Educational (1895) Department.

ORDINARY MS.

G.O., No. 454.

Dated 30th May 1895.

[Despatch Abstract.]

MADRAS LAW COLLEGE.

Directing the transmission to the Secretary of State, of the special report received from the Director of Public Instruction regarding the position and prospects of the -- with an expression of concurrence in the Director's recommendation that the present status of the institution should be continued for at least five years longer.

See Vide G.O. in Despatch No 3 dt 7-6-95

BACK PAPERS.

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

FURTHER PAPERS.

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

Educational (1895) Department.

ORDINARY PRINTED.

Despatch
~~G.O.~~, No. 3 &

G.O. N° 454
Dated 30. 5. 95.

DATED 7th June 1895

INDEXED.

[Despatch Abstract.]

MADRAS LAW COLLEGE.

Transmitting with remarks, a special report showing
the position and prospects of the -- on the 31st December 1894

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C	911		95				
C	983		95				

Nº 8.

Law College, Madras.
20th December 1894.

From,

The Principal,

To, The Director of Public Instruction,
Madras.

Sir,

With reference to your Proceedings Nº 7072, dated, 31st July 1894, paragraph 7 thereof, I have the honour to say that as requested the College Council at a meeting held on the 18th of September 1894, only considered the suggestion contained in paragraph 4 of the Secretary of State's Despatch communicated with Government order Nº 360, dated, 18th May 1891 that Government should sever connection with the College when the term of five years for which my service as Principal of the Law College have been engaged expires Viz in May 1896.

The Council consider that it would be very undesirable for Government to sever connection with the College for

for the following reasons:-

First. The question, is premature, for the scheme of a full-time working Law college has not yet been entered on, owing to no building being available.

Secondly. The College has not been in existence long enough to form a reliable estimate as to its average income, nor can the financial effect of the establishment of a full-time working Law college be estimated at present.

Thirdly There is no body in existence to take over the functions of Government, for the University of Madras cannot do so without fresh Legislation. See the Preamble to Act XXVII of 1857.

I have &c.
(Sd) R. A. Nelson.
Principal

1895
Ed
Madras. No. 1
O. No. 328

Encls. to A.P.G.'s letter dtd. 30th/95

(True copy)

Director of Public Instruction.

No. 13.

Law College, Madras,
27th February 1895.

From

R. A. Nelson Esquire B.A., LL.B., Barrister-at-Law,
Principal, Law College.

To

The Director of Public Instruction, Madras.

Sir,

With reference to paragraph 7 of your Proceedings No. 7072 dated 31st July 1894 (reviewing the Report on the working of the Law College during the year 1893-94), and your letter of the 16th February 1895. No. 1788 I have the honour to submit a Special Report showing the position and prospects of the College on the 31st of December 1894.

(1) Number of Students: The total number of Students on the Rolls of the College at the close of the Autumn Term was 564.

This figure was constituted as follows:-

B.L. Degree Candidates	539.
Pleadership do	25.
Casual Students	nil.
Total	564.

(a) B.L. Candidates. For the sake of comparison the total number of such students on the 31st of March in each year for the last 12 years is appended.

Law Class Preliminary Course.	1883	112
	1884	115
	1885	127
	1886	141
	1887	182
	1888	222
	1889	201
	1890	282
	1891	294
Law College.	1892	310
	1893	405
	1894	561

It will be seen that during the past eleven years the number of Law students preparing for the University degree of B.L. has increased fivefold, and that whereas upto the year 1891 the increase was a steady one, showing but small fluctuations, the increase during the past three years, and especially during the last year, has been extraordinary.

Three remarks may be made on the above facts:

First. The raising of the Annual fee for instruction in 1884 from Rs. 60 to Rs. 100 did not prevent the number of students nearly doubling in the space of five years (1883-1888).

Secondly. The increase in the length of the course of study from two to three years made in 1889 has not reduced the number of entries, as was thought to be likely by Government (vide G.O. dated 7th November 1888, No. 634, Educational, paragraph 5), but on the contrary the number has more than doubled in the space of five years.

Thirdly. The large increase in the last year is in part due to the new Rule made by the High Court (which came into operation for the first time in 1895) which requires candidates for the First Grade Pleadership Examination to have passed the B.A. examination. For since students can join the Law College for the B.L. course before passing the B.A. Examination, many prefer the B.L. to the Pleadership course, as students for that course are not admitted to the College until they have fulfilled the requirement of the High Court, as to the Arts Examination.

The foregoing figures have greatly exceeded the estimates as to the number of University Law students on the rolls of the College in each year which were made by Mr. Grigg, the late Director of Public Instruction, and by Government, at the time when the scheme for the Law College was being formulated. Mr. Grigg's first estimate was 300 (Vide paragraph 25 of his letter to the Chief Secretary to Government, dated 12th September 1888, No. 6749) which he subsequently reduced to 225 (Vide paragraph 6 of his letter dated 26th August 1889, No. 7282). Government estimated an annual total of 200: (Vide paragraph 5 of G.O. dated 7th November 1888, No. 634). Consequently, as will appear later, the estimated revenues of the College, based on these figures, have been largely exceeded in fact.

(4) Pleadership Candidates. In 1892, the class formed for these students numbered 50; in 1893 it numbered 107 and in 1894 it fell to 30.

These fluctuations are easily accounted for. Towards the end of 1891 the High Court (in pursuance of the scheme of the Law College which was to include a course of study for Pleadership

Candidates, vide paragraph 8 of Mr. Grigg's letter dated 12th September - 1888, No. 6749) directed that Candidates for the First Grade Examination should undergo a one years course in the College, previous to appearing for examination in 1894 and succeeding years. Consequently 50 intending candidates attended for the Course in 1892. But since, as mentioned above, candidates for the First Grade after 1894 are required to be Graduates in Arts, the Examination of 1894 was the last Examination at which non-graduates were eligible. Naturally therefore 1893 saw the Pleadership Class largely increased by non-graduate candidates anxious to qualify by a years course for the last Examination open to them. The Examination being, after 1894, closed to non-graduates the preparatory class in 1894 was thus naturally composed of Graduates, and thus fell to a strength of 30 only.

(c) Casual Students. It was anticipated that candidates for Law Examinations other than the B.L. degree and First Grade Pleadership

Examinations i.e. the M. L. Degree, the Second Grade Pleadership Examination and the U. C. S. (Government) Examinations would be induced to voluntarily attend the College, being attracted thereto by small fees (Rs. 12 for a course of lectures) and evening lectures: (Vide paragraph 22 of Mr. Griggs letter dated 12th September 1888, No. 6749) and an annual revenue of Rs. 5000— was looked for from this source alone: (Vide paragraph 25 ibid.) This part of the scheme has however entirely failed, for no such candidate had applied for instruction since the College began work.

(2) Examination Results.

(a) M. L. Degree Examination. The following table shows the per centage of passed in this Examination during the last 12 years

Year	Registered	Examined	Passed	Per centage.
1883	68	68	8	11.8
1884	65	60	32	53.3
1885	60	57	24	42.1
1886	80	72	36	50
1887	95	92	16	17.4
1888	130	122	40	32.7
1889	163	150	48	32
1890	129	120	35	29.1
1891	137	128	39	30.4
1892	159	151	48	31.7
1893	176	169	72	42.6
1894	188	181	45	24.8

The Law College is concerned only with the returns for the last three years in the above table. In 1892, 63 students appeared for examination from the College, in which however they had only spent the last term of their course, having previously been in the Presidency College. 21 passed or a per centage of 33·3 as against a general per centage of 31·7 for the year. In 1893, 69 College students appeared and of these 25, or a per centage of 36·3 passed as against the general per centage of 42·6. In 1894, 63 students appeared from the College and of these 15, or a per centage of 23·8 passed as compared with the general per centage of 24·8 In 1893 of the remaining 47 (72-25) successful candidates 22 or a per centage of 46·8 were old students of the Law College, and in 1894 of the remaining 30 (45-15) successful candidates 14 or a per centage of 46·6 were old students of the College.

There has therefore not been that improvement in the per-centage of successful at the L.L. Examination which might have been anticipated from the increased hours of instruction and a regular system of

periodical College examinations which the Law College introduced and has since followed. I need not recapitulate what I have said elsewhere (vide paragraph 5 of my Report on the College for 1893-94 contained in your Proceedings dated 31st July 1894, No. 7072) as to the existing drawbacks under which the College has to work, and as to the apparent remedies. It is sufficient to say that the College does not command the time of its students, many of whom are throughout their course employed all day in Offices etc., and most of whom spend the first year of their Law course in studying for the A.A. degree. Moreover the classes have grown to such an unwieldy size that any personal supervision of each student's studies by the teacher is well nigh impossible.

(b) Pleadership Examination.

The following Table shows the percentage of passes in the First and Second Grade Examinations for the past 12 years:-

Year.	Per centage of candidates who passed	
	In First Grade.	In Second Grade.
1883	52.6	70
1884	48.7	60.2
1885	14.3	38.8
1886	7.8	28.6
1887	22.9	35.4
1888	18.4	26.08
1889	11.6	25.3
1890	9.6	39.3
1891	7.8	15.8
1892	9.7	26.4
† 1893	taken together 8.6	
† 1894	34.5	

† I cannot obtain the per-centage for each Grade respectively for these years.

The Law College is connected with these returns only so far as the years 1893, 1894 are concerned.

For the 1893 Examination 32 candidates from the Law College appeared for the First Grade Examination. Some however were successful, but 12 of them passed in the Second Grade. It will be observed that the together per centage of passes in both Grades in this year was only 8.6.

In 1894, 126 candidates appeared for the First Grade, 93 of whom were Law College students. Five students of the College appeared for the Second Grade only. Of the 126 candidates for the First Grade 42 passed, showing a successful per centage of 33.3

Of these 93 Law College

(13 of 52)

candidates 35 failed, showing a successful per-centage of 37.6, as against a per centage of 21.2 amongst candidates who were not students of the College. Of the remaining 63 (98-35) Law College students 56 failed in the Second Grade. There was thus a striking improvement on the year 1893.

(3) Financial Position.

The following table shows the Receipts and Expenditure in connection with the Law Classes during the last 12 years. The fourth column shows the balance to the credit of Government in each year.

Year	Receipts	Expenditure	Balance.
1883	6,810.	3,863.	2,947.
1884	9,140.	4,835.	4,305.
1885	11,050.	9,250.	1,800.
1886	12,800.	12,585.	215.
1887	15,950.	11,107.	4,843.
1888	19,500.	11,125.	8,375.
1889	20,450.	11,170.	9,280.
1890	23,500.	11,663.	11,837.
1891	28,300.	18,275.	10,025.
1892	30,324.	23,971.	6,353.
1893	42,832.	27,458.	15,374.
1894	54,268.	41,412.	12,856.
Totals.	2,74,924.	1,86,714.	88,210.

The Law classes have therefore been worked at a profit to Government of the sum of Rs. 88,210 for the last 12 years.

The three last returns are for the years during which the Law College has been working, and it will be observed that not only has the College been entirely self-supporting, although the remuneration of Professors and Assistant Professors has been raised and the number of Assistant Professors doubled during this period, but it has contributed to Government the sum of Rs. 34,583 in the space of 3 years.

From 31st March to 31st December 1895. The receipts for this period amounted to Rs. 27,812 and the expenditure to Rs. 33,922. The expenditure included the fees of the Professors and Assistant Professors for the Spring and Autumn Terms of 1894. To the receipts will have to be added the receipts for the Spring Term of 1895, for the purpose of ascertaining the credit balance for the financial year 1894-95.

(4) Staff. One of the chief problems which

arose on the College being started was how to provide an effective staff of Professors and Assistant Professors. It must be remembered that according to Rule 19 of the College Rules a system of remuneration by fees for the work actually done was to take the place of the old salary system at so much a month. And moreover according to the scale of fees laid down in the Rule each Professor would recive, if he gave every allotted lecture and held each class assigned to him throughout the year, the equivalent of a monthly salary of Rs. 291-10-8 less income tax; and each Assistant Professor who fully performed his work would recive the equivalent of Rs. 116-8-0 per mensem less income tax. Now formerly the Senior Professor drew a salary of Rs. 500 per mensem, less income tax; the Junior Professor drew a salary of Rs. 400 per mensem less income tax, and each of the Assistant Professors recived Rs. 150, a month. Under the new scheme therefore the staff were neither to recive as much as formerly, nor was the remuneration to be received in

the former way. These radical changes (whatever their merits) had the effect of very nearly displacing the whole of the former staff. Of these, the Senior Professor, M. R. Ry. C. Ramachandra Rau Saheb, and the Junior Professor, Mr Kenworthy Brown, consented to act for one term only, whilst the two Assistant Professors M. R. Ry. Pattabhirama Aiyar, and M. R. Ry Parthasaratthi Aiyangar withdrew, and Mr Brown followed them at the end of the first term. The loss of the services of these three gentlemen at the very outset was undoubtedly a serious one, and was only alleviated by the fact that the College has been so fortunate as to retain throughout the services of M. R. Ry C. Ramachandra Rau Saheb as Senior Professor, whilst Mr J. G. Smith was appointed Junior Professor at the beginning of 1892.

The staff of Assistant Professors as originally proposed consisted of two only, but was increased to three in September 1891, whilst the rapid increase in the strength of the classes necessitated the appointment of three more

Assistant Professors in January 1893, and a Lecturer in Medical Jurisprudence in the month of February of that year.

The present staff therefore consists of a Principal, 2 Professors, 6 Assistant Professors and one Special Lecturer.

It was found desirable to raise the scale of remuneration to which I have referred above. According to the terms of G.O. dated 17th January 1893, No. 26, the Senior and Junior Professors each draw in fees the equivalent of a salary of Rs. 350 a month, whilst the Assistant Professors receive the equivalent of Rs. 150 per mensem. The Lecturer in Medical Jurisprudence receives a special fee of Rs. 300.

(5) Library. A good Law Library has been gradually formed. It is divided into two sections, a Lending Section, and a Consulting Section; both sections together contained 1046 volumes on 31st March 1894. The purchases for the present year are not yet completed. A rapidly

increasing use by students is being made of the Consulting Section, the number of consultations in 1893-94 being nearly twice as many as in 1892-93.

(b) General. In 1888 (vide paragraph 4 of G.O. dated 7th November 1888. No. 634 Educational) Government broke as follows: the "principal aim" (of the Law College) "should be to improve the instruction in the theory of Law, and if this object is attained, it is probable that the University will be able to revise and raise its standards so as to give greater prominence to scientific principles and less to practical training". This aim has been kept in view, and the University has already largely adopted the course which Government considered likely. The result is that the University School of Law is in both its teaching department (as represented by the Law College) and its examining department greatly improved.

Roman Law has been included amongst

the subjects, and students now are first of all instructed in Jurisprudence, which is followed by Roman Law, Law of Contracts, Law of Torts, and Criminal Law and these form the subjects of the First Examination in Law. In the Second or B.C.L. Degree Examination greater prominence has been given to the Law of Property, which subject embraces English Real & Personal Property Law, including the Law of Trusts, and the Indian Transfer of Property Act. Constitutional Law in relation to India comes next and then Hindu and Mohammadan Law. Then come the Laws of Procedure (Civil & Criminal) and Limitation, and the Law of Evidence.

The result of this scheme of study and examination is that students first learn the general principles of Law in Jurisprudence & Roman Law. Then they take up the Law of Obligations and finish their first course with a subject closely connected with Obligations ex delicto, viz., Criminal Law. The Law of Property naturally follows, and in this wide field, they learn much

of the History of English Law and of the principles of Common Law and Equity. Another branch of Public Law is met with in the Constitutional Law, whilst the course is completed with the subjects of Adjective Law, viz: Evidence + Procedure.

Having completed my survey of the present position of the College, I will add a few remarks as to its prospects.

As to its financial prospects, I think, it may be taken for granted that the College can always be entirely self-supporting and that it will continue to add to the revenues of the State. Should the number of students decrease, and there is no prospect of their doing so, a smaller staff would naturally be needed, and expenditure thus decreased. Moreover it is probably a question of time as to when the scheme of the College will be extended to other classes of Law students — to candidates for the H. C. S. examinations + Second Grade Pleadership examinations.

So long as the College possesses a monopoly or practical monopoly, of legal education in the Presidency it can always be rendered a self-supporting and financially profitable institution. Its value from an educational point of view depends upon the future constitution of the teaching staff.

At the close of the first five years of its existence, or in about one year, the College will find itself located in the new College Buildings next to the High Court, and the question that must then be determined is whether the institution is to be one in which, like ordinary educational institutions, lectures and classes are held throughout the day, or whether they are to be confined to morning and evening hours, i.e., to hours before 11 a.m. and after 5 P.M. It is upon this question of hours that the educational value of the College ultimately depends, for this question involves the one as to the future constitution of the College staff.

It may be safely laid down that if the staff is required to work between 11 a.m and 5 p.m., the Principal, Professors and Assistant Professors must be non-practising lawyers, since lawyers in practice could not discharge their duties as advocates and their duties as Professors at the same time, and I have reason to believe that the present staff at any rate would resign their appointments. This would be a serious blow to the College, for it must be remembered that the staff is now composed of experienced lawyers and teachers, a class whom it would probably be impossible to replace under existing conditions, certainly impossible to replace under a new system of working hours. I fear that a Law College which carried on its work during Court hours would be compelled to obtain its Professors and Assistant Professors from amongst very junior Vakils, inexperienced alike in teaching and in law; that it would not be able to obtain the services of the best of this class; and that it could only obtain the services of any of them by a greatly increased

remuneration.

The location of the College next to the High Court will however enable the hours in which instruction can be given to be increased whilst at the same time the College can retain the services of Lawyers in actual practice as teachers. At present the hours of work for the Staff, other than the Junior Professor and myself, are confined to 6-7 p.m. and to 7-9 O'clock on Saturday Mornings, but in the future, the lecture and class hours of the College can well be fixed at 10 to 11 a.m. and 5 to 7 p.m., with extra hours on Saturday mornings if necessary. The existence of Common rooms, comfortable class rooms and Library will no doubt induce many students to make use of the College for their daily studies between these hours.

The question as to whether the Principal of the College should be allowed to practise at the Bar will probably have to be considered

in connection with the new conditions under which the College will be working. The reason for the rule which at present excludes him from taking practice appears to be that although Government considered that he should not lose touch with the actual practice of the law (vide paragraph 6 of G.O. dated 7th November 1888, No. 634 Educational) it was thought that he should give for a term of years his undivided attention to the working and development of the College (vide paragraph 16 of Mr Grigg's letter dated 12th September 1888, No. 6749) and that if he was allowed to practice the administrative work of the College could not be properly performed by him (vide paragraph 21 ibid). Moreover it was thought that his work as Principal would fully occupy all his time - (vide paragraph 9 of Mr Grigg's letter dated 26th August 1889, No. 7282.)

The College has now however been long working regularly and the administrative work is extremely

light, occupying not more than two hours a week. The Principal of the College at present is in the anomalous condition of being the only member of the Staff who is not allowed to practise, and thus keep in touch with the actual practice of the Law, and he is the only Barrister in Government Service holding a legal appointment (other than Judicial) who is not allowed to follow his profession.

I have the honour to be,

Sir,

Your most obedient Servant.

R A Nelson

Principal.

R. No. 2810/95.

From

The Principal,
Law College.
Madras.

DIRECTOR OF PUBLIC INSTRUCTION
RECEIVED
2-MAR.95
R. R. No.
MADRAS.

To

The Director of
Public Instruction,
Madras.

No. 13.

Dated 27th Febry. 1895.
Delvd. 1st March 1895.

1895
Ed.
Under 2
No. 328

Encls. D.P.I's letter No. 3040/95

Subject:—

Special Report showing the position and prospects of the Law College on the 31st of December 1894.

CURRENT NO. 328

OFFICE OF THE DIRECTOR OF
PUBLIC INSTRUCTION,
Madras, 14 March 1895.

No. 3040

From

THE HONORABLE MR. D. DUNCAN, M.A., D.Sc.,
DIRECTOR OF PUBLIC INSTRUCTION,
Madras,

To

THE HONORABLE THE CHIEF SECRETARY TO GOVERNMENT,
FORT ST. GEORGE.

SIR,

I have the honour to submit, with reference to the concluding paragraph of the Secretary of State's Despatch of the 16th April 1891, No. 3, Public (Educational), recorded in G.O., Educational, No. 360, dated, 18th May 1891, a special report on the position and prospects of the Madras Law College on the 31st December 1894. Copy of the Principal's letter communicating the resolution of the College Council on the subject of para 12 of the Despatch

Ed. Cor.
15 (b) 1,500—17-11-94.

Despatch above referred to is also submitted for information.

2. The Principal's report deals fully with the constitution and working of the College. He agrees with the College Council in considering that it is undesirable for Government to sever its connection with the institution. The College has not entailed any additional cost to the State, but has, on the other hand, yielded a surplus of over Rs 88,000 during the twelve years ending with 1893-94. The College may thus be considered to have reimbursed the Government to some extent, for the expenditure which it is now incurring in erecting a separate building. Even if the present strength decrease, which is

is not improbable some years hence when the bar becomes overcrowded, the institution can be kept self-supporting by an enhancement in the fee. Moreover, no body or association of persons is forthcoming to whom may be entrusted the administration of the College, and the efficiency of the institution would be seriously jeopardized if its management were forced on an unwilling and uninterested Committee. The Principal of the College and the clerical and menial establishment alone are now in receipt of monthly pay, the other members – Professors, Assistant Professors and Special Lecturers – being appointed from year to year and paid per item in the shape of fees. The pension liability on account of the establishment is a trifling item and if need be the

the Principal's appointment may be made non-pensionable. The responsibility of Government would be but nominal under these circumstances. If the Secretary of State is pleased, in view of the above facts, to continue the status of the College as a Government institution undisturbed and to re-engage the services of Mr. Nelson, a condition as to his ineligibility for pension or gratuity may be stipulated for, he being allowed by way of compensation some concession in the direction of private practice, subject to such limitations as the Government may deem fit to fix after consulting the judges of the High Court. I would strongly recommend that the present status be continued at least for a further period of five years when more experience will have been gained of the working of the institution.

3. Copy of the revised code of rules regulating the constitution and working of the College when approved may also be submitted to the Secretary of State for information.

I have the honour to be,
Sir,
Your most obedient servant,
[signature]
Director of Public Instruction

CURRENT NO. 328

Education Dept

From,

The Director of Public Instruction,
Madras.

To The Hon'ble the Chief Secretary
to Govt. Fort St George



No. 3040

Dated 14th March 1895

Despatched 15th Do

Read 16/3/95
Rep 16-3-95

Enclosures. 2.

From Press
Please print 4
Send proof in duplicate

16/3/95

Madras Law College

Submitting a special report on the position and prospectus of the —— on the 31st Dec. 1894, as directed by the Secretary of State.

360 = 18 - 5 94
634 = 7 - 11 - 87
714/15 = 13 - 11 - 89
R6 = 4 - 1 - 92
R119 = 8 - 9 - 91
R19 = 31 - 1 - 93
82 = 6 - 2 - 93 Rem
26 = 17 - 1 - 93
634 = 28 - 8 - 94 Rem

[G. 25.]
600—8-3-95.

Ed Department.

C. Nos 257 and 328 & 895

FOR ORDERS.

With cno 257, the D.P.I. submits revised rules of the Law College for the approval of Govt.

Rule I. In this the civil and Criminal Special tests also are mentioned as examinations for which the College prepare Students. The Special Tests rules do not required candidates for the civil and Criminal tests to attend the College and Mr Grigg's expectation that Special Tests candidates would voluntarily attend the College has not proved to be correct.

In view of these facts the reference to the civil and Criminal tests may be omitted from the rule. Such candidates as may wish to attend the College can find admission as Casual Students.

I don't think it need be omitted
JG

It seems hardly necessary to omit the reference; special classes will no doubt be nominally started for the Special Tests.
D
9.5.95.

* will be marked passages on p. 6 of C. 328.

Rule II (1) The provision as to the members of the Staff addressing the Principal on all matters connected with their duties he is new. Dr Duncan considers that this provision is necessary in the interests of departmental discipline & should find a place in the rules relating to every Govt. Institution.

Rule III. In this rule reference to the salaries of the members of the staff has been omitted as they will vary from time to time and will be fixed by special orders of Govt.

Rule II. According to this rule only Students who have passed the First Exam^n in Law can attend the lectures delivered during the 4th, 5th and 6th terms. This is against the by laws of the University approved in G.O. dt 26th may 94 no 365 Ed. The question whether the provision compelling Students who have not passed the F.L.L. to discontinue their studies should be retained is for orders.

Rules V, VI & VII call for no remarks.

Rule VIII (1). This rule refuses

FOR ORDERS.

x It certainly is.
Yes
JG

The omission of reference to salaries is all right. In III (IV) the condition of the agreement about Mr. Nobbs practising as a Barrister in Courts is repeated. In his letter of the 27th 95 he urged that he should be allowed to practise at the Bar. The Director says nothing about this matter, but I see no reason for reconsidering G.O 2.3.95 163 at present.
JG

Please para 4 of the special report of the Committee appointed to revise the R.L. by-laws in view of their recommendations it is submitted that Rule IV shd not be approved until the University by-laws is altered. The College Rules should follow the University by-laws & not attempt to "lead" them.
D
9.6.95

I am personally disposed to think that the Director & Mr. Nobbs are right, but I should like to go against the proposals Committee. The laws shd be altered in accordance with the by-laws: if can be moved if they are modified
JG

Standby in connection. The Bye-laws allows candidates for the Degree to attend 2 courses before they are B.A's, but they are not B.A. till they have passed the Language Branches as well as the English & Science Branches
JG

I think they are right. The exemption of Muhammadans who go to the Law College do not want preventing any help of this kind
JG

This rule needs some alteration with regard to the Muhammadan scholarship. Asks the Director to reconsider it
JG

90. 209
9.3.95

admission to Students who have not passed the English and Science divisions of the B.A. degree examination of the Madras University. This is again inconsistent with by-law no 175 Sanctioned in G.O. dt 26th. May 94 no 365 Ed.

Rules IX & X call for no remarks. The provision in X(IV) is in accordance with G.O. dt 11th August 1894 no 592 Ed. The D.P.I. and the College Councils are not in favour of allowing these concession of paying half fees to Muhammadans.

Rule XI. In this, provision is made for the grant of two Scholarships - one to a Muhammadan and the other to a non-Muhammadan Student. The D.P.I. has not made any provision to prevent one and the same Student getting one of these Scholarships and the Morehead Law Scholarship and to this extent the rule requires modification.
D

Rules XII & XIII call for no remarks. Rule XIV is a new one but it is in accordance with the Madras Educational rules.

Rules XV, XVI, XVII & XVII may also

be approved! Such provisions as are new in these rules appear to be unobjectionable.

It will be noted that Rule 12 (iii) of the existing rules requiring Students of the College to attend the Law courts has been omitted as at present impracticable.

With Cno 328, the D.P.I. submits the Special report on the Law college called for by the S of S. in his despatch recorded in G.O.R 1st May 91 no 360 Ed. This Special report is to be transmitted to the S of S thro' the Govt of I. vide G.O. R 12th June 1891 no 456 Ed. In para 3 of the despatch above referred to the S of S suggested that the Govt Should sever ~~the~~ its connection with the Law college at the end of the term of five years for which Mr Nelson was appointed. The Director states that the College is working on a profit; that no competent private body is forthcoming to take over the management of the College and that the pension liability on account of the College establishment is tripling. He therefore recommends that the S. of S. be asked to sanction the continuance of the College as a Govt institution or at least the continuance of the present status for a further period of five years.

D
9.5.95

If the Director's proposal is approved, it will suffice to forward the report with an expression of concurrence in his views.

D
9.5.95

DK
17/5/95.

Considering the number of the Students in the Law College it is unworkable, & I doubt much if the two parts of the College ought not to be kept together.

JG

The rules may be also approved except the two that need reconsideration

The enquiry

JG

Lee
JG
21/5

M
6/7/95

The Law College Rules
&c.

H.M. 5

(For orders)

[G. / 21.]
600—8-3-95.

Educational DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 189 , No.

Again G.O., dated 18 May 1891, No. 360

Current No. of 189 , dated from

Current No. 328 of 1895, dated 14 March from The D.P.I.

ORDER. d/ 30th May 1895 No. 454

The ~~Dec~~ special report on the position and prospects of the Madras Law College will be transmitted to the Rt Hon'ble the Secretary of State with an expression of concurrence in the Director's recommendation that the present status of the institution should be continued for at least five years longer

(From orders)

DD
24-5-95

C&V 10/6 & 2196 DD 29/5/95

The D.P.I. (Rc. 0) dispd 13/6/95

Despatch to the Rt Hon'ble the Secretary of State

Rt Hon'ble Sir

We have the honour, as directed in Lord Cross's Despatch No. 16 April 1891 No 3 Public (Edc), to transmit herewith a special report showing the position and prospects of the Madras Law College on the 31st December 1894.

We concur in the recommendation of the D.P.I. that the present status of the College should, for the reasons mentioned in his report, be continued for a further period

dispd 12-6-95 with the report

at least four years.

Ootacamund } Lr. dated etc.
June 1895 } D.
24-5-95.

29/5/95.

Ltr. Rt. thro' the Govt.
with printed copy of report as enclosure.

Copy Despatch with
Appendix sent to
Govt. of Madras — 14/6/95

Report to the Secy. of State re
the Law College.

C.S.
mis (from orders)

H.lo.

Only the current which is already in type is to be printed in this case & forwarded to the Secy of state.

30/5

7 June 1895, No. 43 , Educational.

EDUCATIONAL DEPARTMENT.

Letter—to

The Right Honourable the SECRETARY of STATE for INDIA.

Right Honourable Sir,

We have the honour, as desired in Lord Cross' despatch, dated 16th April 1891, No. 3, Public (Educational), to transmit herewith a special report showing the position and prospects of the Madras Law College on the 31st December 1894.

We concur in the recommendation of the Director of Public Instruction that the present status of the college should, for the reasons mentioned in the report, be continued for a further period of at least five years.

We have the honour to be,
Right Honourable Sir,
Your most obedient, humble servants,

/Signed/ Wenlock
" H. W. Bliss
" J. Grose

Ootacamund,
7th June 1895.

Exd. A. Raitt.

GOVT. OF FORT ST. GEORGE.

EDUCATIONAL (1895) *DEPT.*

LETTER to the Right Honourable the Secretary of State for India.

Dated 7th June,

No. 3 of 1895.

Transmitting, with remarks, a special report showing the position and prospects of the Madras Law College on the 31st December 1894.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper:—

From the Hon'ble Mr. D. DUNCAN, M.A., D.Sc., Director of Public Instruction, Madras, to the Chief Secretary to Government, dated 14th March 1895, No. 3040.

I have the honour to submit, with reference to the concluding paragraph of the Secretary of State's despatch of the 16th April 1891, No. 3, Public (Educational), recorded in G.O., Educational, No. 360, dated 18th May 1891, a special report on the position and prospects of the Madras Law College on the 31st December 1894. Copy of the Principal's letter communicating the resolution of the College Council on the subject of paragraph 4 of the despatch above referred to is also submitted for information.

2. The Principal's report deals fully with the constitution and working of the college. He agrees with the College Council in considering that it is undesirable for Government to sever its connection with the institution. The college has not entailed any additional cost to the State, but has, on the other hand, yielded a surplus of over Rs. 88,000 during the twelve years ending with 1893–94. The college may thus be considered to have reimbursed the Government to some extent for the expenditure which it is now incurring in erecting a separate building. Even if the present strength decrease, which is not improbable some years hence when the bar becomes overcrowded, the institution can be kept self-supporting by an enhancement in the fee. Moreover, no body or association of persons is forthcoming to whom may be entrusted the administration of the college, and the efficiency of the institution would be seriously jeopardized if its management were forced on an unwilling and uninterested committee. The Principal of the College and the clerical and menial establishment alone are now in receipt of monthly pay, the other members—Professors, Assistant Professors and Special Lecturers—being appointed from year to year and paid per term in the shape of fees. The pension liability on account of the establishment is a trifling item, and, if need be, the Principal's appointment may be made non-pensionable. The responsibility of Government would be but nominal under these circumstances. If the Secretary of State is pleased, in view of the above facts, to continue the status of the college as a Government institution undisturbed and to re-engage the services of Mr. Nelson, a condition as to his ineligibility for pension or gratuity may be stipulated for, he being allowed by way of compensation some concession in the direction of private practice, subject to such limitations as the Government may deem fit to fix after consulting the Judges of the High Court. I would strongly recommend that the present status be continued at least for a further period of five years when more experience will have been gained of the working of the institution.

3. Copy of the revised code of rules regulating the constitution and working of the college when approved may also be submitted to the Secretary of State for information.

ENCLOSURES.

From R. A. NELSON, Esq., B.A., LL.B., Barrister-at-Law, Principal, Law College, Madras, to the Director of Public Instruction, Madras, dated 20th December 1894, No. 8.

With reference to your Proceedings, No. 7072, dated 31st July 1894, paragraph 7 thereof, I have the honour to say that, as requested, the College Council, at a meeting held on the 18th of September 1894, only considered the suggestion contained in paragraph 4 of the Secretary of

State's despatch communicated with G.O., No. 360, dated 18th May 1891, that Government should sever connection with the college when the term of five years for which my service as Principal of the Law College have been engaged expires, viz., in May 1896.

The Council consider that it would be very undesirable for Government to sever connection with the college for the following reasons :—

First.—The question is premature, for the scheme of a full-time working law college has not yet been entered on owing to no building being available.

Secondly.—The college has not been in existence long enough to form a reliable estimate as to its average income, nor can the financial effect of the establishment of a full-time working law college be estimated at present.

Thirdly.—There is no body in existence to take over the functions of Government, for the University of Madras cannot do so without fresh legislation—see the preamble to Act XXVII of 1857.

From R. A. NELSON, Esq., B.A., LL.B., Barrister-at-Law, Principal, Law College, to the Director of Public Instruction, Madras, dated Madras, 27th February 1895, No. 13.

With reference to paragraph 7 of your Proceedings, No. 7072, dated 31st July 1894 (reviewing the report on the working of the Law College during the year 1893-94), and your letter of the 16th February 1895, No. 1788, I have the honour to submit a special report showing the position and prospects of the college on the 31st of December 1894.

(1) *Number of Students.*—The total number of students on the rolls of the college at the close of the autumn term was 564.

This figure was constituted as follows :—

B.L. Degree candidates	539
Pleadership „	25
Casual students	..
Total ..	564

(*a*) *B.L. Candidates.*—For the sake of comparison the total number of such students on the 31st of March in each year for the last twelve years is appended :—

Law Class, Presidency College.

1883	112
1884	115
1885	127
1886	141
1887	182
1888	222
1889	201
1890	282
1891	294

Law College.

1892	310
1893	405
1894	561

It will be seen that during the past eleven years the number of law students preparing for the University degree of B.L. has increased fivefold, and that whereas up to the year 1891 the increase was a steady one, showing but small fluctuations; the increase during the past three years, and especially during the last year, has been extraordinary.

Three remarks may be made on the above facts—

First.—The raising of the annual fee for instruction in 1884 from Rs. 60 to Rs. 100 did not prevent the number of students nearly doubling in the space of five years (1883–88).

Secondly.—The increase in the length of the course of study from two to three years made in 1889 has not reduced the number of entries as was thought to be likely by Government (*vide* G.O., dated 7th November 1888, No. 634, Educational, paragraph 5), but on the contrary the number has more than doubled in the space of five years.

Thirdly.—The large increase in the last year is in part due to the new rule made by the High Court (which came into operation for the first time in 1895), which requires candidates for the First-grade Pleadership examination to have passed the B.A. examination. For, since students can join the Law College for the B.L. course before passing the B.A. examination,

many prefer the B.L. to the Pleadership course, as students for that course are not admitted to the college until they have fulfilled the requirement of the High Court as to the Arts examination.

The foregoing figures have greatly exceeded the estimates as to the number of University Law students on the rolls of the college in each year which were made by Mr. Grigg, the late Director of Public Instruction, and by Government at the time when the scheme for the Law College was being formulated. Mr. Grigg's first estimate was 300 (*vide* paragraph 25 of his letter to the Chief Secretary to Government, dated 12th September 1888, No. 6749), which he subsequently reduced to 225 (*vide* paragraph 6 of his letter, dated 26th August 1889, No. 7282). Government estimated an annual total of 200 (*vide* paragraph 5 of G.O., dated 7th November 1888, No. 634). Consequently, as will appear later, the estimated revenues of the college, based on these figures, have been largely exceeded in fact.

(*b*) *Pleadership Candidates.*—In 1892, the class formed for these students numbered 50, in 1893 it numbered 107 and in 1894 it fell to 30.

These fluctuations are easily accounted for. Towards the end of 1891 the High Court (in pursuance of the scheme of the Law College which was to include a course of study for Pleadership candidates (*vide* paragraph 8 of Mr. Grigg's letter, dated 12th September 1888, No. 6749), directed that candidates for the First-grade Examination should undergo a one year's course in the college previous to appearing for examination in 1894 and succeeding years. Consequently fifty intending candidates attended for the course in 1892. But since, as mentioned above, candidates for the first grade *after* 1894 are required to be Graduates in Arts, the examination of 1894 was the last examination at which non-graduates were eligible. Naturally therefore 1893 saw the Pleadership class largely increased by non-graduate candidates anxious to qualify by a year's course for the last examination open to them. The examination being, after 1894, closed to non-graduates, the preparatory class in 1894 was thus naturally composed of graduates and thus fell to a strength of thirty only.

(*c*) *Casual Students.*—It was anticipated that candidates for Law examinations other than the B.L. Degree and First-grade Pleadership examinations, *i.e.*, the M.L. Degree, the Second-grade Pleadership examination and U.C.S. (Government) examinations would be induced to voluntarily attend the college, being attracted thereto by small fees (Rs. 12 for a course of lectures) and evening lectures (*vide* paragraph 22 of Mr. Grigg's letter, dated 12th September 1888, No. 6749), and an annual revenue of Rs. 5,000 was looked for from this source alone—*vide* paragraph 25 *ibid.* This part of the scheme has, however, entirely failed, for no such candidate has applied for instruction since the college began work.

(2) *Examination Results*—(*a*) *B. L. Degree Examination.*—The following table shows the percentage of passes in this examination during the last twelve years :—

Year.	Registered.	Examined.	Passed.	Percentage.
1883	68	68	8	11·8
1884	65	60	32	53·3
1885	60	57	24	42·1
1886	80	72	36	50
1887	95	92	16	17·4
1888	130	122	40	32·7
1889	163	150	48	32
1890	129	120	35	29·1
1891	137	128	39	30·4
1892	159	151	48	31·7
1893	176	169	72	42·6
1894	188	181	45	24·8

The Law College is concerned only with the returns for the last three years in the above table. In 1892, 63 students appeared for examination from the college, in which, however, they had only spent the last term of their course, having previously been in the Presidency College. Twenty-one passed or a percentage of 33·3 as against a general percentage of 31·7 for the year. In 1893, 69 college students appeared and of these 25, or a percentage of 36·3, passed as against the general percentage of 42 6. In 1894, 63 students appeared from the college and of these 15, or a percentage of 23·8 passed as compared with the general percentage of 24·8. In 1893 of the remaining 47 (72—25) successful candidates 22 or a percentage of 46 8 were old students of the Law College, and in 1894 of the remaining 30 (45—15) successful candidates 14 or a percentage of 46·6 were old students of the college.

There has therefore not been that improvement in the percentage of success at the B.L. examination which might have been anticipated from the increased hours of instruction and a regular system of periodical college examinations which the Law College introduced and has since followed. I need not recapitulate what I have said elsewhere (*vide* paragraph 5 of my report on the college for 1893–94 contained in your Proceedings dated 31st July 1894, No. 7072

as to the existing drawbacks under which the college has to work and as to the apparent remedies. It is sufficient to say that the college does not command the time of its students, many of whom are throughout their course employed all day in offices, &c., and most of whom spend the first year of their law course in studying for the B.A. degree. Moreover, the classes have grown to such an unwieldy size that any personal supervision of each student's studies by the teacher is well nigh impossible.

(*b*) *Pleadership Examination.*—The following table shows the percentage of passes in the First and Second Grade examinations for the past twelve years :—

Year.	Percentage of candidates who passed	
	In First Grade.	In Second Grade.
1883	52·6	70
1884	48·7	60·2
1885	14·3	38·8
1886	17·8	28·6
1887	22·9	35·4
1888	18·4	26·08
1889	11 6	25·3
1890	9·6	39·3
1891	7·8	15·8
1892	9·7	26·4
	taken together	
*1893	8·6	
*1894	34·5	

* I cannot obtain the percentage for each grade respectively for these years.

The Law College is connected with these returns only so far as the years 1893, 1894 are concerned.

For the 1893 examination 32 candidates from the Law College appeared for the First-grade examination. None however were successful, but twelve of them passed in the Second Grade. It will be observed that the percentage of passes in both grades together in this year was only 8·6.

In 1894, 126 candidates appeared for the First Grade, 93 of whom were Law College students. Five students of the college appeared for the Second Grade only. Of the 126 candidates for the First Grade 42 passed, showing a successful percentage of 33·3. Of the 98 Law College candidates 35 passed, showing a successful percentage of 37·6, as against a percentage of 21·2 amongst candidates who were not students of the college. Of the remaining 63 (98—35) Law College students 56 passed in the Second Grade. There was thus a striking improvement on the year 1893.

(3) *Financial Position.*—The following table shows the receipts and expenditure in connection with the law classes during the past twelve years. The fourth column shows the balance to the credit of Government in each year :—

Year.	Receipts.	Expenditure.	Balance.
	Rs.	Rs.	Rs.
1883	6,810	3,863	2,947
1884	9,140	4,835	4,305
1885	11,050	9,250	1,800
1886	12,800	12,585	215
1887	15,950	11,107	4,843
1888	19,500	11,125	8,375
1889	20,450	11,170	9,280
1890	23,500	11,663	11,837
1891	28,300	18,275	10,025
1892	30,324	23,971	6,353
1893	42,832	27,458	15,374
1894	54,268	41,412	12,856
Total ..	2,74,924	1,86,714	88,210

The law classes have therefore been worked at a profit to Government of the sum of Rs. 88,210 for the past twelve years.

The three last returns are for the years during which the Law College has been working, and it will be observed that not only has the college been entirely self-supporting, although the

remuneration of Professors and Assistant Professors has been raised and the number of Assistant Professors doubled during the period, but it has contributed to Government the sum of Rs. 34,583 in the space of three years.

From 31st March to 31st December 1895.—The receipts for this period amounted to Rs. 27,812 and the expenditure to Rs. 33,922. The expenditure includes the fees of the Professors and the Assistant Professors for the spring and autmun terms of 1894. To the receipts will have to be added the receipts for the spring term of 1895 for the purpose of ascertaining the credit balance for the financial year 1894–95.

(4) *Staff.*—One of the chief problems which arose on the college being started was how to provide an effective staff of Professors and Assistant Professors. It must be remembered that, according to Rule 19 of the College Rules, a system of remuneration by fees for the work actually done was to take the place of the old salary system at so much a month. And, moreover, according to the scale of fees laid down in the rule each Professor would receive, if he gave every allotted lecture and held each class assigned to him throughout the year, the equivalent of a monthly salary of Rs. 291–10–8 less income-tax ; and each Assistant Professor who fully performed his work would receive the equivalent of Rs. 116–8–0 per mensem less income-tax. Now formerly the Senior Professor drew a salary of Rs. 500 per mensem less income-tax, the Junior Professor drew a salary of Rs. 400 per mensem less income-tax, and each of the Assistant Professors received Rs. 150 a month. Under the new scheme therefore the staff were neither to receive as much as formerly, nor was the remuneration to be received in the former way. These radical changes (whatever their merits) had the effect of very nearly displacing the whole of the former staff. As it was, the Senior Professor, M.R.Ry. C. Ramachendra Rao Saheb, and the Junior Professor, Mr. Kenworthy Brown, consented to act for one term only, whilst the two Assistant Professors M.R.Ry. Pattabhirama Aiyar and M.R.Ry. Parthasarathi Aiyangar withdrew, and Mr. Brown followed them at the end of the first term. The loss of the services of these three gentlemen at the very outset was undoubtedly a serious one, and was only alleviated by the fact that the college has been so fortunate as to retain throughout the services of M.R.Ry. C. Ramachendra Rao Saheb as Senior Professor, whilst Mr. J. G. Smith was appointed Junior Professor at the beginning of 1892.

The staff of Assistant Professors as originally proposed consisted of two only, but was increased to three in September 1891, whilst the rapid increase in the strength of the classes necessitated the appointment of three more Assistant Professors in January 1893, and a Lecturer in Medical Jurisprudence in the month of February of that year.

The present staff therefore consists of a Principal, two Professors, six Assistant Professors and one Special Lecturer.

It was found desirable to raise the scale of remuneration to which I have referred above. Accordingly, under the terms of G.O., dated 17th January 1893, No. 26, the Senior and Junior Professors each draw in fees the equivalent of a salary of Rs. 350 a month, whilst the Assistant Professors receive the equivalent of Rs. 150 per mensem. The Lecturer in Medical Jurisprudence receives a special fee of Rs. 300.

(5) *Library.*—A good law library has been gradually formed. It is divided into two sections—a lending section and a consulting section ; both sections together contained 1,046 volumes on 31st March 1894. The purchases for the present year are not yet completed. A rapidly increasing use by students is being made of the consulting section, the number of consultations in 1893–94 being nearly twice as many as in 1892–93.

(6) *General.*—In 1888 (*vide* paragraph 4 of G.O., dated 7th November 1888, No. 634, Educational), Government wrote as follows : the "Principal aim" (of the Law College) "should be to improve the instruction in the theory of Law, and if this object is attained, it is probable that the University will be able to revise and raise its standards so as to give greater prominence to scientific principles and less to practical training." This aim has been kept in view, and the University has already largely adopted the course which Government considered likely. The result is that the University school of law is in both its teaching department (as represented by the Law College) and its examining department greatly improved.

Roman Law has been included amongst the subjects, and students now are first of all instructed in jurisprudence, which is followed by Roman Law, Law of Contracts, Law of Torts, and Criminal Law and these form the subjects of the First Examination in Law. In the second or B.L. Degree examination greater prominence has been given to the Law of Property, which subject embraces English, Real and Personal Property Law, including the Law of Trusts, and the Indian Transfer of Property Act. Constitutional Law in relation to India comes next and then Hindu and Muhammadan Law. Then come the Laws of Procedure (Civil and Criminal) and Limitation, and the Law of Evidence.

The result of the scheme of study and examination is that students first learn the general principles of law in jurisprudence and Roman Law. They then take up the Law of Obligations and finish their first course with a subject closely connected with Obligations *ex delicto*, viz., Criminal Law. The Law of Property naturally follows, and in this wide field, they learn much

of the history of English Law and of the principles of Common Law and Equity. Another branch of Public Law is met with in the Constitutional Law, whilst the course is completed with the subject of Adjective Law, viz., Evidence and Procedure.

Having completed my survey of the present position of the college, I will add a few remarks as to its prospects.

As to its financial prospects, I think it may be taken for granted that the college can always be entirely self-supporting and that it will continue to add to the revenues of the State. Should the number of students decrease, and there is no prospect of their doing so, a smaller staff would naturally be needed and expenditure thus decreased. Moreover, it is probably a question of time as to when the scheme of the college will be extended to other classes of Law students—to candidates for the U.C.S. examinations and Second-grade Pleadership examinations. So long as the college possesses a monopoly or practical monopoly of legal education in the Presidency it can always be rendered a self-supporting and financially profitable institution. Its value from an educational point of view depends upon the future constitution of the teaching staff.

At the close of the first five years of its existence, or in about one year, the college will find itself located in the new college buildings next to the High Court, and the question that must then be determined is whether the institution is to be one in which, like ordinary educational institutions, lectures and classes are held throughout the day, or whether they are to be confined to morning and evening hours, *i.e.*, to hours before 11 A.M. and after 5 P.M. It is upon this question of hours that the educational value of the college ultimately depends, for this question involves the one as to the future constitution of the college staff.

It may be safely laid down that if the staff is required to work between 11 A.M. and 5 P.M., the Principal, Professors and Assistant Professors must be non-practising lawyers, since lawyers in practice could not discharge their duties as advocates and their duties as professors at the same time, and I have reason to believe that the present staff at any rate would resign their appointments. This would be a serious blow to the college, for it must be remembered that the staff is now composed of experienced lawyers and teachers, a class whom it would probably be impossible to replace under existing conditions, certainly impossible to replace under a new system of working hours. I fear that a Law College which carried on its work during court hours would be compelled to obtain its Professors and Assistant Professors from amongst very junior vakils, inexperienced alike in teaching and its law; that it would not be able to obtain the services of the best of this class, and that it could only obtain the services of any of them by a greatly increased remuneration.

The location of the college next to the High Court will however enable the hours in which instruction can be given to be increased whilst at the same time the college can retain the services of lawyers in actual practice as teachers. At present the hours of work for the staff, other than the Junior Professor and myself are confined to 6–7 P.M. and to 7–9 o'clock on Saturday mornings, but in the future the lecture and class hours of the college can well be fixed at 10 to 11 A.M. and 5 to 7 P.M., with extra hours on Saturday mornings if necessary. The existence of common rooms, comfortable class rooms and library will no doubt induce many students to make use of the college for their daily studies between these hours.

The question as to whether the Principal of the College should be allowed to practise at the Bar will probably have to be considered in connection with the new conditions under which the college will be working. The reason for the rule which at present excludes him from taking practice appears to be that although Government considered that he should not lose touch with the actual practice of the law (*vide* paragraph 6 of G.O., dated 7th November 1888, No. 634, Educational), it was thought that he should give for a term of years his undivided attention to the working and development of the college (*vide* paragraph 16 of Mr. Grigg's letter dated 12th September 1888, No. 6749) and that if he was allowed to practise the administrative work of the college could not be properly performed by him (*vide* paragraph 21 *ibid*). Moreover it was thought that his work as Principal would fully occupy all his time (*vide* paragraph 9 of Mr. Grigg's letter dated 26th August 1889, No. 7282).

The college has now however been long working regularly and the administrative work is extremely light, occupying not more than two hours a week. The Principal of the College at present is in the anomolous condition of being the only member of the staff who is not allowed to practise and thus keep in touch with the actual practice of the law, and he is the only Barrister in Government service holding a legal appointment (other than Judicial) who is not allowed to follow his profession.

GOVT. OF FORT ST. GEORGE.

EDUCATIONAL (1895) *DEPT.*

LETTER to the Right Honourable the Secretary of State for India.

Dated 7th June,

No. 3 of 1895.

Transmitting, with remarks, a special report showing the position and prospects of the Madras Law College on the 31st December 1894.

EDUCATIONAL DEPARTMENT.

Letter—to

The Right Honourable the SECRETARY of STATE for INDIA.

Right Honourable Sir,

We have the honour, as desired in Lord Cross' despatch, dated 16th April 1891, No. 3, Public (Educational), to transmit herewith a special report showing the position and prospects of the Madras Law College on the 31st December 1894.

We concur in the recommendation of the Director of Public Instruction that the present status of the college should, for the reasons mentioned in the report, be continued for a further period of at least five years.

We have the honour to be,
Right Honourable Sir,
Your most obedient, humble servants,

(Signed) WENLOCK.
(,,) H. W. BLISS.
(,,) J. GROSE.

Ootacamund,
7th June 1895.

Exd. A. Raitt.

Appendix to the Despatch to the Right Honourable the Secretary of State for India, dated 7th June 1895, *No* 3.

From the Hon'ble Mr. D. DUNCAN, M.A., D.Sc., Director of Public Instruction, Madras, to the Chief Secretary to Government, dated 14th March 1895, No. 3040.

I have the honour to submit, with reference to the concluding paragraph of the Secretary of State's despatch of the 16th April 1891, No. 3, Public (Educational), recorded in G.O., Educational, No. 360, dated 18th May 1891, a special report on the position and prospects of the Madras Law College on the 31st December 1894. Copy of the Principal's letter communicating the resolution of the College Council on the subject of paragraph 4 of the despatch above referred to is also submitted for information.

2. The Principal's report deals fully with the constitution and working of the college. He agrees with the College Council in considering that it is undesirable for Government to sever its connection with the institution. The college has not entailed any additional cost to the State, but has, on the other hand, yielded a surplus of over Rs. 88,000 during the twelve years ending with 1893–94. The college may thus be considered to have reimbursed the Government to some extent for the expenditure which it is now incurring in erecting a separate building. Even if the present strength decrease, which is not improbable some years hence when the bar becomes overcrowded, the institution can be kept self-supporting by an enhancement in the fee. Moreover, no body or association of persons is forthcoming to whom may be entrusted the administration of the college, and the efficiency of the institution would be seriously jeopardized if its management were forced on an unwilling and uninterested committee. The Principal of the College and the clerical and menial establishment alone are now in receipt of monthly pay, the other members—Professors, Assistant Professors and Special Lecturers—being appointed from year to year and paid per term in the shape of fees. The pension liability on account of the establishment is a trifling item, and, if need be, the Principal's appointment may be made non-pensionable. The responsibility of Government would be but nominal under these circumstances. If the Secretary of State is pleased, in view of the above facts, to continue the status of the college as a Government institution undisturbed and to re-engage the services of Mr. Nelson, a condition as to his ineligibility for pension or gratuity may be stipulated for, he being allowed by way of compensation some concession in the direction of private practice, subject to such limitations as the Government may deem fit to fix after consulting the Judges of the High Court. I would strongly recommend that the present status be continued at least for a further period of five years when more experience will have been gained of the working of the institution.

3. Copy of the revised code of rules regulating the constitution and working of the college when approved may also be submitted to the Secretary of State for information.

ENCLOSURES.

From R. A. NELSON, Esq., B.A., LL.B., Barrister-at-Law, Principal, Law College, Madras, to the Director of Public Instruction, Madras, dated 20th December 1894, No. 8.

With reference to your Proceedings, No. 7072, dated 31st July 1894, paragraph 7 thereof, I have the honour to say that, as requested, the College Council, at a meeting held on the 18th of September 1894, only considered the suggestion contained in paragraph 4 of the Secretary of

State's despatch communicated with G.O., No. 360, dated 18th May 1891, that Government should sever connection with the college when the term of five years for which my service as Principal of the Law College have been engaged expires, viz., in May 1896.

The Council consider that it would be very undesirable for Government to sever connection with the college for the following reasons :—

First.—The question is premature, for the scheme of a full-time working law college has not yet been entered on owing to no building being available.

Secondly.—The college has not been in existence long enough to form a reliable estimate as to its average income, nor can the financial effect of the establishment of a full-time working law college be estimated at present.

Thirdly.—There is no body in existence to take over the functions of Government, for the University of Madras cannot do so without fresh legislation—see the preamble to Act XXVII of 1857.

From R. A. NELSON, Esq., B.A., LL.B., Barrister-at-Law, Principal, Law College, to the Director of Public Instruction, Madras, dated Madras, 27th February 1895, No. 13.

With reference to paragraph 7 of your Proceedings, No. 7072, dated 31st July 1894 (reviewing the report on the working of the Law College during the year 1893-94), and your letter of the 16th February 1895, No. 1788, I have the honour to submit a special report showing the position and prospects of the college on the 31st of December 1894.

(1) *Number of Students.*—The total number of students on the rolls of the college at the close of the autumn term was 564.

This figure was constituted as follows :—

B.L. Degree candidates	539
Pleadership "	25
Casual students	..
Total ..	564

(*a*) *B.L. Candidates.*—For the sake of comparison the total number of such students on the 31st of March in each year for the last twelve years is appended :—

Law Class, Presidency College.

1883	112
1884	115
1885	127
1886	141
1887	182
1888	222
1889	201
1890	282
1891	294

Law College.

1892	310
1893	405
1894	561

It will be seen that during the past eleven years the number of law students preparing for the University degree of B.L. has increased fivefold, and that whereas up to the year 1891 the increase was a steady one, showing but small fluctuations; the increase during the past three years, and especially during the last year, has been extraordinary.

Three remarks may be made on the above facts—

First.—The raising of the annual fee for instruction in 1884 from Rs. 60 to Rs. 100 did not prevent the number of students nearly doubling in the space of five years (1883–88).

Secondly.—The increase in the length of the course of study from two to three years made in 1889 has not reduced the number of entries as was thought to be likely by Government (*vide* G.O., dated 7th November 1888, No. 634, Educational, paragraph 5), but on the contrary the number has more than doubled in the space of five years.

Thirdly.—The large increase in the last year is in part due to the new rule made by the High Court (which came into operation for the first time in 1895), which requires candidates for the First-grade Pleadership examination to have passed the B.A. examination. For, since students can join the Law College for the B.L. course before passing the B.A. examination,

many prefer the B.L. to the Pleadership course, as students for that course are not admitted to the college until they have fulfilled the requirement of the High Court as to the Arts examination.

The foregoing figures have greatly exceeded the estimates as to the number of University Law students on the rolls of the college in each year which were made by Mr. Grigg, the late Director of Public Instruction, and by Government at the time when the scheme for the Law College was being formulated. Mr. Grigg's first estimate was 300 (*vide* paragraph 25 of his letter to the Chief Secretary to Government, dated 12th September 1888, No. 6749), which he subsequently reduced to 225 (*vide* paragraph 6 of his letter, dated 26th August 1889, No. 7282). Government estimated an annual total of 200 (*vide* paragraph 5 of G.O., dated 7th November 1888, No. 634). Consequently, as will appear later, the estimated revenues of the college, based on these figures, have been largely exceeded in fact.

(*b*) *Pleadership Candidates.*—In 1892, the class formed for these students numbered 50, in 1893 it numbered 107 and in 1894 it fell to 30.

These fluctuations are easily accounted for. Towards the end of 1891 the High Court (in pursuance of the scheme of the Law College which was to include a course of study for Pleadership candidates (*vide* paragraph 8 of Mr. Grigg's letter, dated 12th September 1888, No. 6749), directed that candidates for the First-grade Examination should undergo a one year's course in the college previous to appearing for examination in 1894 and succeeding years. Consequently fifty intending candidates attended for the course in 1892. But since, as mentioned above, candidates for the first grade *after* 1894 are required to be Graduates in Arts, the examination of 1894 was the last examination at which non-graduates were eligible. Naturally therefore 1893 saw the Pleadership class largely increased by non-graduate candidates anxious to qualify by a year's course for the last examination open to them. The examination being, after 1894, closed to non-graduates, the preparatory class in 1894 was thus naturally composed of graduates and thus fell to a strength of thirty only.

(*c*) *Casual Students.*—It was anticipated that candidates for Law examinations other than the B.L. Degree and First-grade Pleadership examinations, *i.e.*, the M.L. Degree, the Second-grade Pleadership examination and U.C.S. (Government) examinations would be induced to voluntarily attend the college, being attracted thereto by small fees (Rs. 12 for a course of lectures) and evening lectures (*vide* paragraph 22 of Mr. Grigg's letter, dated 12th September 1888, No. 6749), and an annual revenue of Rs. 5,000 was looked for from this source alone—*vide* paragraph 25 *ibid.* This part of the scheme has, however, entirely failed, for no such candidate has applied for instruction since the college began work.

(2) *Examination Results*—(*a*) *B. L. Degree Examination.*—The following table shows the percentage of passes in this examination during the last twelve years :—

Year.	Registered.	Examined.	Passed.	Percentage.
1883	68	68	8	11·8
1884	65	60	32	53·3
1885	60	57	24	42·1
1886	80	72	36	50
1887	95	92	16	17·4
1888	130	122	40	32·7
1889	163	150	48	32
1890	129	120	35	29·1
1891	137	128	39	30·4
1892	159	151	48	31·7
1893	176	169	72	42·6
1894	188	181	45	24·8

The Law College is concerned only with the returns for the last three years in the above table. In 1892, 63 students appeared for examination from the college, in which, however, they had only spent the last term of their course, having previously been in the Presidency College. Twenty-one passed or a percentage of 33·3 as against a general percentage of 31·7 for the year. In 1893, 69 college students appeared and of these 25, or a percentage of 36·3, passed as against the general percentage of 42 6. In 1894, 63 students appeared from the college and of these 15, or a percentage of 23·8 passed as compared with the general percentage of 24 8. In 1893 of the remaining 47 (72—25) successful candidates 22 or a percentage of 46 8 were old students of the Law College, and in 1894 of the remaining 30 (45—15) successful candidates 14 or a percentage of 46·6 were old students of the college.

There has therefore not been that improvement in the percentage of success at the B.L. examination which might have been anticipated from the increased hours of instruction and a regular system of periodical college examinations which the Law College introduced and has since followed. I need not recapitulate what I have said elsewhere (*vide* paragraph 5 of my report on the college for 1893–94 contained in your Proceedings dated 31st July 1894, No. 7072

as to the existing drawbacks under which the college has to work and as to the apparent remedies. It is sufficient to say that the college does not command the time of its students, many of whom are throughout their course employed all day in offices, &c., and most of whom spend the first year of their law course in studying for the B.A. degree. Moreover, the classes have grown to such an unwieldy size that any personal supervision of each student's studies by the teacher is well nigh impossible.

(*b*) *Pleadership Examination.*—The following table shows the percentage of passes in the First and Second Grade examinations for the past twelve years :—

Year.	Percentage of candidates who passed	
	In First Grade.	In Second Grade.
1883	52·6	70
1884	48·7	60·2
1885	14·3	38·8
1886	17·8	28·6
1887	22·9	35·4
1888	18·4	26·08
1889	11 6	25·3
1890	9·6	39·3
1891	7·8	15·8
1892	9·7	26·4
	taken together	
*1893	8·6	
*1894	34·5	

* I cannot obtain the percentage for each grade respectively for these years.

The Law College is connected with these returns only so far as the years 1893, 1894 are concerned.

For the 1893 examination 32 candidates from the Law College appeared for the First-grade examination. None however were successful, but twelve of them passed in the Second Grade. It will be observed that the percentage of passes in both grades together in this year was only 8·6.

In 1894, 126 candidates appeared for the First Grade, 93 of whom were Law College students. Five students of the college appeared for the Second Grade only. Of the 126 candidates for the First Grade 42 passed, showing a successful percentage of 33·3. Of the 98 Law College candidates 35 passed, showing a successful percentage of 37·6, as against a percentage of 21·2 amongst candidates who were not students of the college. Of the remaining 63 (98—35) Law College students 56 passed in the Second Grade. There was thus a striking improvement on the year 1893.

(3) *Financial Position.*—The following table shows the receipts and expenditure in connection with the law classes during the past twelve years. The fourth column shows the balance to the credit of Government in each year :—

Year.	Receipts.	Expenditure.	Balance.
	Rs.	Rs.	Rs.
1883	6,810	3,863	2,947
1884	9,140	4,835	4,305
1885	11,050	9,250	1,800
1886	12,800	12,585	215
1887	15,950	11,107	4,843
1888	19,500	11,125	8,375
1889	20,450	11,170	9,280
1890	23,500	11,663	11,837
1891	28,300	18,275	10,025
1892	30,324	23,971	6,353
1893	42,832	27,458	15,374
1894	54,268	41,412	12,856
Total ..	2,74,924	1,86,714	88,210

The law classes have therefore been worked at a profit to Government of the sum of Rs. 88,210 for the past twelve years.

The three last returns are for the years during which the Law College has been working, and it will be observed that not only has the college been entirely self-supporting, although the

remuneration of Professors and Assistant Professors has been raised and the number of Assistant Professors doubled during the period, but it has contributed to Government the sum of Rs. 34,583 in the space of three years.

From 31st March to 31st December 1894.—The receipts for this period amounted to Rs. 27,812 and the expenditure to Rs. 33,922. The expenditure includes the fees of the Professors and the Assistant Professors for the spring and autmun terms of 1894. To the receipts will have to be added the receipts for the spring term of 1895 for the purpose of ascertaining the credit balance for the financial year 1894–95.

(4) *Staff.*—One of the chief problems which arose on the college being started was how to provide an effective staff of Professors and Assistant Professors. It must be remembered that, according to Rule 19 of the College Rules, a system of remuneration by fees for the work actually done was to take the place of the old salary system at so much a month. And, moreover, according to the scale of fees laid down in the rule each Professor would receive, if he gave every allotted lecture and held each class assigned to him throughout the year, the equivalent of a monthly salary of Rs. 291–10–8 less income-tax; and each Assistant Professor who fully performed his work would receive the equivalent of Rs. 116–8–0 per mensem less income-tax. Now formerly the Senior Professor drew a salary of Rs. 500 per mensem less income-tax, the Junior Professor drew a salary of Rs. 400 per mensem less income-tax, and each of the Assistant Professors received Rs. 150 a month. Under the new scheme therefore the staff were neither to receive as much as formerly, nor was the remuneration to be received in the former way. These radical changes (whatever their merits) had the effect of very nearly displacing the whole of the former staff. As it was, the Senior Professor, M.R.Ry. C. Ramachendra Rao Saheb, and the Junior Professor, Mr. Kenworthy Brown, consented to act for one term only, whilst the two Assistant Professors M.R.Ry. Pattabhirama Aiyar and M.R.Ry. Parthasarathi Aiyangar withdrew, and Mr. Brown followed them at the end of the first term. The loss of the services of these three gentlemen at the very outset was undoubtedly a serious one, and was only alleviated by the fact that the college has been so fortunate as to retain throughout the services of M.R.Ry. C. Ramachendra Rao Saheb as Senior Professor, whilst Mr. J. G. Smith was appointed Junior Professor at the beginning of 1892.

The staff of Assistant Professors as originally proposed consisted of two only, but was increased to three in September 1891, whilst the rapid increase in the strength of the classes necessitated the appointment of three more Assistant Professors in January 1893, and a Lecturer in Medical Jurisprudence in the month of February of that year.

The present staff therefore consists of a Principal, two Professors, six Assistant Professors and one Special Lecturer.

It was found desirable to raise the scale of remuneration to which I have referred above. Accordingly, under the terms of G.O., dated 17th January 1893, No. 26, the Senior and Junior Professors each draw in fees the equivalent of a salary of Rs. 350 a month, whilst the Assistant Professors receive the equivalent of Rs. 150 per mensem. The Lecturer in Medical Jurisprudence receives a special fee of Rs. 300.

(5) *Library.*—A good law library has been gradually formed. It is divided into two sections—a lending section and a consulting section; both sections together contained 1,046 volumes on 31st March 1894. The purchases for the present year are not yet completed. A rapidly increasing use by students is being made of the consulting section, the number of consultations in 1893–94 being nearly twice as many as in 1892–93.

(6) *General.*—In 1888 (*vide* paragraph 4 of G.O., dated 7th November 1888, No. 634, Educational), Government wrote as follows: the "Principal aim" (of the Law College) "should be to improve the instruction in the theory of Law, and if this object is attained, it is probable that the University will be able to revise and raise its standards so as to give greater prominence to scientific principles and less to practical training." This aim has been kept in view, and the University has already largely adopted the course which Government considered likely. The result is that the University school of law is in both its teaching department (as represented by the Law College) and its examining department greatly improved.

Roman Law has been included amongst the subjects, and students now are first of all instructed in jurisprudence, which is followed by Roman Law, Law of Contracts, Law of Torts, and Criminal Law and these form the subjects of the First Examination in Law. In the second or B.L. Degree examination greater prominence has been given to the Law of Property, which subject embraces English, Real and Personal Property Law, including the Law of Trusts, and the Indian Transfer of Property Act. Constitutional Law in relation to India comes next and then Hindu and Muhammadan Law. Then come the Laws of Procedure (Civil and Criminal) and Limitation, and the Law of Evidence.

The result of the scheme of study and examination is that students first learn the general principles of law in jurisprudence and Roman Law. They then take up the Law of Obligations and finish their first course with a subject closely connected with Obligations *ex delicto*, viz., Criminal Law. The Law of Property naturally follows, and in this wide field, they learn much

of the history of English Law and of the principles of Common Law and Equity. Another branch of Public Law is met with in the Constitutional Law, whilst the course is completed with the subject of Adjective Law, viz., Evidence and Procedure.

Having completed my survey of the present position of the college, I will add a few remarks as to its prospects.

As to its financial prospects, I think it may be taken for granted that the college can always be entirely self-supporting and that it will continue to add to the revenues of the State. Should the number of students decrease, and there is no prospect of their doing so, a smaller staff would naturally be needed and expenditure thus decreased. Moreover, it is probably a question of time as to when the scheme of the college will be extended to other classes of Law students—to candidates for the U.C.S. examinations and Second-grade Pleadership examinations. So long as the college possesses a monopoly or practical monopoly of legal education in the Presidency it can always be rendered a self-supporting and financially profitable institution. Its value from an educational point of view depends upon the future constitution of the teaching staff.

At the close of the first five years of its existence, or in about one year, the college will find itself located in the new college buildings next to the High Court, and the question that must then be determined is whether the institution is to be one in which, like ordinary educational institutions, lectures and classes are held throughout the day, or whether they are to be confined to morning and evening hours, *i.e.*, to hours before 11 A.M. and after 5 P.M. It is upon this question of hours that the educational value of the college ultimately depends, for this question involves the one as to the future constitution of the college staff.

It may be safely laid down that if the staff is required to work between 11 A.M. and 5 P.M., the Principal, Professors and Assistant Professors must be non-practising lawyers, since lawyers in practice could not discharge their duties as advocates and their duties as professors at the same time, and I have reason to believe that the present staff at any rate would resign their appointments. This would be a serious blow to the college, for it must be remembered that the staff is now composed of experienced lawyers and teachers, a class whom it would probably be impossible to replace under existing conditions, certainly impossible to replace under a new system of working hours. I fear that a Law College which carried on its work during court hours would be compelled to obtain its Professors and Assistant Professors from amongst very junior vakils, inexperienced alike in teaching and its law; that it would not be able to obtain the services of the best of this class, and that it could only obtain the services of any of them by a greatly increased remuneration.

The location of the college next to the High Court will however enable the hours in which instruction can be given to be increased whilst at the same time the college can retain the services of lawyers in actual practice as teachers. At present the hours of work for the staff, other than the Junior Professor and myself are confined to 6–7 P.M. and to 7–9 o'clock on Saturday mornings, but in the future the lecture and class hours of the college can well be fixed at 10 to 11 A.M. and 5 to 7 P.M., with extra hours on Saturday mornings if necessary. The existence of common rooms, comfortable class rooms and library will no doubt induce many students to make use of the college for their daily studies between these hours.

The question as to whether the Principal of the College should be allowed to practise at the Bar will probably have to be considered in connection with the new conditions under which the college will be working. The reason for the rule which at present excludes him from taking practice appears to be that although Government considered that he should not lose touch with the actual practice of the law (*vide* paragraph 6 of G.O., dated 7th November 1888, No. 634, Educational), it was thought that he should give for a term of years his undivided attention to the working and development of the college (*vide* paragraph 16 of Mr. Grigg's letter dated 12th September 1888, No. 6749) and that if he was allowed to practise the administrative work of the college could not be properly performed by him (*vide* paragraph 21 *ibid*). Moreover it was thought that his work as Principal would fully occupy all his time (*vide* paragraph 9 of Mr. Grigg's letter dated 26th August 1889, No. 7282).

The college has now however been long working regularly and the administrative work is extremely light, occupying not more than two hours a week. The Principal of the College at present is in the anomolous condition of being the only member of the staff who is not allowed to practise and thus keep in touch with the actual practice of the law, and he is the only Barrister in Government service holding a legal appointment (other than Judicial) who is not allowed to follow his profession.

Exd. S. J. Pereira.

st copy sent to Press.

urned for signature.

spatched in

NUMBER OF COPIES REQUIRED. { Order complete. / Letter only. / Order complete with Letter.

D AGAIN G.O., No. 189 DATED

RENT No

LOSURES TO O. No.

R OF GOVERNMENT

ER OF GOVERNMENT.

MENT WITH DITTO.

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

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