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Educational (1904) Department.

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G.O., No. 359-360

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N. P.

ORIGINAL INDEXED.

[Despatch Abstract.]

Law College, Madras

Directing that a memorial addressed to the Secretary of State by Mr. R. A. Nelson, Princip of the ______ be transmitted to the Govt. of India.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1904} of Madras.

EDUCATIONAL.

Recd.	1904.	*Enclosures*
Regd.		*Spare copies*

ORIGINAL

G.O., &c., Nos. 359, 360, 9th June 1904.

N. P.

JUNE.

Law College, Madras.

Directing that a memorial addressed to the Secretary of State by Mr. R. A. Nelson, Principal of the —, be transmitted to the Government of India.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following paper :—

From R. A. NELSON, Esq., M.A., LL.M., Barrister-at-Law, Principal, Law College, to the Right Honourable the Secretary of State for India (through the Government of Madras), dated Madras, 21st March 1904.

I have the honour to request that the appointment of Principal of the Law College, Madras, may be included in Chapter XXIV (articles 546 to 550) of the Civil Service Regulations (4th edition, 1902) as to length of service, pension and leave, or that such special terms may be granted as may be deemed suitable having regard to the requirements of this particular office.

2. Accordingly I beg leave to draw your attention to the enclosed copies of correspondence (marked A and B) which has passed, on this subject, between the Governments of India and Madras and myself, and which I pray may be read as part of this memorial, and I would refer specially to the reasons set forth in paragraph 5 of my letter to the Government of India, dated 23rd September 1903, read in G.O., No. 530, Educational, dated 26th October 1903 (enclosure A-III).

3. It will be seen that the Government of Madras has seen "no reason to propose to the Government of India the inclusion of Mr. Nelson's appointment in article 547 of the Civil Service Regulations", G.O., No. 223, Educational, dated 16th May 1903 (enclosure A-I); and it will be further seen from enclosure B that the Government of India "agrees in the decision of the Government of Madras that there are no reasons for including his appointment in article 547 of the Civil Service Regulations."

4. I would submit that in addition to the considerations set out in the enclosed copy of correspondence, there are other cogent reasons for recognising the Principalship of the Madras Law College as a Barrister appointment.

5. (i) Under the rules regulating the constitution and working of the Madras Law College, the general management is, subject to the control of the Director of Public Instruction, vested in a Council, the members of which are appointed by Government. In March 1900, the Government of India having requested the Government of Madras to consider and report what arrangements should be made for the future working of the Law College, the matter was referred to the College Council for an expression of its opinion. At that time the Council consisted of the following members:—

Mr. Justice Sheppard, Mr. Justice Subramaniya Aiyar, Mr. Justice Benson, Mr. Justice Boddam, Sir V. Bashyam Aiyangar, Mr. R. B. Mitchell (Chief Judge of the Small Cause Court) and Mr. M. O. Parthasarathy Aiyangar (Judge of the Small Cause Court), besides the ex-officio members of the College staff. This Council at a meeting held on the 4th April 1900 unanimously passed the following resolution :—

> "The Council are of opinion that the Law College should be a whole-time college, and that it should now be permanently established as one of the Government professional colleges. That, unless it is so established, it is impracticable, for the reasons given by Government in G.O., No. 167, Educational, dated 26th March 1896, paragraph 2, to work the college as a full-time institution, and that in putting the college on a permanent footing the conditions as to leave and pension should be framed so as to be suitable to the requirements of this particular institution, the staff of which should in the opinion of the Council, be composed of members of the profession of considerable experience." (Read in Madras G.O., No. 538, Educational, dated 26th October 1900.)

I submit that unless special conditions of service are made applicable to the Principalship of this college due effect cannot be given to the foregoing resolution, which embodies the highest professional opinion on the subject obtainable in Madras, as it will not be possible to obtain for the staff the services of members of the profession of considerable experience, which the Council deem to be so essential to the success of the college.

(ii) There are no prospects for promotion. Should the Principalship be treated as an ordinary educational appointment there is no office within the department to which the Principal can reasonably look for promotion, owing to his special qualifications and the character of the appointment he holds Nor can he, for the same reason, and also he is debarred from practice, look for advancement generally open to members of the Bar.

These restrictions also apply to the Junior Professorship.

(iii) Both the Principal and the Junior Professor are debarred from exercising their profession. It is true that the concession of Chamber practice is granted them, but under the conditions in India such practice does not exist for a non-practising Barrister, opinions being confined to counsel who will appear in court, and such conveyancing as there is being done entirely by Solicitors and Attorneys. Under these circumstances not only are they deprived of any chance of promotion, as indicated above, but the salaries, which are considerably lower than those drawn in the other Government Professional Colleges in Madras, afford no compensation for this restriction. Having therefore no prospect of promotion, unable to exercise their profession, and receiving no countervailing advantage, I submit that the only way to permanently secure the services of a staff with qualifications suitable to the special requirements of the college is, under these circumstances, to make the conditions as to length of service and pension attaching to the Principalship as attractive as possible.

(iv) If such concessions are not conceded it is submitted that no permanent or efficient staff can be maintained in the college. It would not be permanent because Barristers would accept either of the appointments merely provisionally, while awaiting an opening at the Bar. It cannot be efficient because it follows that there will be a succession of more or less temporary professors who, arriving in the country unfamiliar with Indian Law, will relinquish their appointments, just as they have acquired a knowledge of the subject, and ability to afford instruction in it.

(v) *The financial success of the college.*—Since the Law College was established as a separate institution in 1891, the balance of receipts over expenditure up to the end of 1903 has amounted to Rs. 1,25,000, which sum has become part of the general revenues of the country. In view of the substantial benefit which the Government has thus derived from this institution, I submit that it deserves some special and favourable consideration.

6. Finally, for the reasons referred to in paragraph 2 and for those set out in paragraph 5 above I have the honour to request as follows :—

(i) That the Principalship of the Law College, Madras, may be declared a Barrister appointment under section 547 of the Civil Service Regulations (4th edition, 1902).

(ii) That all such privileges as are consequent thereon may be declared to attach to the said office as from 2nd April 1896—the date from which my pensionable service has been declared to commence.

(iii) That if the Principalship of the Law College, Madras, is not declared to be a Barrister appointment, as prayed for herein, that such special terms and conditions as to length of service and pension be granted, as may be deemed suitable, having regard to the requisite qualifications for the office [*vide* enclosures A—I and A. III and paragraph 5 (i) and (5) (ii) above] and the restrictions attached thereto, as set out above.

(iv) That in the event of such special terms and conditions as are referred to above being granted, they may be declared to attach to the office as from 2nd April 1896, aforesaid.

Enclosures.

A–I.

G.O., No. 223, Educational, dated 16th May 1903.

Read—the following paper :—

From the Hon'ble Mr. G. H. STUART, M.A., Director of Public Instruction, to the Secretary to Government, Educational Department, dated Madras, 28th April 1903, Ref. on Cl. No. 25.

I have the honour to submit, for the decision of Government, the enclosed copy of a letter from Mr R. A. Nelson, Principal, Law College, applying for grant of the special privileges attaching to a Barrister's appointment under articles 546 to 550 of the Civil Service Regulations, and to state that *primâ facie* Mr. Nelson appears to have a claim to such privileges.

Enclosure.

From the Principal, Law College, Madras, to the Director of Public Instruction, dated 2nd April 1903, No. 70.

With reference to your Dis. No. 3977, dated 30th July 1902, communicating to me G.O., No. 426, dated 24th July 1902, I have the honour to observe that from the copy of the letter from the Secretary of State for India, No. 46, Public (Educational), dated 16th May 1902, to the Governor-General of India in Council, which appears therein, my service for pension is to count from the 2nd of April 1896, the Secretary of State having disallowed as pensionable the first five years of my service, though that period was included in the recommendation on this question which was made by the Government of Madras and the Government of India.

2. In view especially of this disallowance I am desirous of ascertaining the length of service which would be required from me and amount of the consequent pension, and, as regards these two points. believing that I am entitled, as holding a Barrister's appointment, to the special privileges conferred by chapter XXIV (articles 546 to 550), Civil Service Regulations, 4th edition, I have the honour to request that this letter may be treated as an application for the grant of these privileges. and that my application may be laid before Government and be submitted in due course to the Government of India and the Secretary of State.

3. That the Principalship of the Law College, Madras, is and was on my first admission to Government service by appointment to that office a "Barrister's appointment," within the meaning of the Civil Service Regulations, is, I think, clear for the following reasons :—

(1) In G.O., No. 634, Educational, dated 7th November 1888, paragraph 6, it is stated that "the Government approves of the Director's proposal that the Principal should be an English Barrister of promise and, if possible, of experience in teaching".

(2) In the proposed rules for the college when founded (see G.O., No. 714, Educational, dated 13th November 1889, appendix), it was laid down in rule 11 that "no one shall be eligible for the post of Principal who is not a graduate of a University and a Barrister-at-law of not less than five years' standing," and this qualification was reaffirmed when the rules were revised in 1895 [*vide* rule III (iii)] and in 1902 (*vide* rule 10). The scheme of the Law College with its proposed rules were forwarded for the sanction and recommendation of the Government of India, and, that having been accorded, the Secretary of State in due course advertised in England under date 17th December 1890 for applications for the Principalship stating *inter alia* "it is required that the Principal shall be a graduate of a University and a Barrister-at-Law, who should combine, if possible, some experience in teaching with actual practice at the bar". What Government desired was accordingly the services of a practising Barrister of some standing (of not less than five years), and as a practising Barrister I was appointed to the Principalship. On these grounds I submit that I am entitled to the privileges attaching to a Barrister's appointment as regards length of service and pension as from the 2nd April 1896, *i.e.*, exclusive of my first period of five years' service, in accordance with the ruling of the Secretary of State, referred to above.

Order—No. 223, Educational, dated 16th May 1903.

The Governor in Council sees no reason to propose to the Government of India the inclusion of Mr. Nelson's appointment in article 547 of the Civil Service Regulations.

(True Extract.)

A. G. CARDEW,
Ag. Secretary to Government.

To the Director of Public Instruction.

A–II.

G.O., No. 399, Educational, dated 26th August 1903.

Read—the following paper :—

From R. A. NELSON, Esq., M.A., LL.M., Barrister-at-Law, to the Director of Public Instruction, dated Madras, 10th August 1903, No. 112.

With reference to G.O., No. 223, Educational, dated 16th May 1903, communicated to me in your Dis. Cl. No. 31/03, dated 23rd May 1903, whilst regretting that the Government sees no reason to propose to the Government of India the inclusion of my appointment as Principal of the Madras Law College in Article 547, Civil Service Regulations, I have the honour to request that my letter to you No. 70, dated 2nd April 1903, may be forwarded to the Government of India and the Secretary of State as requested in paragraph 2 of my letter under reference.

2. For the reasons set out in my letter referred to, I submit that all the necessary conditions having been fulfilled, my appointment has been constituted a "Barrister appointment" within chapter XXIV of the Civil Service Regulations, 4th edition, and that therefore it should be recognised as such.

Ref. on Cl. No. 48, dated 15th August 1903.

Submitted to Government, with reference to G.O., No. 223, Educational, dated 16th May 1903.

G. H. STUART,
Director of Public Instruction.

Order—No. 399, Educational, dated 26th August 1903.

The Governor in Council is not prepared to address the Government of India as requested.

(True Extract.)

A. G. CARDEW,
Ag. Secretary to Government.

To the Director of Public Instruction.

A–III.

G.O., No. 530, Educational, dated 26th October 1903.

Read—the following paper :—

From R. A. NELSON, Esq., M.A., LL.M., Barrister-at-Law, Principal, Law College, Madras, to the Secretary to the Government of India, Home department (Education), Calcutta (through the Director of Public Instruction, Madras), dated 23rd September 1903.

I have the honour to say as follows :—

(1) That under agreement, dated 2nd April 1891, I was appointed Principal of the Law College, Madras, by the Right Honourable the Secretary of State for India for a period of five years.

(2) That I was reappointed Principal by the Government of Madras for another period of five years from 2nd May 1896 (I having taken over the duties of the office on 2nd May 1891), and again reappointed for a further period of five years with effect from 2nd May 1901.

(3) That the Secretary of State for India in his letter to His Excellency the Right Honourable the Governor-General of India in Council, No. 46, Public (Educational), dated 16th May 1902, sanctioned my service being pensionable with effect from 2nd April 1896 without reference to the future position of the college.

(4) With regard to the length of service, leave rules, pension, etc., I submit that, as holding a Barrister's appointment, I should be accorded the privileges conferred by chapter XXIV (articles 546 to 550) of the Civil Service Regulations, 4th edition.

(5) That the Principalship of the Law College, Madras, is and was, on my first admission to Government service by appointment to that office, a "Barrister's appointment", within the meaning of the Civil Service Regulations, is, I think, clear for the following reasons:—

(i) In G.O., No. 634, Educational, dated 7th November 1888, paragraph 6, it is stated that "the Government approve of the Director's proposal that the Principal should be an English Barrister of promise, and, if possible, of experience in teaching".

(ii) In the proposed rules for the Law College when founded (see G.O., No. 714, Educational, dated 13th November 1889, appendix), it was laid down in rule 11 that "no one shall be eligible for the post of Principal who is not a graduate of a University, and a Barrister-at-Law of not less than five years' standing"; and this qualification was reaffirmed when the rules were revised in 1895 [*vide* rule III (iii)] and in 1902 (*vide* rule 10). The scheme of the Law College with its proposed rules were forwarded for the sanction and recommendation of the Government of India, and that having been accorded, the Secretary of State in due course advertised in England, under date 17th December 1890, for applications for the Principalship stating, *inter alia*, "it is required that the Principal shall be a graduate of a University and a Barrister-at-Law who should combine, if possible, some experience in teaching with actual practice at the bar". What Government desired was accordingly the services of a practising Barrister of some standing (of not less than five years), and as a practising Barrister I was appointed to the Principalship. On these grounds I submit that I am entitled to the privileges attaching to a Barrister's appointment as regards length of service and pension as from the 2nd April 1896, *i.e.*, exclusive of my first period of five years' service, in accordance with the ruling of the Secretary of State referred to above.

Endt. R. Cl. No. 58, dated 25th September 1903.

Submitted.

G. H. STUART,
Director of Public Instruction.

Order—No. 530, Educational, dated 26th October 1903.

Mr. Nelson's memorial will be forwarded to the Government of India.

(True Extract.)

A. G. CARDEW,
Ag. Secretary to Government.

To the Director of Public Instruction.

B

G.O., No. 19, Educational, dated 9th January 1904.

Read—the following paper:—

From the Government of India, Home department, No. 729, dated 16th December 1903.

Order—No. 19, Educational, dated 9th January 1904.

With reference to his memorial, dated 23rd September 1903, Mr. Nelson will be informed that the Government of India has considered his representation, and that it agrees in the decision of the Government of Madras that there are no reasons for including his appointment in article 547 of the Civil Service Regulations.

(True Extract.)

A. GALLETTI,
for Secretary to Government.

To R. A. Nelson, Esq. (through the Director of Public Instruction).

Ref. on Cl. No. 10.

Submitted.

A. G. BOURNE,
Director of Public Instruction.

19*th April* 1904.

Order—No. 359, Educational, dated 9th June 1904.

The memorial will be transmitted to the Government of India in the Home department.

2. The following letter will be addressed to the Government of India.

(True Extract.)

H. D. TAYLOR,
Acting Secretary to Government.

To the Director of Public Instruction.

Letter—No. 360, Educational, dated 9th June 1904, to the Secretary to the Government of India, Home Department.

I am directed to forward a memorial addressed to the Right Honourable the Secretary of State for India by Mr. R. A. Nelson, Principal of the Madras Law College, in which he appeals against the orders of the Government of India, communicated with your letter No. 729, dated 16th December 1903, declining to admit him to the special privileges detailed in chapter XXIV of the Civil Service Regulations.

2. I am to say that the Government have little to add to the observations made in Mr. Cardew's letter No. 531, dated 26th October 1903. I am, however, to point out that the statements made in paragraphs (5) (iii) and 5 (v) of the memorial are misleading—

(*a*) It is stated in paragraph 5 (iii) that the salaries of the Principal and Junior Professor of the Law College are "considerably lower than those drawn in any other Government Professional College in Madras". I am to observe that the Junior Professor has not made any representation to the Government on the subject; and that the salary of the Principal of the Law College is Rs. 1,000—25—1,250, while the Principals of the Agricultural College and the Teachers' College and the Superintendent of the School of Arts receive Rs. 500—50—1000 with a special allowance of Rs. 100 after fifteen years' service, and the Principal of the Engineering College Rs. 1,000—50—1,250. It is true that the salary of the Principal of the Medical College is Rs. 1,600; but he is debarred from private practice.

(*b*) In his remarks on the financial position of the Law College in paragraph 5 (v) of the memorial, Mr. Nelson leaves entirely out of account the charges, amounting to Rs. 3,78,748, which have been incurred by the Government for the erection of the Law College buildings and for subsequent improvements.

H. D. TAYLOR,
Acting Secretary to Government.

Exd. C. Parthasarathy.

NOTES CONNECTED WITH G.O., Nos. 359, 360, EDUCATIONAL, DATED 9TH JUNE 1904.

[SUBJECT.—*Inclusion of the appointment of Principal of the Madras Law College in article 547 of the Civil Service Regulations.*]

From the Director of Public Instruction, No. Cl. 10, dated 19th April 1904.

The Director forwards a memorial to the Secretary of State from Mr. Nelson, Principal of the Madras Law College, appealing against the orders of the Government of India (in G.O., No. 19, Educational, dated 9th January 1904) declining to accede to his request that the appointment of Principal of the Law College might be included in article 547 of the Civil Service Regulations. The question was considered by this Government in the notes connected with G.O., No. 530, Educational, dated 26th October 1903. Please see also the letter to the Government of India, No. 531 of the same date.

2. Mr. Nelson's present memorial seems to call for only the following remarks:—

(1) In paragraph 5 (i) Mr. Nelson says that, unless special conditions of service are made applicable to the principalship of the Law College, it will not be possible to obtain the services of members of the legal profession of considerable experience. It is submitted that this is not a point for Mr. Nelson's consideration, but for that of Government and Government has hitherto obtained the services of such members of the legal profession as it stood in need of.

No difficulty whatever. The older you want a professional man the cheaper comparatively you get him. It is only young men who continue to believe they are to be Lord Chancellors.

G. S. F[ORBES].

(2) In paragraph 5 (ii), Mr. Nelson observes that should the principalship be treated as an ordinary Educational appointment, there is no office within the Department to which the Principal can reasonably look for promotion. It is submitted that the principalship has not been so treated and that is why a salary of Rs. 1,000—25—1,250 is attached to it, while the ordinary pay of officers of the Indian Educational Service is Rs. 500—50—1,000. There are four personal allowances—two of Rupees 200—10—250 and two of Rs. 250—50—500 in the Indian Educational Service and the two officers in receipt of the senior allowance alone get higher salary than the Principal of the Law College. The Principals of the Teachers and Agricultural Colleges and the Superintendent of the School of Arts are eligible for only Rs. 500—50—1,000 with a special allowance of Rs. 100 after 15 years' service. The appointment of Principal of the Engineering College is outside the Indian Educational Service, but his pay is fixed at Rs. 1,000—50—1,250. The Principal of the Medical College whose appointment is also outside the Indian Educational Service gets Rs. 1,600, but he cannot undertake private practice corresponding to Mr. Nelson's Chamber practice.

(3) In paragraph 5 (iii) Mr. Nelson says that the salaries of the Principal and Junior Professor of the Law College are considerably lower than those drawn in the other Government Professional Colleges. It is submitted that Mr. Nelson has no authority to hold any brief in this matter for the Junior Professor. As for himself it has been shown above that the Principal of the Medical College is the only officer in all the Government Professional Colleges who gets a higher salary than Mr. Nelson.

H. D. TAYLOR.

Mr. Nelson also says that the only way to secure permanently the services of a staff with qualifications suitable to the special requirements of the college is to make the conditions as to length of service and pension attaching to the principalship as attractive as possible. This again, it is submitted, is not a point for Mr. Nelson's consideration. Government has fixed a scale for the staff of the Law College and has secured the services of officers of the class it was in need of.

(4) In paragraph 5 (iv) Mr. Nelson says that if the conditions as to length of service and pension are not made as attractive as possible, no permanent or efficient staff can be maintained in the college. It is submitted, however, that Mr. Nelson, the present Principal, and Mr. Odgers, the present Vice-Principal, are both considered efficient; the former has been Principal for the last thirteen years and the latter has been Vice-Principal since 26th August 1902. Neither of them has left as yet.

(5) In paragraph 5 (v) Mr. Nelson says that the net receipts from the Law College since its establishment as a separate institution up to the end of 1903 have been Rs. 1,25,000. The net receipts up to the end of 1902 were Rs. 1,12,871. The figures for 1903 have not yet been received but Mr. Nelson's total of Rs. 1,25,000 may on the whole be taken as correct. It is submitted, however, that the fact of the college having been a source of profit to Government should have nothing to do with the present question. The establishment of the Law College was sanctioned on the understanding that the institution would be self-supporting—*vide* paragraph 3 of the despatch from Secretary of State on page 3 of G.O., No. 360, dated 18th May 1891. Government is therefore bound to see that there is some surplus. It has also to be remembered that an expenditure of about four lakhs has been incurred on the building. This has been excluded from calculation in arriving at the above figure.

But is it a profit. Have the profits as yet paid for the cost of the building?

G. S. F[ORBES]—5-5-04.

3. Under paragraph XII (9) of the Memorial Rules Mr. Nelson's memorial is apparently liable to be withheld, but it is submitted that it is inadvisable to so withhold it. Orders are solicited as to whether in forwarding it the arguments in paragraph 5 of it should be traversed or whether only attention simply drawn to the letter of this Government, No. 531, Educational, dated 26th October 1903, with the remark that the Government has nothing further to say on the subject.

Don't think it applies.

A. GALLETTI.

If the inclusion of officers' names in the list contained in article 547, Civil Service Regulation, rests with the Secretary of State, the rule would not apply. If India can sanction the inclusion in the list, the rule would apply.

H. D. TAYLOR—2-5-04.

P. T. THARYAN—30-4-04.

5 (iii) and 5 (v) of the memorial misrepresent facts. It is not true that the salaries are "considerably lower than those drawn in the other Government Professional Colleges in Madras". It is not true that Government makes a profit on the Law College: for, the annual surplus of Rs. 10,000 is less than the annual interest on Rs. 4,00,000 spent on the building. We may say this and refer to letter No. 531?

A. GALLETTI—2-5-04.

Please note if the inclusion of an officer's name in the list under article 547, Civil Service Regulations, requires Secretary of State's sanction.

H. D. TAYLOR—2-5-04.

Submitted that it is difficult to say for certain whether the sanction of the Secretary of State is required. By article 4 of the Civil Service Regulations "the Government of India reserve to themselves the right of changing the rules in these regulations regarding pay and acting allowance and leave and pension from time to time at their discretion", but whether such changes are made only with the sanction of the Secretary of State is not clear. Apparently not. Under the regulations, the sanction of the Secretary of State has to be obtained in certain cases—for instance articles 72 (*b*) and 75—but no such sanction is prescribed in articles 546 and 547. It would seem, therefore, that the Government of India can add to the list in article 547 without reference to the Secretary of State, but perhaps Financial may be consulted on this point.

2. But even if it is considered that the Government of India cannot add to the list without the permission of the Secretary of State, the permission has to be sought by that Government, and it has said that it will not seek this permission. The present memorial is, therefore, an appeal against the non-exercise by that Government of a dispensatory discretion vested in it by rule. The case thus seems to fall under paragraph XII (9) of the Memorial rules.

What rule?

A. GALLETTI.

P. T. THARYAN—3-5-04.

Submitted that Mr. Nelson was selected by the Secretary of State, that his pay was fixed by the Secretary of State, that the sanction of the Secretary of State to his re-engagement has to be obtained at the end of each quinquennial period, and that the Memorial rules do not permit us to withhold memorials of officers who have entered into a temporary engagement with the Secretary of State: it is only fair to let them correspond about their contract with the person with whom they contracted.

2. It is proposed to make Mr. Nelson permanent in 1906. The Government sent up a proposal, which was not Mr. Nelson's, and the Secretary of State agreed to it with modifications. Mr. Nelson now wants the Secretary of State to modify his decision on certain points: surely he has a right to be heard.

Of course we should not withhold the memorial.

G. S. F[ORBES].

3. As to 12 (9)—I understand by "dispensatory discretion" power to dispense or exempt from a rule. No rule applies to Mr. Nelson: he is under a contract; and neither this Government nor the Government of India have power to alter that contract. Under the contract of 1891 Mr. Nelson was not to earn pension by his service from 1891 to 1896: he requests that his service during those years be made pensionable. There is no question of any rule. He is petitioning the Secretary of State for an act of grace which only the Secretary of State has power to perform.

4. I feel pretty certain that the Government of India have no power to add to the list in Civil Service Regulations, 547. It seems to me even more probable that they could not put in with retrospective effect a person who has agreed with the Secretary of State that his service should not be considered pensionable. If they did, they would be over-riding the Secretary of State.

5. In any case, we have to forward the memorial to the Government of India as this Government certainly have no power to decide such questions about the Civil Service Regulations.* It is for the Government of India to consider whether it should be withheld. We cannot forward to the Secretary of State direct because the case has been before the Government of India already. We need not write elaborately to India: India will have to compose the despatch to the Secretary of State: but where the memorial is misleading on matters of fact, we must put it right for the benefit of India who may not know the facts?

* I don't think 12 (9) means that Madras can withhold a memorial because India has refused to grant what it requests. It is for India to decide whether or not to withhold in that case.

A.G.

Yes.

G.S.F.

A. GALLETTI—4-5-04.

The memorial is certainly one to be forwarded. It may be sent on to India with a brief letter in terms of Mr. Galletti's note on page 2 of the notes. No new grounds of appeal are adduced and the memorial is incorrect in certain details. So long as Government is satisfied with the class of men which it has obtained in the past under existing conditions, there appears to be no need for reconsideration and for offering further inducements.

H. D. TAYLOR—4-5-04.

Please draft accordingly for approval.

G. S. F[ORBES]—5-5-04.

Draft submitted. It may go to Public Works Department u.o. for favour of filling up the lacuna in paragraph 2 (*b*) of the letter, and of remarks on paragraph 2 (*b*)?

A. GALLETTI—7-5-04.

Please put up the order under which the Principal of the Medical College is debarred from private practice.

H.D.T.—9-5-04.

Please see paragraph 341 of the Civil Medical Code. This is based on G.O. G.C. No. 370 of 1867—the only copy of which in the Public Department is not now available. Please see, however, also G.O., No. 1168, Public, dated 3rd September 1897.

P. T. THARYAN—9-5-04.

To the Public Works Department for favour of completing paragraph 2 (*b*) with remarks, if any.

H.D.T.—9-5-04.

PUBLIC WORKS DEPARTMENT.

Paragraph 2 (*b*) completed accordingly.

S. B. MURRAY—23-5-04.

G.S.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

The draft is submitted to the Honourable Member for approval.

H.D.T.—23-5-04.
G.S.F.—24-5-04.

[G.O., Nos. 359, 360, Educational, dated 9th June 1904.]

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ducational (1904.) Department.

19/4/4

CURRENT No. 728 G

From

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

[*Designation*] Director of Public Instruction,

[*Station*] Madras.

Ref on Cl. *No.* 10 of 04.

Received 19. 4. 1904

Dated 19th April 1904. ~~190~~.

Enclosures One.

Registered Do. 190.

SUBJECT.

Submitting a Memorial from Mr. R. A. Nelson, Principal, Law College, Madras, addressed to the Secretary of State for India with reference to his appointment.

BACK PAPERS.

19 - 9-1-04 abstr ✓	538 - 26-10-00 abstr ✓
530-1 - 26-10-03 copy ✓	667 - 20-3-96 copy ✓
~~399 - 26-8-03~~ ms. ack ✓	714 - 13-4-89 " ✓
~~223 - 16-5-03~~ ms. ✓	634 - 7-11-88 " ✓
426 - 24-7-02 copy ✓	

Prtrk.

FURTHER PAPERS.

19/4

To

The Secretary to Government,
Educational Department.

Sir,

[E. 3]
1,000—3-12-02.

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

READ ALSO:—
C. No. 728, From the D.P.I., No. Cl 10, dated 19-4-1904.
" " ......, " " ......, " " 190
" " ......, " " ......, " " 190

ORDER No. 359, dated 9-6 1904.

P.P.

Madras office.
Take copy of memorial & enclosures & send to Press - with order & letter to be printed soon - Let not the original memorial which has to go to India with letter be stained or dirtied -

P.P.
25/5/4.

To the D.P.I. Despd 24/6/4

Despd 18/6/4

32 Spare copies
Despd 17/6/4

The memorial will be transmitted to the Government of India in the Home Department.

2. The following letter will be addressed to the Government of India:

Letter No. 360 of 9 Copy

Sir,

I am directed to forward a memorial addressed to the Right Honourable the Secretary of State for India by Mr R. A. Nelson, Principal of the Madras Law College, in wh. he appeal~~ing~~s against the orders of the G. of I., communicated with Letter No 729 d 16/11/03, declining to admit him to the special privileges detailed in Ch XXIV of the C.S.R. ~~and to refer the~~

~~[illegible] as to the correspondence ending with Mr. Morris' letter No. 929 d. 10th Dec.~~ 1903.

2. I am to say that the Government have little to add to the observations made in Mr. Cardew's letter No. 531 d. 26th Oct. 1903. I am, however, to point out that the statements made in paragraphs 5 (iii) and 5 (v) of the memorial are misleading.

(a) It is stated in paragraph 5 (iii) that the salaries of the Principal and Junior Professor of the Law College are "considerably lower than those drawn in any other Government Professional College in Madras". I am to observe that ~~Mr. Nelson holds no brief on behalf of~~ the Junior Professor ~~, who~~ has not ~~himself~~ made any representation to the Government on the subject; ~~while~~ and that the salary of the Principal of the Law College is Rs 1000-25-1250, whilst the Principals of the Agricultural College and the Teachers' College and the Superintendent of the School of Arts receive Rs 500-50-1000 with a special allowance of Rs 100 after 15 years' service, and the Principal of the Engineering College Rs 1000-50-1250. It is true that the salary of the Principal of the Medical College is Rs 1600; but he is ~~entirely~~ debarred from private practice.

(b). In his remarks on the financial position of the Law College in paragraph 5 (v) of the memorial, Mr Nelson leaves entirely out of account the charges amounting to Rs 378,748 ~~[illegible]~~ which have been incurred by the Government for the erection of the Law College buildings and for subsequent improvements.

7. 5. 4

HDS
23-5-04

SP
24/5

PWCWO CF/04
Recd 20.5.04
Regd 21.5.04

5

16 MAY 1904
3391

Government of Madras.

PUBLIC WORKS DEPARTMENT,

Ootacamund
~~Madras~~, 13th May 1904.

OFFICE NOTE.

Confidential with C

From

W. B. deWINTON, Esq., C.I.E.,
Chief Engineer & Secty to Govt., P.W.D.,

To

C

Please be so good as to report the amount of the charges incurred by the Government on the erection of the Law College buildings at Madras, and on subsequent improvements.

C.E.

S.B.M. 13/5/04
D.W.

No. 2161 B/BK dated 19th May 1904.

To

W.

The cost of the erection of and subsequent improvements to the Law College

P. W. 48
500—6-2-03.

16

Name of work.	Amount of estimate	Authority.	Expenditure	Remarks.
	Rs.		Rs.	
Erection of new Law College and outhouses, Madras.	3,86,594	2775 W./6-10-97	3,76,490	Completed in March 1899.
Minor additions to the Law College and Connected buildings.	2,332	C. A. Register No 14 EC/1899-00.	2,156	Completed in August 1900.
Providing bars to windows of the Law College.	97	C. A. Register No 87/1901-02.	102	Completed in March 1902
		Total.	3,78,748	

2. The above does not include the share debitable to the Law College Buildings, out of the outlay of Rs.15,294/- incurred up to 31st March 1904 on the estimate of Rs.46,040/- for "constructing boundary wall and gate ways to the Law Courts and the Law College Buildings, Madras," sanctioned in G.O. No. 3360-W., dated 28th November 1902. x Got up

W.H. Hulsteen
19/5/04

C.

19.5.04

SECRETARY TO GOVERNMENT
20 MAY 1904
PUBLIC WORKS DEPARTMENT

c.n.a. 19/5/04

PK
19.5.04

[illegible]

7.

12

It seems that the draft has not come to H.E. [illegible].

Is it not the practice for all drafts on important subjects & memorials to Home to be ~~[illegible]~~ submitted to H.E. for approval?

10.6.04

Submitted that it is not an invariable practice to send all letters of the kind referred to to H.E. for approval.

A. Please see letters no 383 Edl dt 15th

B. August 1903 & no 531 Edl dt 26th October 1903.

PJ
10/6/

A. On page 2 of the notes in no 531 H.E. Lord Ampthill's signature will be found but this to G.O. No 223 dt 16th May 1903.

PJ

An [illegible] appeal to India was seen by H.E. (the [illegible] [illegible] [illegible]) and the fact was stated on the [illegible], there is [illegible] been [illegible] the H.E. Signed

11.6.04

First copy sent to Press.

Returned for signature.

Despatched in print.

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

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

ETTER OF GOVERNMENT.

TATEMENT WITH DITTO.

PERS NOT F[illegible] UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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

NUMBER OF COPIES REQUIRED.
complete. 0
Letter only. 50
Order complete with Letter. 25

15

Print with note
& show proof Sheet
T.B.
27-5-14