Educational (1906) Department.

docket

ORDINARY PRINTED.

G.O., No.s 763-764

DATED 26-11-06

916

[Despatch Abstract.]

Law college, Madras – Directing that the Govt of I. be addressed on the subject of the management and control of the —.

BACK PAPERS.

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

FURTHER PAPERS.

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

---

13 [E.]
1,500—12-12

EDUCATIONAL DEPARTMENT.

CURRENT FILE.

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[P. T. O. FOR PUT UP PAPERS.

PAPERS PUT UP WITH CURRENT No. .... ate.

Papers of the department to which the current belongs.

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

Papers of other departments.

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

Red Box

13

.................................DEPARTMENT.

From 4e/ Edn ?

Ew CURRENT No. 909 3

SUBJECT :—

2P

Rego 2-6-06

LOCAL & MUNICIPAL SECRETARIAT 2 - JUN 1906

INDIAN TELEGRAPHS.

Code Class. xpp				Monthly Number. 112
To (Office) Ootacamund		From (Office) London		
Words. 11	Day. 1	Hour. 11	Minute. 51	Official Instructions. aim via thu
To (Person)			From* (Person)	

2/vi

Chief secretary -
Government ootacamund.

please reappoint principal
law college writing nelson

32 Word Form.

F.C.I.

Recd. from LN. At Hrs. Mts. by

Sent to LN. At Hrs. Mts. by

OOTACAMUND 1-6-06

Telegraph Master.

* In foreign telegrams the *Person from*, if telegraphed, should be written after, but separated from the text.

Educational departt

Memo. No. 258/7. 6. 06.

The attention of the D.P.I. is ~~drawn~~ invited to G.O. no 538 Edl dt 26th October 1900 passing orders on the arrangements proposed by the late Mr. Stuart in regard to the working of the Madras Law College under which the College was continued for a further period of five years from the 2nd of May 1901. This period has expired ~~recently~~ ~~last month~~ and the Director is requested to report with reference to para. 4 of the Secretary of State's despatch no 43 Public (Educational) dt 18th April 1891 communicated with G.O. no 360 Edl dt 18th May 1891 whether any steps should now be taken to place the College on an ~~wholly~~ independent footing, the Govt. being relieved of all responsibility in respect of it.

D

A

5/6/6

6/6

6/6/06

6/6

Despd 7/6/6

P.T.O

4

Educational Departt

Letter:- No. 397/7. 6. 06.

To the Hon'ble the Chief Justice of the
High Court of Judicature, Madras.

Despatched
7/6/6

Hon'ble Sir,

The third period of five years for which the Madras Law College was continued having expired on the 1st of May 1906, I am directed to request that the Hon'ble the Judges of the High Court will be so good as to state with reference to para. 4 of the Secretary of State's despatch No 43 Public (Educational) dt 16th April 1891 communicated with G.O. No 360 Edl dt 18th May 1891 whether any steps should now be taken to place the College on an ~~wholly~~ independent footing, the Govt. being relieved of all responsibility in respect of it.

A

PM
5/6/6

CHS
6.6.06

ACS
6/6

5

6

Educational Departt

5

Telegram

Despatched
14/6/6

From Governor of Madras	
to Secretary of State	Vacivis
Please inform	Falsitas
Nelson Principal Madras	
Law College	
now in England during recess	Negotium
he	
May return [to]	Impavido
that as	Celerabo
future of College	
under consideration [of the]	Exaperio
guarantee cannot be given to	Recalcabam
extension of service for	Appulsos
more than	Perpensi
[For] one year [from]	Obiosior.
30th April last	Triton.

By
13/6/6

14. 6. 06.

16. 6. 06

Cuo 1031 5

Stock Form No. 135
3,700 7-6-05.

EDUCATIONAL DEPARTMENT.

7

Received 22-6 1906, Registered 190 .

2276. 6P

Subject.

Staing that the management of the Law College, Madras, may be transferred to the University if it is decided that the Government should relieve themselves of all responsibility in respect of it.

Enclosures.
No. Nil
Spare copies

R.cl. No. 25/06.

Station Ootacamund, Dated the 20th June 1906.

Reply from H.E. awaited 22/6/06

From (Name) The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.,

(Designation) Director of Public Instruction

To The Secretary to the Government of Madras,
Educational Department.

Sir,

In reply to Memorandum No. 258 of the 7th instant I have the honour to state that this would seem to be a favourable opportunity for giving effect to the view of the Secretary of State and taking steps to place the College upon an independent footing.

2. Mr. Nelson's present agreement has already expired and that of Mr. Odgers will expire in August 1907.

3. The college seems to be firmly established and is much more than self supporting. The receipts and expenditure for the last four years and the budget estimate for the current year are shown below:-

Year.	Receipts. Rs.	Expenditure. Rs.
1902	48150	31168
1903	69889	44607
1904	60073	36119
1905	54455	30718
1906-1907	55000	37900

The expenditure is at present estimated as follows:-

	Rs.
Salaries of staff	31118
Establishment	1644
Library and Prizes	1000
Contingencies	4138
	37900

3. If it is decided that the Government should relieve themselves of all responsibility in respect of the College the most important question is to whom could the management be transferred. A transfer to the University seems in many respects so suitable that that possibility should I think be fully considered before any other steps are taken. The Indian Universities Act of 1904 (section 3) undoubtedly contemplates the maintenance by the University of such an institution as this.

4. The great bulk of the students are already members of the University studying for the degrees in Law. The only other classes in the college are the Pleadership classes which appear to be of quite subsidiary importance even for the purposes of the Pleadership Examination. I observe that in the last 5 years only 75 candidates out of 959 who appeared for the examination appeared from the college. There is moreover no apparent reason why these classes should not be continued under University management if it is desirable to continue them.

5. The building, furniture and library would, I presume, be made over to the University.

I have the honour to be,

Sir,

Your most obedient servant,

A. G. Bourne

Director of Public Instruction.

10397 Confl
7/6/06

Stock Form No. 135
3,700 17-6-05.

Ed CURRENT No. 1073

EDUCATIONAL DEPARTMENT.

LOCAL & MUNICIPAL
3 - JUL 1906
SECRETARIAT.

Received 190 , Registered 3-7-1906.

Subject.

Acknowledging receipt of his letter No 397 (Confidential) and stating that a reply will be sent after the High Court re-opens.

2P

ENCLOSURES.
No.
Spare copies

R.O.C. No. 1444

Station Madras, Dated the 27th June 1906.

From (Name) A. L. Hannay, Esquire, I.C.S.,

(Designation) Registrar, High Court.

To The Secretary to the Government of Madras,
Educational Department.

Sir,

I am directed to acknowledge receipt of your letter No.397 (Confidential) dated 7th June 1906 and to state that a reply will be sent after the High Court re-opens.

I have the honour to be,

Sir,

Your most obedient servant,

H. Atkinson

for Registrar.

K.V.V.
Mdr.

Confidential 3

Cus 1683

Stock Form No. 135
17-6-05.

4P

EDUCATIONAL DEPARTMENT.

9

Received 190 , *Registered* 190

Subject.

Stating that the Honourable the Judges do not recommend that the Law College be placed on an independent footing.

ENCLOSURES.
No.
Spare copies

No.

Station Madras , *Dated the* 12th October 1906

From (Name) A. L. Hannay, Esquire, I.C.S.,

(Designation) Registrar, High Court.

To The Secretary to the Government of Madras,
Educational Department.

Sir,

Page 1 supra

With reference to your letter No.397, Educational, dated 7th June 1906 requesting the opinion of the Honourable the Judges as to whether any steps should be taken to place the Madras Law College on an independent footing, I am directed to state that the Honourable the Chief Justice and Judges are not prepared to recommend that the time has now arrived for placing the College on an independent footing, the Government being relieved of all responsibility in respect of it. So far as their Lordships are able to ascertain there has been no such change in circumstances since 1900 as would render the conclusion arrived at by the College Council in that year(viz., that the College should be permanently established as one of the Government professional Colleges) no longer applicable.

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

A. L. Hannay 12. iv. 08
Registrar.

K.V.V.

[E. 2.]
500—8-1-06.

Notes connected with G.O. No Edl dt 1906.

C. No 909 From ~~the~~ Mr. R. Nelson No. , dated 1 - 6 - 1906.

SUBJECT— Mr. Nelson's re-engagement as Principal of the Madras Law College.

Mr. Nelson was originally engaged as Principal of the Madras Law College for a specified term of five years - subject to the condition that he could take Consulting or Chamber practice but not Court or other practice

A. vide his agreement printed with G.O. No 360 Edl dt 18th May 1891. His appointment as such commenced on 2nd May 1891 - para. 2(1)

B. of his letter on page 5 of G.O. No 167 Edl dt 26th March 1896.

At the end of this period his services were re-engaged for a

B. further period of five years. G.O. No 167 Edl dt 26th March 1896. The conditions were the same as before with the modification that he was permitted to draw Exchange Compensation allowance & to practise in the Courts in the Madras City.

2. Then there was a re-organization of the College under which it was established as one of the professional institutions of the State and converted into a whole time institution worked as a day college with a permanent staff consisting of the Principal who is also senior Professor on a salary of Rs 1000-25-1250, one junior Professor on Rs 850-25-900 and two assistant Lecturers on Rs [illegible]250 per mensem each - Despatches to & from the Secretary of State in

C. G.O. No 447 Edl dt 12th August 1901. (Till then the College was only a temporary institution and the classes were held in the mornings

D. and evenings - para. 5 of the notes with G.O. Nos 538-539 Edl dt 26th October 1900).

3. In connection with the re-organization the services of Mr. Nelson were re-engaged with effect from 30th April 1901 for a further period of five years & he was given the maximum salary of Rs 1250 per mensem with Exchange Compensation allowance. The re-engagement was subject as before to good conduct & six months notice on either side (with permission to take furlough with allowances after 3 years from date of his appointment) & the question of his

C. past service counting for pension was left for future consideration. despatches to & from the Secretary of State with G.O. No 447 Edl dt 12th August 1901.

4. Subsequently Mr. Nelson was admitted to the benefit of the pension rules from the (x) 2nd May 1896 and allowed the benefit of
H. Article * 441-A C.S.R. (Third Edition) & exempted from the Operation of Article + 521-(a) (Third Edition) - Secretary of State's despatch No 46 Public (Educational)
E. dt 16th May 1902 with G.O. No 426 Edl dt 24th July 1902. He has also been admitted to the benefit of the European Service Leave
F. rules. G.O. No 624 Edl dt 15th September 1905.

5. It would seem that the effect of the orders referred to in the foregoing paragraph is to make his service permanent and that no further re-engagement is necessary. The letter promised by him may however be awaited. Meanwhile the case may perhaps be referred U.O. to the A.G. for remarks whether formal re-engagement is any longer necessary.

D 6. In para. 3 of letter No 539 Edl dt 26th October 1900 it was stated that the proposals then submitted were for "continuing the College for further period of five years" but from the next two paragraphs it would seem that they were really for establishing it as a permanent institution and the Govt. of India seem to have understood them so - please see para. 2 of their despatch to the Secretary of State
C. on page 2 of G.O. No 447 Edl dt 12th August 1901. Subsequently also the expression "in the event of the College being made permanent at the end of the next period of
G. five years" was used - para. 3 of letter No 637 dt 10th December 1900 - also despatches to and from the
E. Secretary of State with G.O. No 426 Edl dt 24th July 1902 - and Mr. Nelson was admitted to the benefit of the pension rules

(x) 2nd April is the date given in the despatches but it should have been 2nd May. please see para. 2 of letter No 211 Edl dt 1st April 1905.

* 404. Fourth (present) Edition

+ 478 (a) — do —

"without reference to the future position of the College" - Letter from Govt. of India with G.O. No 426 Edl d/ 24th July 1902. E.

Are further formal orders now necessary for permanently continuing the College or may we wait till the A.G. raises the question if thought necessary? The Staff is permanent. G.O. No 447 Edl d/ 12th August 1901 C.

M Narayan
3/6/6

Sec.

Two questions are for consideration

(1) Whether Mr Nelson need be re-engaged on a fresh agreement seeing that his service now counts for pension, &

(2) Whether the Law College should now formally be declared a permanent institution.

On (1) the A-G may be consulted.

As to (2) please see G.O. nos 538, 539 of 26.10.00: It ~~has~~ was the intention to make the Law College a permanent institution, but no formal orders seem to have issued, though by G.O. no 447 Edl of 12-8-01 the Staff was made permanent.

D

C.

Ca Gunter
4.6.06

We can consult A.G. as proposed on the first point but I think it must be held that Mr. Nelson's retention is dependent upon the decision as to the future position of the College. That latter is a subject which ought to have been taken up before, as the last period of 5 years has already Expired.

We shall now have to consult the D.P.I. & the High Court (urgent) as to whether any steps should now be taken with reference to Lord Cross' Despatch of 16 Ap 1891 para 4 towards placing ~~th~~ the College in a position independent of Govt.

Pages 2 + 3 of G.O. No 360 Edl dt 18th May 1891. A.

Put up draft Memo. please for approval by H.M.

A.C.S. Satterthwaite
5/6

The drafts placed below are submitted for approval.

P.H. Narayan
5/6/6

C.A. Souter
6.6.06

Mr. Goffers has also asked to be re-appointed from 26th August (1907). Please see linked file.
C.S.
6.6.06.

Subm. to H.M. for approval of the references to D.P.I. & the High Ct.

Mr. Nelson wishes to be reappointed as Principal of the Law College but, before any thing is done as to that, it seems necessary to settle the question whether, as originally contemplated the Institution should now be put on a basis independent of Govt.

I believe, too, that Mr. Nelson's health

13

has not been satisfactory of late & it will be advisable to make sure that he is well enough to do his work properly. If approved the D.P.I. may be asked confidentially whether he recommends the re-appt. of Mr. Nelson.

A. Butterworth
6/6

HM

I agree. Drafts as pd.

8/7 [orders]

Sec.

Drafts may issue, as the foll.

D.O. to D.P.I.

Ex
~~A.B.~~ A. Butterworth
7/6

Dispatched
7/6/6

D.O. No. 92/7.6.06.

My dear Bourne,

Nelson's term as Principal of the Law College expired last month, & he has written asking to be re-engaged for a fresh term. It is understood that, since his return from leave, his ~~has not~~ health has not been satisfactory. I am therefore directed to ask you to enquire confidentially as to the state of Nelson's health & to report whether you consider it advisable

~~[illegible]~~ for Govt. to re-appoint him Principal of the Law College.

I am etc.

Cas

7.6.06.

[Memo. no 258 Edl dt 7-6-06]

[~~[illegible]~~. Letter no 397 Edl dt 7-6-06.]

Encl notes re Mr. Nelson

D.O. R No. 57

18

88

Please put up with file. We cannot expect the reply of the H.S. till after the vacation.

11.6.06

MADRAS

Ootacamund, 9th. June 1906.

17

My dear Taylor,

In reply to Butterworth's confidential D.O. No.92 of the 7th. instant I saw Nelson many times between his return from leave and his departure to England for the vacation. He appears to have been in perfectly good health when he left England but an abcess developed in the perineal region the result of a long ride (on a donkey) at Bort Said. Riding is a form of exercise to which he is unaccustomed. This abcess proved rather obstinate but there is not so far as I know any reason to suppose that it indicated any general breakdown. I do not know who attended him if he had a doctor nor to whom I could apply for further information.

He might if it is considered desirable be required to appear before a medical board. He intends doubtless to leave England on the 22nd instant so that a telegram would be necessary if he is to appear before a board at the India Office. This would seem to be the only reliable way of discovering whether there is any reason on the score of health against his reappointment.

I have been asked in a separate communication about the future position of the Law College. I have sent for the papers but there appears at first sight to be little reason for its continuance as a Government Institution.

It is certainly worthy of consideration whether it might not be handed over to the University.

Perhaps it would be possible to tell Nelson that the College may cease to be under Government and offer to guarantee the appointment for a year only. If he does not choose to accept, it can be carried on pending a decision, with the arrangements which obtained while he was on leave It will be borne in mind in this connection that Odgers' engagement expires next year.

Yours sincerely

A. G. Bourne

Please see the Director's D.O. on page 7. So far as he knows there has been no general break down in Mr. Nelson's health but he suggests that if it is considered desirable Mr. Nelson may be asked to appear before a Medical Board. He is expected to leave England on the 22nd instant.

The official replies from the High Court & from the Director have not yet been received.

P.J. Largan
11/6/6

See
C.A. Souter
11.6.06.

It is understood that Mr Nelson wishes for early orders so as to enable him to draw pay - his last term of reappointment having expired on 30th April last.

2 He proposes to leave England on 22nd June, but his letter referred to in his cablegram of 1st inst cannot be expected before Sunday next 17th inst.

[illegible]

3. It is not probable that any answer will be received from the High Ct. on the reference made to it as to the future of the College until some time after the vacation. It will therefore be necessary to continue the College as a Govt. Institution for another year at least.

4. It does not appear that there is anything

4

10P

2

be informed by cablegram that he can return to duty, one year only being guaranteed from 20th April last, subject to Medical Examination.

H.S.Taylor
12.6.06

AM.

There is no need to require his app^ce before a Med. Board
He may therefore be cabled ~~but~~ that he may return but as the future of the College is under consid^n Gt cannot positively guarantee him more than a year's extension

[Stokes]
12/6

H. W. Stokes

I agree to the above disposal.

[Stokes]
12/6/06.

6/13/6

Draft accordingly
CASouter
13.6.06

Please see the Codified telegram placed below. It is

10 11P

Encl No 8
re Louis Nelson

May it be submitted go to the Secretary of State as Mr. Nelson has not given his exact address and (even otherwise) the code ~~cannot~~ will not be intelligible to him.

Bz Morgan
13/6/06

21

Lee

Please see linked file.

Draft cable may issue

Cl. outer
14.6.06

Approved Losey

HR
14.6.06

[Telegram d/ 14-6-06.],

[G./13]

11 DEPARTMENT.

From

SUBJECT :—

V.V.

18 JUN 06
SEGRETARI

12 P 23

Urgent.

22

REGR. CHIEF SECT.
18 JUN 1906
MADRAS GOVT.

16, St JAMES'S PLACE,
S.W.

1 June 1906

To

The Chief Secretary
Government of Madras.

Dear Sir,

I received yesterday a cable from Mr. C. E. Odgers, Junior Professor, Law College, informing me that Government had notified me that my engagement as Principal, Law College, Madras, expired on May 1st last.

This information has come as a surprise to me because (1) I was under the impression that the current term of my appointment dated from May 2, 1902, and —

Gol. no.

CWS.
18. vi. 06.

Look this point up please

H Taylor.
18.6.06

(2) having regard to the Secretary of State's Despatches of that year which constituted the Law College a "whole-time" institution, & admitted me to the benefit of the Leave and Pension Rules etc, there would be no need for me in future to seek re-engagement as Principal, the appointments in the College having been placed on a permanent basis in the Educational Service.

However, only being Home for the College Vacation, I have no papers on the subject with me, and assuming therefore that my appointment did terminate on May 1st last, I beg to request that I may be re-appointed with effect from that date. I have accordingly cabled you today in the terms set out in the Post Script hereto.

I would request that the matter may be dealt with at once. I have asked Mr Odgers to see you & to cable me.

I am
Yours faithfully
R A Nelson

P.S. "Chief Secretary
Government
Ootacamund.

Please re-appoint Principal Law College. Writing. "Nelson"

Mr. Nelson's first engagement was for five years from the date of reporting his arrival at Madras – preamble to his agreement in G.O. No 360 Edl dt 18th May 1891 – The date of arrival was 2nd May 1891 – page 574 of the History of Services of Gazetted Officers. A.

The second engagement was ~~from~~ for five years from 2nd May 1896 – para. 5 of G.O. No 167 Edl dt 26th March 1896 B.

The third engagement was for five years from 30th April 1901. para. 4 of Govt. of India despatch & the Secretary of State's despatch – printed with G.O. No 467 Edl dt 12th August 1901. C.

* This should have been 2nd May 1901. para. 2 of letter No 211 Edl dt 1st April 1905. 4.

The period thus expired on 29th April 1906 – or rather 1st May 1906.

~~[illegible]~~ Sec.

PH
18/6/6

The office note is correct.

18/6/06.

It is too late to reply to Mr Nelson's ~~[illegible]~~ letter as he leaves England on 21st inst. He has already received intimation that he may return for one year certain, both through S of S and Mr. Arbuthnot – Co.

The College is not yet on a permanent basis. This can be explained to Mr Nelson on his return. No orders seem necessary now

H Baylor
15/6/06.

The reply here added to
. [illegible] until the
~~[illegible]~~
connected file.

Page 2 of current. From the Director of Public Instruction, No.C1.25, dated 20th June 1906.

Do From the Registrar, High Court, No.1444, dated 27th June 1906.

Pages 3 & 4 of current From the Registrar, High Court, dated 12-10-1906.

Page 1 of current. In Memorandum No.258, dated 7th June 1906, the Director of Public Instruction was asked whether any steps should now be taken to place the Law College on an independent footing, the Government being relieved of all responsibility in respect of it and in letter No.397, dated 7th June 1906, the

--Do.-- Honourable the Judges of the High Court were asked the same question.

Page 2 of current. 2. The Director of Public Instruction thinks that the College is now firmly established, the receipts having exceeded the charges by between Rs.17,000 and Rs.25,000 during the last four calendar years and states that the termination on 1st May 1906 of the third period of five years for which the College was continued is a favourable opportunity for taking steps to place the College on an independent footing as contemplated in paragraph 4 of the Secretary of State's Despatch to the Government of India No.43 Public, dated 16th

A. April 1891 printed with G.O. No.360, Educational, dated 18th May 1891. He also suggests that if it is decided that the Government should relieve themselves of all responsibility in respect of the College, the possibility of its transfer to the University should be considered and states that the

Indian

Indian Universities Act, 1904 (Section 3) undoubtedly contemplates the maintenance by the University of such an institution as this.

Page 3 of current.

Para. 1 of the Principals' letter on page 4 of G.O. No 538 dt 26-10-1900- D.

3. The Hon'ble the Judges of the High Court are not however prepared to recommend that the time has now arrived for placing the College on an independent footing. In 1900 the College Council resolved that the College should be permanently established as one of the Government professional colleges and so far as the Judges are able to ascertain, there has been, it is stated, no such change in circumstances since 1900 as would render the conclusion then arrived at no longer applicable.

Para. 3 of the G.O. X.

Paragraph 6 of G.O. No. 634 Edl dt 7-11.1888. X.

- Do.

Y.

4. Originally law was taught in a class at the Presidency College but this arrangement proving unsatisfactory the late Mr. Grigg proposed in his letter printed with G.O. No.634, Educational, dated 7th November 1888, the establishment of a Law College in place of this class with a quasi representative council and a body of Associates to comprise all members of the legal profession of not lower status than that of first grade pleader. The Government however approved of only the establishment of a Law College in Madras which they thought "should, at "least at first, be a purely educational and depart"mental institution with scope and curriculum ~~and~~ "restricted to the preparation of students for the "degrees of the University". They also thought that if a council was needed it should be composed of the Principal and Professors as in other similar institutions. Revised proposals were then called for which were submitted with Mr. Grigg's letter printed with G.O. No.714, Educational, dated 13th November 1889.

Para. 6 of Letter no 2294 Judl dd 6-11-88. W.

* Para. 2 of letter no 715 Edl dd 3-11-89. Y.

5. Meanwhile the Government thought that it would be convenient to combine the appointment of Principal with that of the Law Reporter - but the Government of India were* opposed to this proposal.

Y.

Para. 3 of Despatch to the Govt. of India no 43 dd 16-4-91 in page 2 of G.O. 360 dd 18-5-91. A.

Page 3 of G.O. 360 dd 18-5-91. A.

Y.

6. On receipt of Mr. Grigg's revised proposals the Government of India were addressed in letter No.715, Educational, dated 13th November 1889, on the subject of the establishment of a Law College with a Principal to be selected in England, a Senior Professor, a Junior Professor and two Assistant Professors. The Secretary of State sanctioned the establishment of ~~a~~ the Law College ~~at Madras~~ "on the assurance that it would be self supporting and as an experimental measure for five years." In this connection the Secretary of State observed in paragraph 4 of his Despatch to the Government of India No.43 Public, dated 16th April 1891 as follows:-

"4. The resolution of the Madras Government, "No.714, dated the 13th of November 1889, and "the other papers forwarded with your letter "No.13 (Financial), dated the 14th of January "1890, show that though the Governor in Council "considered it necessary that the Law College "should, at least at first, be of a purely "departmental character, the possibility of its "connection with Government being hereafter "severed, and of its becoming an entirely ~~an~~ "independent institution, was contemplated. "It is, in my opinion, most desirable that this "possibility should be kept constantly in view, "and I trust that the scheme now about to be "tried will prove so successful as to admit, "on the expiry of the five years' time now

28

"commencing, of arrangements being made "for placing the College on a wholly "independent footing and relieving "Government of all responsibility in respect of it."

The Secretary of State called also for a special report from this Government showing the position and prospects of the College on the 31st December 1894 - paragraph 4 of Despatch to this Government No.3, Public, dated 16th April 1891.

Page 1 of G.O. no 360 dt 18-5-91. A.

Z.

7. This report was submitted with this Government's Despatch No.3, Educational, dated 7th June 1895. On the question of Government's severing their connection with the College Dr. Duncan, the then Director of Public Instruction, observed in a letter forming an enclosure to the despatch "that " no body or association of persons was forthcoming " to whom the administration of the College could be " entrusted and that the efficiency of the institu" tion would be seriously jeopardized if its manage" ment were forced on an unwilling and uninterested " committee." The sanction of the Secretary of State was accordingly requested to the continuance of the College on the status then existing for a further period of at least five years. This request was sanctioned in the Secretary of State's Despatch with G.O. No.847, dated 28th October 1895.

~~Page~~ Para. 2 of Despatch no 3 dt 7-6-95. Z.

~~Original [illegible] from Madras - abstract [illegible]~~

A1

His letter printed with G.O. no 538 dt 26-10-00. D.

8. Before the second term of five years expired the Director proposed on the recommendation of the College Council that the institution should be made permanent, that it should be converted into a full time day college and that the staff should consist of a Principal and Senior Professor and a Junior

Professor

G.O. No 538 d/ 26th October 1900 - D.

Para. 3 of letter No 539 d/ 26-10-00. D.

Despatch on page 3 of G.O. No 447 d/ 12-8-01. C.

Professor and two Assistants. These proposals were approved and the conditions of the appointment of the staff, laid down (into the details of which it seems unnecessary to enter here) but in addressing the Government of India it was stated that the proposals were for continuing the college for a further period of five years. The Secretary of State sanctioned "the proposals submitted by the Government of Madras in respect of the appointment of the Principal, the Junior Professor and the two Assistants" and said nothing about the position of the College itself.

9. It has now to be decided whether the College should continue as a Government institution or may as recommended by Dr. Bourne be transferred to the University. In the latter case the University will have to be consulted.

P.J.
16/10/06

Secy.

The opinions of the High Court and the Director are opposed, and do not furnish Govt. with many ~~reasons~~ grounds for framing an opinion.

From the point of view of finance, the College seems firmly established: even if the overcrowding of the profession and the opening up of other professions leads to a decrease in the number of students in the future, the deficit in fees, as has been pointed out, may be met by increasing the cost of tuition.

If it is taken that the College is sufficiently established, there seems no alternative but to transfer the College from Govt. management under the Secy. of State's instructions. unless the Govt. of I asks the S. of S. to reconsider the matter & gets him to alter.

Para 4 of S. of S. despatch No 43 Public, vide pb 360 ES d/ 18/5/91. - A

And if the College is transferred, it seems most suitable to transfer it to the University. But it might be said that the University is in a stage of transition and that it is undesirable to add to the problems which it has to face, by throwing upon it the burden of manage-ment of the Law College; and that the University is merely an ~~controlling~~ examining, not a teaching University; and that it would be difficult to discover reasons for trans-ferring the Law College from Governmental control while many other Colleges were not so ~~controlled~~. transferred. Further no case for change seems to have been made out - showing that change would be in the interests of the College.

On the other hand the High Court advance no ~~obs~~ strong argument against change, if change is considered desirable. They state that there has been no change in the position of the College sufficient to warrant an altered status. But the mere fact that the College has continued to be successful + has become established may constitute such a change as would necessitate the transference of the College under the Secy. of State's orders as they at present stand.

The transfer to a body ~~which~~ other than the University would seem to be a very doubtful policy.

20/10/06

At present the continuance of the College as a Govt. College is guaranteed only up to 30th April 07, when the term of Mr Nelson's extension of service expires. Mr Boger's term does not expire before 25th Aug 07, but it is possible that he may give notice before that date.

p. 1 cpt.

2. There seems to be no serious objection to handing over the College to the University from 1st May next, if the University is willing to accept the charge

23.10.06

I H.M.

II The Hon Mr Stokes ccs.

I donot understand quite is meant by placing the College on an independent footing. If it is meant "independent" both of the Govt. & of the University — that is of the latter except as a degree controlling authority — I donot think such a situation can be realized.

If it were placed under the University, what machinery has that body for exercising not only direct superintendence of studies but direct supervision over the teaching staff. Recent events have made it plain that the teaching staff need more immediate control than they have been receiving. The professors seem to be a rule unto themselves; their teaching hours are inadequate; & there is no system of periodical class exams. to keep the pupils up to the mark & discover whether they are benefiting by the lectures or

Whether the lectures are of such a character as to be reach the level of the students. Indeed a searching inquiry needs to be made into the whole system of teaching & the curriculum.

For past laches the Dept., so far as I can perceive, cannot be acquitted of blame; but that question must be gone into farther at another time. Strong depart.l control seems to me to be necessary; such control can be exercised best in this country & in the circs. of the College through the D.P.I.

I should like Mr Logan to note farther how he w.d secure satisfactory control thro' the University?

Please return him the file w. with these n[illegible]

J.F. 25/

I should be glad to see Mr. Logan's note before expressing an opinion

26/10/06

Edl. No. 747/29-10-06

To the D.P.I. u.o.

29.10.06

U.O No. 61 d/ 1-11-06

If the Law College were handed over to the University, under the Universities Act of 1904 Section 23 (1), (2) & (3) that body would be able to exercise more direct & efficient control over it than is possible under the present regime. Most of the defects noticed by the Hon. Mem. are of a technical nature & as such require to be dealt with by a technically qualified person or persons; in this Department such persons are not available, but the University would have no difficulty whatever in procuring them & by instituting a regular system of inspection of the College by expert individuals would be in a position to exercise satisfactory control over the working of the institution in all its departments. I may add that these powers which, under the Act referred to above, are vested in the University could be exercised even now over the Law College as it is an affiliated institution.

1. 11. 6

The defects I referred to were defects of disiplin not of courses of study

Would the University do so?

Mr Logan's note is not very convincing. There is no doubt that the University could, if it so wished, exercise efficient control - but whether it would be prepared to exercise such control and to extend the control to disciplinary matters is open to question.

H.D.

2-11-08

I H.M.

II The Hon Mr Stokes C.S.

I am still of opinion that the College had best remain under the Govt. The D.P.I. wd. perhaps like to rid of the charge, as it is a bit troublesome, or will be when we insist on its getting the supervision.

The Chief Justice, to whom I spoke on the subject, seems to be of the same opinion.

G.F.

3/11

I think it wd be desirable if it were possible

36 17P

for the Dept^t to divest itself of the supervision & control of the Law College: but the difficulty to my mind is to find any authority to control ~~the~~ College. The only possible authority is the University. That the control of the University w^d not be as effective as that of the Dept. may be conceded but there are strong reasons why the Dept. sh^d get rid of the control, if it can be otherwise arranged for. and the question is whether the University c^d not control it well enough. Have the views of the University ever been obtained on the subject? If not I think they sh^d now be obtained.

6/11/06.

Hist.

No direct reference has, I think, been made to the University at any time. It has hitherto been a question as to whether Govt. or the High Court should control the College?

H.W.B.
7.xi.06

Submitted that no reference has been made to the University at any time. In 1894 the Council of the College considered that the University could not take over the College without fresh legislation – the last para. of Mr. Nelson's letter forming the first enclosure to the Director's letter printed as an appendix to Despatch no 3 of 7th June 1895.

Desp 4 8/6 Z.

2. The question appears to have been whether Govt. or a Council of Legal Education should control the College – G.Os. No 634 Edl dt 7th November 1888 & Nos 714-715 Edl dt 13th November 1889.

IX
X

7/11/06

Secy.

8/11/06

The University is merely an examining body, for the purpose of conferring degrees. It has no Colleges under its own direct management and control – Private Colleges, or Govt. Colleges, applying for affiliation to the University must, as a preliminary condition, prove that they are "under the management of a regularly constituted governing body". (sec 21. (1)).

Under sec 25 (2) (i) the University can frame regulations among others, for the Inspection of Colleges, & for the registers to be maintained – for the courses of study to be observed. But no power appears to be reserved to the University in the matter of internal discipline.

1 HM
2 – H.E. the Governor

H.D.E.
9. XI. 06

The real difficulty is that of control & supervision. The University can lay down courses of study & inspect; but ~~they~~ it has no machinery for enforcing discipline over the teaching staff &c. The recent laxity can easily be remedied for the future.

6/11/06

I am of opinion that the Law College should not be transferred from the Educational Department.
The D.P.I. should in the light of recent occurrences turn his attention without delay to the question as to how proper control & supervision can be most effectively exercised.

11.11.06

Please draft.

The question of the staff will be separately considered. Mr Boyer's agreement terminates in ~~April~~ August 07 & Mr Nelson has been retained only till April 07. He has asked for more advantageous terms of employment after that date. This must be taken up separately and urgently

HO
12.11.06

A draft letter to the Govt. of India is submitted for approval.

2. Mr. Nelson's application for re-engagement on more favourable terms is now in circulation.

PH 14/11/6

Secy.

15/11/06

39

V1

Please see paragraph 4 of India letter printed on page 3 of G.O. 6354-Edn dated 1st Feb 1901. We ought perhaps to state whether it is proposed to retain Mr Nelson's services or not. This will depend on the orders passed on his separate application. Please type as revised

Typed resubmitted.

PH 16/11/6

In approval

The last portion of para 8 is subject to modification in accordance with any orders which may be passed for the grant of enhanced emoluments to Mr. Nelson

17-11-06

21P

9

Have revised the Draft. The point to bring out is the need for closer control & thro' a certain responsible authority.

(In this connection we had better send to the S. of S. a copy of the p. about Nelson's leave: sending it with a short desp: referring to the ~~Hepatic~~ recorded corresp. The S. of S. will thus have a fuller knowledge of what we mean by recent circ., when the G. of I. address him)

I dont know why ~~the~~ a desp. sh'd not have gone direct to the S. of S.; but I see the former corresp. was thro' the G. of I.

The question of Mr. Nelson's remaining as Principal does not arise on this letter.

G. T.
16/11/06

Please draft accly
H.
20.11.06

Extract taken & despatch is being drafted.
P.J.
20/11/6

21

41 22 P

The last sentence is not, it is submitted, quite correct. Mr. Nelson's retention was sanctioned for five years from 30th April 1901 and the S. of S. sanction expired on 30th April 1906 (please see also paragraph 3 - page 1 supra).

and may be omitted

Yes omit it. It is not needed in any case. H.G.C.

C.

2. India's despatch in G.O. 447 E.S. of 12th Aug 1901 was dated 28th March 1901. Our request, on which India's despatch was based was contained in G.O. 539 E.S. of 26th Oct 1900 — in paragraph 3 we asked for an extension for 5 years in respect of the Law College.

D

Please see also correspondence on page 1 of Progs (c file). We informed Mr Nelson, through the S. of State that he might return for one year up to 30th April 07. The S of S. is therefore aware that the College is being continued up to that date on its present basis, though there is no specific sanction.

p 16 supra

3. As the Hon Mr Stokes was not in agreement with the orders, the draft will, under the rules, be circulated to him for approval.

Seen. 21/4/06.

I H.G.

II The Hon Mr Stokes C.S.I.

Issue 22.4.06.

20.4.06

1P

Educational Department.

Confidential

[not to be printed on the letters]

Read--

C. No. 909, from Mr. R.A. Nelson,	No. ,	dated 1--6-1906.
Government Memorandum	No. 258;	dated 7--6-1906.
" Letter	No. 397,	dated 7--6-1906.
" Telegram	No. ,	dated 14--6-1906.
C. No.1031, from the D.P.I.,	No. 25,	dated 20--6-1906.
C. No.1073, from the Registrar, High Court,	No.1444,	dated 27--6-1906.
C. No.1683, from " " "	No. ,	dated 12-10-1906.

ORDER:-- 763 d/ 26.11.06
P.S.

The Government of India will be addressed.

P.T.T.
13-11-06.

17.11.06.

C.G.M.
15-11-06.

6 P

The G.O. may be printed afterwards. Please get the letter printed & despatched sharp.
P.H.
27/11/06

LETTER:-- 764 d/ 26.11.06

Despd. with 32 S.C. 27/11/06

817 16/11

To

The Secretary to the Govt. of India,
Home Department.

Sir,

I am directed to refer the Government of India to the correspondence ending with Mr. Cowie's letter No.299 of the 31st July 1901 on the subject of the management and control of the Madras Law College.

G.O.No.447 Edl., d/12-8-1901. C.

D.

2. With Mr. Hammick's letter No.539 Edl., dated 26th October 1900, proposals were

were submitted for the continuance of the Law College for a further period of five years from the 2nd of May 1901 as one of the professional institutions of the State with a permanent staff consisting of a Principal and Senior Professor on Rs.1,000-25-1,250, a Junior Professor on Rs.650-25-900 and two Assistant Professors each on Rs.250 per mensem. Both the Principal and Senior Professor and the Junior Professor were to be appointed in England by the Secretary of State.

G. In a subsequent letter No.637 Edl., of the 10th December 1900, sanction was requested to the re-engagement of Mr. R.A. Nelson as Principal and Senior Professor on the maximum pay of Rs.1,250 for the further period of five years.

In the Secretary of State's Despatch
G.O.No.447 Edl., d/12-8-01. C. No.80 Public (Educational) dated 28th June
1901, a copy of which was forwarded with
Mr. Cowie's letter of the 31st July 1901
referred to above, sanction was accorded
"to the proposals submitted by the Govern-
"ment of Madras in respect of the appoint-
"ment of the Principal, the Junior Pro-
"fessor and the two Assistants in the
"Madras Law College."

3. His Excellency the Governor in Council is uncertain whether under this sanction fresh orders are now necessary for the continuance of the Law College on ~~the same~~ its present footing beyond the 1st of May

~~1907~~.

1906 on which date the period of five years for which sanction was last obtained expired. If such sanction is required, I am to request that it may now be obtained to the continuance of the College as a permanent institution.

G.O.No.360 Edl.,d/18-5-1891. A.

4. With reference to paragraph 4 of the Despatch from the Secretary of State to the Government of India, No.43 Public (Educational), dated 16th April 1891, His Excellency the Governor in Council has again had under consideration the question whether any steps should now be taken to divest the Government of ~~all~~ responsibility for the College and to place it on an independent footing. The views of the Director of Public Instruction and of the Hon'ble the Judges of the High Court who have been consulted on the matter are not in agreement. While the Ag. Director of Public Instruction suggests that the College might be transferred to the control of the University of Madras under Section 3 of the Indian Universities Act, 1904, the Hon'ble the Judges of the High Court on the other hand are not prepared to accept the view that the time has yet arrived for placing the College on an independent footing. The Governor in Council ~~inclines to~~ agrees in the latter opinion. The chief obstacle to the placing of the College on an independent footing is the ~~non-existence~~ want of ~~a proper body~~ an authority or an association of persons to whom its administration might suitably be transferred.

While

Ordinarily the Univ^y. w^d be considered to be the proper authority under which to place the Law College; but with its present constitⁿ. the Uty. is not in the opinion of the Govt. in a position to undertake the responsibility.

While the University can prescribe the courses of study and arrange for the inspection of the College, it has no machinery for the adequate enforcement of discipline and for the exercise of internal control over the ~~general details of~~ operation ~~College~~ management. ~~In these circumstances the effect of the transfer, if now brought about, would, it is feared, be to impair the efficiency of the institution.~~

Circs. which have recently come to the ~~our~~ knowledge of the Govt. show ~~the necessity of~~ how ~~very~~ necessary it is that the staff of the institution sh^d be answerable for its working to a single central authority. At present the responsibility for supervision is divided; while ~~the~~ ~~D.P.I. is~~ formally vested in the D.P.I., it ~~has been~~ is shared in a certain measure with the "College Council", of which some of the Judges of the H. Ct. are members. As the result of this divided responsibility the College staff has been allowed to follow too far its own devices. ~~We~~ The Govt. however are taking steps to remove the uncertainty that has prevailed in this matter; & when this is done & the respty. of the D.P.I. enforced it is in ~~the~~ opinion of the Govt. the course best calculated to ensure the future efficiency of the College that it sh^d. continue a departmental instn. under ~~the~~ the D.P.I..

5. The College is now firmly established. The receipts and charges for the six years ending with 1905-06 were as follow :--

	Receipts. Rs.	Charges. Rs.
1900-1901	34,900	35,419
1901-1902	46,181	38,736
1902-1903	58,665	34,135
1903-1904	63,251	39,452
1904-1905	57,294	35,714
1905-1906	50,856	28,234

The figures have been taken from the final accounts furnished by the Accountant General, but exclude Public Works expenditure on the construction & maint^{ce} of the College building. ~~Although, however,~~ The financial condition of the College is thus secure; & the Governor in Council strongly is of opinion that ~~in the interests of the efficiency of its working the present arrangement should continue and that supervision should be exercised through the Director of Public Instruction.~~ it should now be definitively recognized as a permanent institution.

~~6. I am to add that the present~~

Principal~~, Mr. Nelson,~~ has been informed that no guarantee can be given that his services will be required after the 30th April 1907, & When the sanction ~~to the~~ given in ~~Your predecessor's~~ the S. of States desp. of the 28 June 1901 to the continuance of the Coll. expires. ~~He has meanwhile addressed Government asking that, in the event of any further extension of the period of his service , he may be granted more favourable terms, [to which the Government do not, in the interests of the College consider it desirable to accede.]~~

I have etc.

P.T.T.
14-11-6.

C.G.M.
15-11-6.

H.D.T.
16-11-6.

[Hay C. page 3
the sanction expired on 30th April 06]

masilan

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Despatched in print.

Number of copies required.	Order complete. Letter only. Order complete with Letter.

26

[illegible]

RE[illegible] AGAIN G.O., No. 1 . , DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B. –

A = Print in full.
B - Not to be printed.
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