.* 3023.

The American Arcot Mission has a college at Vellore known as the Voorhees College. The Principal of this College, Dr. W. I. Chamberlain, states that there was formerly a middle school at the place started by the Church of Scotland Mission in 1868; that this school gradually became a high school and was provided in 1882 with a substantial building, furniture and apparatus at a cost of nearly Rs. 20,000; that in 1895 it was purchased by the American Arcot Mission; that in 1898 it was raised to the standard of a second-grade college and that the institution is now attended by about a 1,000 pupils.

2. It appears that in 1902 an American gentleman by the name of Ralph Voorhees gave the institution a donation of 25,000 dollars with which it is proposed to provide a suitable building for its primary department, a separate building for the college department, two hostels and a Principal's residence—extensions, of which the institution stands in urgent need. It is stated also that suitable sites being required for these extensions the Mission has purchased the plots marked A_1 and A_2 and hopes to purchase plots marked E and F on the plan in the current file. The Mission is anxious to have also plots marked B, C and D. B is valued at Rs. 3,000 and the Mission is prepared to pay Rs. 3,250, but the owner wants Rs. 4,000. C and D are valued at Rs. 8,900 and the Mission is prepared to pay Rs. 9,900, but Rs. 15,000 is demanded. As there is no prospect of an amicable settlement, the Mission requests that Government will be pleased to acquire these sites under the Land Acquisition Act, 1894, and transfer them to it on payment.

3. The Mission was registered in 1894 under the Societies Registration Act, 1860, and, if necessary, it is prepared to register itself under the Indian Companies Act, 1882, and to execute a formal agreement providing that the sites shall be used for the erection of school or college buildings and that they shall not be appropriated for other than educational purposes without the consent of Government.

4. The Collector Mr. Vaughan, in forwarding Dr. Chamberlain's application, states that he is strongly in favour of the proposed extensions and that he is satisfied that the prices demanded for the sites are unreasonable. He thinks that the college is a public institution and that the sites can be regarded as needed for a public purpose and acquired under the Land Acquisition Act, 1894, but that the Mission cannot be registered under the Indian Companies Act, 1882, as that Act applies only to companies trading for profit or charity. Here, however, it is submitted that the Collector is

wrong. Under section 26 of the Indian Companies Act, 1882, associations formed for promoting commerce, art, science, etc., * with intent to apply their profits in promoting the objects with which such associations have been started, and not for the benefit of the members, can be registered. The Christian College at Madras and the Basel Mission Educational Council at Calicut (G.O., No. 1924, Judicial, dated 17th December 1903) have thus been registered.

* Why write "etc.": it is not in the Act, and its use here is just another instance of the practical inaccuracy of native clerks. When anything turns on a reference, the clerk should quote the precise words and put them in quotation. We don't want a clerk's gloss without the actual words. The section says "commerce, art, science, charity or any "other useful object, and that it is the in- "tention of such association to apply the "profits, if any, or other income of the "association, in promoting its objects, and to "prohibit the payment of any dividends to "its members, the Local Government may, "by license . . . ."

G. S. F[ORBES].

5. The Director to whom the papers were referred for remarks says that Dr. Chamberlain's statement that the institution is in urgent need of additional accommodation in respect of both the college and the school departments is quite true and that if the college is to fulfil the conditions of affiliation required by the new Universities Act, it will have to be located in a better and more suitable building and will have to be provided with hostels. He therefore supports the Collector's recommendation that the sites can and should be acquired under the Land Acquisition Act, 1894.

6. It is submitted that what induced Dr. Chamberlain to submit the present application appears to be the acquisition by Government of the site required by the Basel German Mission for its high school at Calicut. In order to make the acquisition legal Government paid a grant of Rs. 150 and published the declaration that the land was required for a public purpose under section 6 (1) of the Land Acquisition Act, 1894—*vide* G.Os., No. 307, Educational, dated 24th June 1903, and No. 624, Educational, dated 15th December 1903. The same procedure may be adopted in the present case also, but it is submitted that the Land Acquisition Act should be applied only in very exceptional cases for acquiring lands on behalf of private bodies. In the Calicut case, as observed by the Director, the owner of the land was willing to sell and the Mission prepared to pay the price demanded, but the former could not give a valid title and the land had thus to be acquired under the Land Acquisition Act. In the present case the dispute is about the value, and it seems only fair that the Mission should come to some settlement with the owners without the interference of Government. If, however, it is still considered that the land should be acquired by Government for the Mission, it is submitted that the Mission should get itself registered under the Indian Companies Act, 1882, which it is prepared to do. Then the acquisition can be made "for a company".

G.O., No. 307, Educational, dated 24th June 1903.

No; there was some hurry in that case; and the procedure adopted was not strictly legal.

A. GALLETTI.

It should never be used for acquiring land for private bodies which are not companies.

A.G.

Under those circumstances it was considered that the strict legality of the proceeding was a matter of little importance. In this case the owners of the land are in opposition and so it is very necessary that the proceedings should be regular throughout.

A.G.

Yes.

G. S. F[ORBES].

P. T. THARYAN—19-5-04.

Submitted that, as the "acquisition is needed for the construction of a work and such work is likely to prove useful to the public" (Land Acquisition Act, section 40), there will be no objection to the acquisition provided that—

(1) the Mission registers itself as a company under the Indian Companies Act, 1882;

(2) before any steps are taken, the company executes an agreement under section 41 of the Land Acquisition Act.

2. The Societies Registration Act, 1860, under which the Mission is already registered, is no use. See Land Acquisition Act, section 3 (*e*), where company is defined. The Mission must register under the Indian Companies Act, 1882.

3. The Collector's remarks on the Indian Companies Act, 1882, were discussed in previous notes, which office appears to have lost. Mr. Cardew agreed with me that the Collector was wrong. The Collector has an idea that the Act only applies to trading companies. It doesn't; it applies to "other associations" as well. An association may be found for "any lawful purpose" (section 6 of the Act), and among the purposes enumerated in section 26 are art, science and charity as well as commerce. Besides, taking fees for providing instruction is trading. Besides, the Madras Christian College is an association registered under the Act of 1882 and the case of the Madras Christian College is precisely similar to this.

This is doubtful, I think, but immaterial.

G.S.F.

4. All the Mission has to do is to send up seven names and to describe Mr. Voorhees' legacy and any other moneys they have got as the share capital.

A. GALLETTI—20-5-04.

There is no objection to the Mission being registered under the Indian Companies Act, 1882, but registration under the Act must be a condition antecedent to acquisition for "a purpose useful to the public" under Land Acquisition Act, 1894.

2. There is no immediate urgency in the present case and no reason why Government should make a special contribution to the Mission in order to evade the strict and technical provisions of the Land Acquisition Act.

G. S. F[ORBES].

3. The Basel Mission at Calicut was a very special case. In that case the ostensible owner of the land was willing to give it on the terms proposed by the Mission, but there was some dispute as to title, Janmam rights being involved. The present case is merely one of market price. The Principal, Voorhees College, may be informed that Government cannot interfere at the present stage; that the Mission must either settle privately with the owners to acquire the land, or, if it elects to register itself under Act VI of 1882 as a "company", to submit a formal application after registration when the application will be dealt with on its merits.

H. D. TAYLOR—21-5-04.

Yes.

G. S. F[ORBES]—21-5-04.

A draft is submitted below for approval.

P. T. THARYAN—23-5-04.

A. GALLETTI—24-5-04.

H.D.T.—24-5-04.

[G.O., No. 316, Educational, dated 24th May 1904.]

1,000—30-11-00.

Educational (1904) Department.

CURRENT No. 496

From

[Name] E. L. Vaughan Esquire I. C.S

[Designation] Collector of North Arcot

[Station] Chittoor

No. 476 *of* 04

Dated 15th March *1904*

Enclosures Three.

Received _____ *190* .

Registered 17th Mar *190*4.

SUBJECT.

Forwarding letter of the Principal, Voorhees College, Velore, requesting to acquire lands on behalf of Government for the extension of the Arcot American Mission College, Vellore

BACK PAPERS.

21 15-1-98 min 307 - 24-6-03 Sr ✓ act XXI of 1860	act VI of 1882 605 - 30-9-02 ✓

FURTHER PAPERS.

8/c 17/3/4	

To

The Secretary to Government,

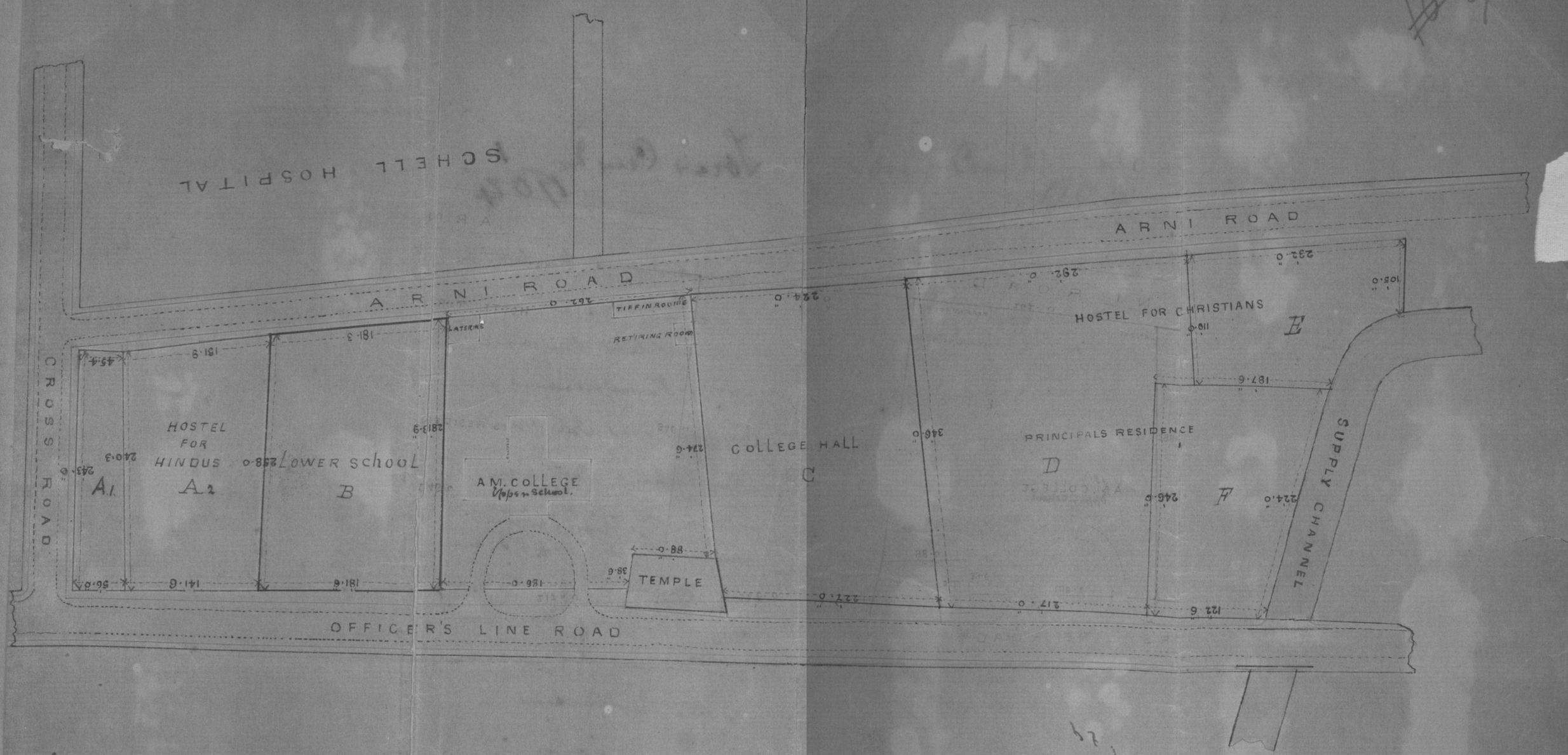
Educational Department.

Sir,

Eg. 316
24-5-04

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10 9



GROUND PLAN

SCALE 107½ ~~INCHES~~ feet TO 1 ~~FT~~ INCH.

Proposed site of Voorhees' College Extensions.

Chas. T. Scarborough
10-3-04.
Principal

Drawn by M Thomas
Drawing master A.M.C.

Stock Form No. 127
2,000—12-2-03.

14 4

Educational (190 4) Department.

8 10

CURRENT No. 811

From

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

[*Designation*] Director of Public Instruction,

[*Station*] Madras.

Ref. *No.* C.No. 3023 of 04,

Dated 29th April 1904.

Enclosures one in original

Received 190 .

Registered 3-5- 1904

SUBJECT.

Resubmitting with remarks letter from the Collector of North Arcot regarding the acquisition of certain lands under the Land Acquisition Act for the extension of the American Mission College, Vellore.

BACK PAPERS.

FURTHER PAPERS.

To

The Secretary to Government,

Educational Department.

Sir,

With reference to your endorsement No. 162, dated 31st March last herewith returned, I have the honour to submit the following remarks.

2. From the brief account of the institution given by the Secretary to the American Arcot Mission and Principal in paragraph 2 of his letter, it will be seen that the institution is of longstanding and that the College department supplies the educational needs of the North Arcot, Cuddapah and Chingleput Districts and that it is open to all classes of the community. The Secretary's statement that the institution is in urgent need of additional accommodation in respect of both the College and the school departments is quite true. If the college is to fulfil the conditions of affiliation required by the Universities Act, which will soon come into force, it will have to be located in a better and more suitable building and will have to be provided with hostels besides. The munificent gift that has been made by Mr. Voorhees by ~~whom~~ whose name the College is hereafter to be called affords the mission the fund required for the proposed extension to the present buildings.

3. The G.O. quoted by the Secretary in support of his application for the acquisition of the adjoining lands viz., G.O.No. 307 Educational, dated 24th June 1903 no doubt affords a precedent in favour of the mission. But, as remarked by the Collector in the penultimate paragraph of his endorsement, the

case

[3 E. / 2]

1,500—7-10-03.

EDUCATIONAL DEPARTMENT.

C. No. 496 From the Collector of North Arcot No 476, dated 15-3-1904.
" " 811 " " D.P.I. No. 3023 " 29-4-1904.

SUBJECT.

Acquisition of land required for extending the building occupied by the Voorhees College, Vellore.

The American Arcot mission has a college at Vellese known as the Voorhees College. The Principal of this College, Dr. W. J. Chamberlain, states that there was formerly a middle school at the place started by the Church of Scotland Mission in 1868, that this School gradually became a High school and was provided in 1882 with a substantial building, furniture and apparatus at a cost of nearly Rs. 20,000, that in 1895 it was purchased by the american arcot Mission, that in 1898 it was raised to the standard of a second grade College and that the institution is now attended by about a 1000 pupils.

2. It appears that in 1902 an american gentleman by the name of Ralph Voorhees gave the institution a donation of ~~[illegible]~~ 25,000 dollars with which it is proposed to provide ~~it with~~ a suitable building for its primary department, a separate building for the college department, two hostels and a Principal's residence — extensions, of which the institution stands in urgent need. It is stated also that suitable sites being required for these extensions the mission has purchased the plots marked A, and A, and hopes to purchase plots marked E and F on the plan at

page

page 9 of the Current file. The mission is anxious to have also plots marked B, C and D. B is valued at Rs. 3,000 and the mission is prepared to pay Rs. 3,250, but the owner wants Rs. 4,000. C and D are valued at Rs. 8,900 and the mission is prepared to pay Rs. 9,900 but Rs. 15,000 is demanded. As there is no prospect of an amicable Settlement, the mission requests that Government will be pleased to acquire these sites under the Land acquisition Act, 1894, and transfer them to it on payment.

3. The mission was registered in 1894 under the Societies Registration Act, 1860, and if necessary it is prepared to register itself under the Indian Companies Act, 1882, and to execute a formal agreement providing that the sites shall be used for the ~~extension~~ erection of School or College buildings and that they shall not be appropriated for other than Educational purposes without the Consent of Government.

Page 6 of the C. File

4. The Collector Mr. Vaughan in forwarding Dr. Chamberlain's application states that he is strongly in favour of the proposed extensions and that he is satisfied that the prices demanded for the Sites are unreasonable. He thinks that the College is a public institution and that the sites can be regarded as needed for a public purpose and acquired under the Land acquisition Act, 1894, but that the mission cannot be registered under the Indian Companies

[E. 4]
1,000—25-10-01.

EDUCATIONAL DEPARTMENT.

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12

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

" " " " ....., " ..... 190 .

READ ALSO:—

C. No. 496, From the Collector of North Arcot, No. 476, dated 15th March 1904

" " 811, " " D. P. I. , " 3023, " 29th April 1904

" " ....., " " ....., " ....., " 190

158

ORDER No 316, dated 24—5— 1904

Miss. PS

Despatched 24/5/04

The Collector of North Arcot will be requested to inform the Principal of the Voorhees' college at Vellore that the Government are not prepared to assist the American Arcot Mission at the present stage in acquiring the sites referred to and that the mission must itself make the necessary settlement with the owners. It is however open to the mission to register itself as a Company under the Indian Companies Act 1882 and then apply formally to Govt. for the acquisition

2.

acquisition of the sites for such company. Such application, if received, will be dealt with on its merits.

PH 23/5/14 — H 24.5.14 — H&S 24.5.14.

To the Collr of North Arcot — Dep 25/5/14

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