



The Serampore College Act, 1918

Act 4 of 1918

Keyword(s):

Royal Charter of Incorporation, Serampore College, Management

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Bengal Act IV of 1918

(The Serampore College Act, 1918).¹

ADAPTED

- ... [
- (a) The Government of India (Adaptation of Indian Laws) Order, 1937.
 - (b) The Adaptation of Laws Order, 1950.
-]

(1st May, 1918.)

An Act to supplement, and in certain matters to supersede, the Royal Charter of Incorporation and the Statute and Regulation of the Serampore College.

WHEREAS on the 23rd day of February, 1827, the institution established in Serampore, Bengal, and known as the Serampore College, was incorporated by Royal Charter granted by his late Danish Majesty King Frederick the Sixth, with the powers and privileges in the said Royal Charter set forth, including the power of conferring upon the students of the said College degrees of rank and honour according to their proficiency in science ;

Preamble.

AND WHEREAS by Article VI of the Treaty of Purchase, dated the 22nd February, 1845, transferring Serampore to the British Government, it was provided that the rights and immunities granted to the Serampore College by the said Royal Charter, as translated and contained in Schedule I to this Act, should not be interfered with, but should continue in force in the same manner as if they had been obtained by a Charter from the British Government, subject to the general law of British India ;

AND WHEREAS Statutes and Regulations for the better government of the said College and management of its concerns, as contained in Schedule II to this Act, were, on the 12th day of June, 1833, made and established under the powers conferred by Article 4 of the said Royal Charter ;

AND WHEREAS, under the provisions of the said Royal Charter, the Council of the College consists of a Master or President and two or four members elected as provided in the said Statutes and Regulations, and the management of the College and its general order and government is vested in the Master and Council, and the said power of conferring degrees of rank and honour is vested in the first Council and their successors for ever ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette* of 1918, Pt. IV, page 18 ; and for Proceedings in Council, see *ibid.* Pt. IVA, pages 198 and 199 and 291-297 and 627-633.

(Sections 1, 2.)

AND WHEREAS it is considered that in order to give effect, under the conditions now existing, to the intentions of his late Danish Majesty and of the founders of the said College, that is to say, to promote piety and learning, particularly among the native Christian population of India, the amendment of the constitution of the College, by the enlargement of the College on an inter-denominational basis, with power to delegate some of its functions, in manner hereinafter appearing, is required ;

AND WHEREAS the present Council of the said College consists of the Reverend George Pearce Gould, M.A., D.D., Master and President, George Barclay Leechman, Esq., Sir George Watson Macalpine, LL.D., the Reverend Robert Forman Horton, M.A., D.D., and the Reverend George Howells, M.A., Ph.D., Principal of the College ;

AND WHEREAS it is deemed expedient by the Governor in Council, with the consent of the said Council of the Serampore College, that a Faculty and Senate be constituted for the said College in manner hereinafter appearing and that suitable standards be imposed in regard to any secular degrees that may hereafter be conferred by the said Council under the terms of the said Royal Charter ;

AND WHEREAS it is necessary to make provision for the above purposes by subjecting the said Royal Charter, Statutes and Regulations to an Act of the legislature under the general law of British India in accordance with the terms of the aforesaid Treaty ;

AND WHEREAS the previous sanction of the Governor General in Council has been obtained to the passing of this Act.

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Serampore College Act, 1918.

Constitution of the Council.

2. (1) The Council of the Serampore College as constituted by the Royal Charter of the 23rd day of February, 1827, shall be enlarged so as to consist of not less than five nor more than sixteen ordinary members, including the Master, as the Council may from time to time determine. The first Council constituted under this section shall include the present Master and President and the other present members.

(2) At least one-third of the members of the Council shall be members of the Baptist denomination.

(3) The Master shall be the President of the Council.

(4) The Principal of the College, if not an ordinary member, shall be an additional member of the Council *ex-officio* during his term of office as Principal of the College.

(5) Until otherwise determined by by-law made under section 14, three members of the Council shall form a quorum.

of 1918.]

(Sections 3—9.)

3. Any member of the Council may at any time resign his office by notice in writing to the Master, provided that no such resignation shall be deemed to take effect so long as the total number of members of the Council shall by reason thereof be less than five.

Resignation
of
Members.

4. On any vacancy occurring in the office of Master the remaining members of the Council shall elect another person, whether one of their number or not, to fill his place.

Election of
Master.

5. The Council shall, within one year from the date of the commencement of this Act, constitute and appoint in the manner prescribed in section 6, a body to be known as the College Faculty.

The College
Faculty.

6. (1) The Faculty shall consist of the Principal (who shall be its President) and such of the professors and other officials and functionaries of the College as may be appointed by the Council in accordance with by-laws made under section 14.

Constitution
of the
College
Faculty.

(2) The Council shall from time to time prescribe and declare by order in writing the powers and duties of the Faculty, and may remove any member thereof.

7. The Council may delegate to the Faculty all or any of the powers and duties of the Council and Master, which concern only the internal management of the College and its general order and good government.

Delegation
of Council's
powers and
duties.

8. The Council shall, within one year from the date of the commencement of this Act, constitute and appoint in the manner prescribed in section 9, a body to be known as the Senate of the College.

The Senate
of the
College.

9. The Senate shall consist of the Principal (who shall be convenor) and not less than twelve and more than eighteen persons as the Council may from time to time determine, to be appointed by the Council :

Constitution
of the
Senate.

Provided that—

- (a) at least one and not more than three representatives of each of the following Christian denominations, viz., Anglican, Baptist, Congregational, Lutheran, Methodist, Presbyterian and Syrian, shall, as far as practicable, be members of the Senate ;
- (b) at least two-thirds of the members shall be persons other than professors, officials or functionaries of the College ;
- (c) not less than one-sixth of the members shall be members of the College Faculty.

(Sections 10—13.)

Term of office of members of the Senate.

10. (1) Subject to the provisions of clause 11 of the Statutes and Regulations of the College, which shall be deemed to apply to members of the Senate, each member of the Senate shall hold office for a period of five years, at the expiration of which period he shall retire, but he shall be eligible for re-appointment :

Provided that the Principal shall not, during the term of his office as Principal, be subject to retirement, unless he becomes disqualified under the provisions of clause 11 of the Statutes and Regulations.

(2) Any Member of the Senate may, by notice in writing to the Master, resign his membership at any time.

Duties of the Senate.

11. The Senate shall frame courses of study and make rules for the conduct of examinations, and shall, subject to the control of the Council, determine the qualifications for degrees and diplomas and do and perform all other matters and things necessary or proper for or relating to the determination of the eligibility of candidates for degrees, diplomas and certificates to be conferred by the Council.

Power of the Senate to make rules and regulations.

12. Subject to the Provisions of this Act, the Senate shall make rules and regulations for the convening of its meetings and for the proper conduct of its business.

Granting of degrees.

13. If, at any time, the Council shall intend to grant degrees in any branch or branches of knowledge and science other than theology, such degrees shall be confined to students who shall have received regular instruction at the Serampore College ; and before the Council proceeds to grant such degrees, it shall satisfy ¹[the State Government] as to the adequacy—

- (1) of the establishment and equipment of the College ;
- (2) of the academic standard to be maintained ; and
- (3) of the financial provision made therefor :

Provided that the said Government, on ceasing to be so satisfied, may withdraw ²[its] approval of the granting of such degrees.

¹The words "Provincial Government" were originally substituted for the words "the Government as defined in section 2(b) of the Indian Universities Act, 1904, in relation to the University of Calcutta" by para. 3 and Sch. IV, to the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

²This word was substituted for the word "their" by paragraph 5(2) of the Government of India (Adaptation of Indian Laws) Order, 1937.

of 1918.]

(Sections 14, 15.)

14. Subject to the provisions of this Act and of the said Royal Charter, Statutes and Regulations, so far as they are not inconsistent therewith, the Council shall make by-laws providing for and regulating the following matters, namely :—

Power of the Council to make by-laws.

- (a) the convening of meetings of the Council ;
- (b) the quorum to be required at meetings of the Council and the conduct of business at such meetings ;
- (c) the appointment of members of the Council, Faculty and Senate ;
- (d) the duties to be performed by the Faculty under the direction and control of the Council ;
- (e) the conferring of degrees, diplomas and certificates on the recommendation of the Senate ;
- (f) the terms and tenure of appointments, duties, emoluments, allowances and superannuation allowances of the Principal, Professors, Fellows, Tutors and other officers of the College and of its servants ;
- (g) the finances and accounts of the College and the investment of its funds ;
- (h) the person or persons by whom, and the manner and form in which, contracts by or on behalf of the College may be entered into, varied or discharged, and deeds, agreements, contracts, cheques, and other negotiable instruments and documents may be signed or executed on behalf of the College, and minutes and proceedings of meetings of the Council, Faculty or Senate may be authenticated or evidenced so as to bind the College and be receivable in evidence in accordance with the provisions of the Indian Evidence Act, 1872 ;
- (i) the custody and use of the common seal ; and
- (j) generally all such other matters as may be required or authorized under this Act and the said Royal Charter, Statutes and Regulations, so far as they are not inconsistent with this Act.

15. The provisions of the said Royal Charter and of the Statutes and Regulations made thereunder, so far as they are contrary to or inconsistent with any of the terms of the Act, shall be deemed to be superseded from the date of the commencement of this Act :

Effect of Act.

Provided that nothing in this Act shall render invalid any acts performed, duties imposed or liabilities incurred prior to the date on

I of 1872.

(Schedule I.)

which this Act comes into force in accordance with the terms of the said Royal Charter, and of the Statutes and Regulations made thereunder.

SCHEDULE I

[See Preamble and sections 2(1), 14 and 15.]

Charter of incorporation of the Serampore College.

We Frederick the Sixth, by the Grace of God King of Denmark, the Vendors and Gothers, Duke of Slesvig Holsten, Storman, Ditmarsken, Limesborg and Oldenborg, by these writings make known and publicly declare, that whereas William Carey and Joshua Marshman, Doctors of Divinity, and John Clark Marshman, Esq., inhabitants of our town of Frederiksnagore (or Serampore) in Bengal, being desirous of founding a College to promote piety and learning particularly among the native Christian population of India, have to secure this object erected suitable buildings and purchased and collected suitable books, maps, etc., and have humbly besought us to grant unto them and such persons as shall be elected by them and their successors to form the Council of the College in the manner to be hereafter named, our Royal Charter of Incorporation that they may the more effectually carry into execution the purposes above-mentioned : — We being desirous to encourage so laudable an undertaking have of our special grace and free motion ordained, constituted, granted and declared, and by these presents We do for ourselves, our heirs and successors ordain, constitute, grant and declare :

1. That the said William Carey, Joshua Marshman and John Clark Marshman, and such other person or persons as shall successively be elected and appointed the Council of the said College, in the manner hereafter mentioned, shall by virtue of these presents be for ever hereafter one body politic and incorporate by the name of the Serampore College for the purposes aforesaid to have perpetual succession and to have a common seal and by the said name to sue and to be sued, to implead and be impleaded, and to answer and be answered unto in every court and place belonging to us, our heirs and successors.

2. And We do hereby ordain, constitute and declare that the persons hereby incorporated and their successors shall for ever be competent in law to purchase, hold and enjoy for them and their successors any goods and chattels whatsoever and to receive, purchase, hold and enjoy, they and their successors, any lands, tenements or

of 1918.]

(Schedule I.)

hereditaments whatever and that they shall have full power and authority to sell, exchange or otherwise dispose of any real or personal property to be by them acquired as aforesaid, unless the sale or alienation of such property be specially prohibited by the donor or donors thereof, and to do all things relating to the said College or Corporation in as ample a manner or form as any of our liege subjects, or any other body politic or corporate in our said kingdom or its dependencies may or can do.

3. And We do hereby ordain, grant and declare that the number of Professors, Fellows or Student Tutors and Students shall be indefinite and that the said William Carey, Joshua Marshman and John Clark Marshman shall be the first Council of the said College, and that in the event of its appearing to them necessary during their lifetime, or in the case of the death of any one of the three members of the said first Council, the survivors or survivor shall and may under their respective hands and seals appoint such other person or persons to be members of the Council of the College, and to succeed each other so as to become members of the said Council in the order in which they shall be appointed, to the intent that the Council of the said College shall for ever consist of at least three persons.

4. And We do hereby further ordain, grant and declare, that for the better government of the said College and the better management of its concerns, the said William Carey, Joshua Marshman and John Clark Marshman, the members of the first Council, shall have full power and authority for the space of ten years from the date of these presents, to make and establish such Statutes as shall appear to them useful and necessary for the government of the said College, in which Statutes they shall define the powers to be entrusted to their successors, to the Professors, the Fellows or Student Tutors and the other officers thereof, and the duties to be performed by these respectively for the management of the estates, lands, revenues and goods—and of the business of the said College, and the manner of proposing, electing, admitting and removing all and every one of the Council, the Professors, the Fellows or Tutors, the officers, the students and the servants thereof, and shall make and establish generally all such other Statutes as may appear to them necessary for the future good government and prosperity of the said College, provided that these Statutes be not contrary to the laws and Statutes of our realm.

5. And We do hereby further ordain, grant and declare that the Statutes thus made and established by the said three members of the first Council and given or left in writing under their respective hands, shall be valid and in full force at the expiration of ten years from the

(Schedule I.)

date of these presents, so that no future Council of the College shall have power to alter, change or vary them in any manner whatever, and that the Statutes shall for ever be considered the constitution of the said College. And We do hereby appoint and declare that these Statutes shall be made and established by the said William Carey, Joshua Marshman and John Clark Marshman alone, so that in case either of them should die before the expiration of ten years, the power of completing or perfecting these Statutes shall devolve wholly on the survivors or survivor; and that in case all three of them should die before the expiration of ten years, the Statutes which they have left in writing under their hands, or under the hand of the last survivor among them, shall be considered "The Fundamental Statutes and Constitution of Serampore College", incapable of receiving either addition or alteration, and shall and may be registered in our Royal Court of Chancery as "The Statutes and Constitution of Serampore College".

6. And We do hereby further appoint, grant and declare that from and after the completion of the Statutes of the said College in the above said time of ten years, the said Council of the College shall be deemed to consist of a Master or President and two or four members who may be Professors or otherwise as the Statutes may direct so that the said Council shall not contain less than three, nor more than five persons, as shall be defined in the Statutes. The Council shall ever be elected as the Statutes of the College may direct, yet the said Master or President shall always previously have been a member of the College; and upon the decease of the said Master or President, the Council of the said College shall be unable to do any act or deed until the appointment of a new Master or President, save and except the appointment of such a Master.

7. And We further appoint, grant and declare that the said William Carey, Joshua Marshman and John Clark Marshman, the members of the first Council, and their successors for ever, shall have the power of conferring upon the students of the said College, native Christians as well as others, degrees of rank and honour according to their proficiency in as ample a manner as any other such College, yet the said Serampore College shall only have the power of conferring such degrees on the students that testify their proficiency in Science, and no rank or other special right shall be connected therewith in our dominions. And We do hereby further appoint, grant and declare, that after the expiration of the said ten years, the said Council of the College and their successors for ever shall have power to make and establish such orders and by-laws as shall appear to them useful and necessary for the government of the said College, and to alter, suspend

of 1918.]

(Schedule II.)

or repeal those already made, and from time to time make such new ones in their room as shall appear to them most proper and expedient provided the same be not repugnant to the Statutes of the College or the laws of our realm, and that after the expiration of these ten years any member of the Council shall have power to move the enactment of any new by-law, or the alteration, suspension or repeal of any existing one provided notice of such motion shall have been delivered in writing to the Master and read from the Chair at one previous meeting of the Council of the said College, but that no such motion shall be deemed to have passed in the affirmative, until the same shall have been discussed and decided by ballot at another meeting summoned especially for that purpose, a majority of the members then present having voted in the affirmative ; and in this as in all other cases, if the votes be equal, the Master or President shall have the casting vote.

Given at our Royal Palace in Copenhagen on the twenty-third day of February in the year of our Lord one thousand eight hundred and twenty-seven, in the nineteenth year of our reign.

Under our Royal Hand and Seal.

FREDERICK R.

SCHEDULE II

[See Preamble and sections 10(1), 14 and 15.]

Statutes and Regulations of the Serampore College.

June 12th, 1833.

1. Article the Third of the Charter granted by His Danish Majesty, having authorised the first Council of Serampore College in their life-time to nominate under their hand and seal such other person or persons for colleagues or successors as may to them appear most proper so that the Council shall always consist of at least three persons, their successors in the Council shall be competent in like manner to nominate in their life-time under their separate hand and seal such person or persons as they may deem most proper to fill vacancies then existing or which may occur on their demise ; members thus nominated and chosen shall succeed to the Council in order of their nomination.

2. It being fixed in the Charter that the Council must consist of the Master or President and at least two, but not more than four

(Schedule II.)

members, and that on the demise of the Master no act shall be done until another be elected, the Master and Council for the time being shall appoint the next Master under their separate hand and seal. If on the demise of a Master no one be found thus appointed under the hand and seal of a majority of the Council, the senior member of the Council shall succeed as Master.

3. The Charter having given the casting vote to the Master, in all cases when the votes are equal the casting vote shall lie with the Master, and if there be no Master, it shall lie with the Senior Member of the Council.

4. Learning and piety being peculiar to no denomination of Christians, one member of the Council may at all times be of any other denomination besides the Baptist to preserve the original design of the Institution. However if on the election of a Master a number of the Council be equally divided, that part which is entirely of the Baptist denomination shall have the casting vote, whether it includes the Master or not.

5. The management of the College, including its revenues and property, the choice of the Professor and Tutors, the admission of students, the appointment of all functionaries and servants and the general order and government of the College, shall ever be vested in the Master and the Council. The Master shall see that the Statutes and Regulations of the Council be duly carried into effect, and take order for the good government of the College in all things. His signature is necessary to the validity of all deeds, instruments, documents and proceedings.

6. "The first Council and their successors for ever" being authorized by the Charter "to confer such degrees of rank and honour as shall encourage learning" in the same manner as other Colleges and Universities, they shall from time to time confer degrees in such branches of Knowledge and Science as may be studied there, in the same manner as the Universities in Denmark, Germany and Great Britain. In doing this the Master and Council shall *ad libitum* call in the aid of any or all the Professors of Serampore College. All such degrees shall be perfectly free of expense to the person on whom they may be conferred, whether he be in India, Europe or America.

7. No oaths shall be administered in Serampore College either to the Members of the Council, the Professors and Tutors, or the students. In all cases a solemn promise, duly recorded and signed by the party, shall be accepted instead of an oath.

of 1918.]

(Schedule II.)

8. Marriage shall be no bar to any office or situation in Serampore College, from that of the Master to that of the lowest student.

9. The salaries of the Professors and Tutors in Serampore College shall be appointed and the means of support for all functionaries, students and servants be regulated by the Council in such manner as shall best promote the objects of the Institution.

10. It is intended that neither the Master nor any member of the Council in general shall receive any salary. But any Master who may not previously reside in the College shall have a residence there free of rent for himself and his family. And if the Council shall elect any one in Europe or in America, whom they deem eminent for learning and piety, a member of the Council, with a view to choosing him Master should they on trial deem him worthy, the Council shall be competent to appoint him such salary as they may deem necessary, not exceeding, however, the highest given to a Professor.

11. As the founders of the College deem the belief of Christ's Divinity and Atonement essential to vital Christianity, the promotion of which is the grand object of this institution, no one shall be eligible to the College Council or to any Professorship who is known to oppose these doctrines, and should any one of the Professors or any member of the Council unhappily change his views after this election as to oppose these fundamental doctrines of Christianity, on this being clearly and decidedly proved from his teaching or his writings, he shall vacate the office he previously held. But every proceeding of this nature on the part of the College Council shall be published to the Christian world with the proofs on which it may rest, as an Appendix to the succeeding Report.

12. Members of the Council are eligible from among the Professors of the College, or from among any in India, Europe, or America, whom the College Council may deem suitable in point of learning, piety, and talent.

13. Students are admissible at the discretion of the Council from any body of Christians, whether Protestant, Roman Catholic, the Greek, or the Armenian Church; and for the purpose of study, from the Musalman and Hindu youth, whose habits forbid their living in the College. No caste, colour, or country shall bar any man from admission into Serampore College.

14. Expulsion shall be awarded in cases of open immorality, incorrigible idleness, neglect of the College Statutes and Regulations, or repeated disobedience to the officers of the College.

(Schedule II.)

15. Any person in India, Europe or America shall be at liberty to found any Professorship, or to attach to Serampore College any annual exhibition or prize for the encouragement of learning in the same manner as in Universities of Great Britain, regulating such endowment according to their own will; and it shall be the duty of the College Council to carry such benefactions into effect in strict consonance with the will of the donors as far as shall be consistent with the Statutes of the College.

16. It shall be lawful for the first Council of the College or their successors to make and rescind any by-laws whatever, provided they be not contrary to these Statutes.

17. The Charter having declared that the number of the Professors and Students in Serampore College remains unlimited, they shall be left thus unlimited, the number to be regulated only by the gracious providence of God and the generosity of the public in India, Europe and America.
