MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 16th to 24th June 1859.

No. 37. Read the following Proceedings of Government, Revenue Department, dated 17th June 1859, No. 832.

[illegible] } (Vide Proceedings Revenue Department, from 11th to 17th June 1859, Nos. 61 to 63.)

No. 38. Order thereon, 23rd June 1859, No. 858.

Communicated to the Civil Judge of Tripatoor, through the Sudder Udalut.

(Signed) T. PYCROFT,
Chief Secretary.

Extd. T. Couteur

To

The Right Honorable Lord Stanley,

SECRETARY OF STATE FOR INDIA.

The respectful Petition of the undersigned Inhabitants of Madras

SHEWETH,

I. That from the institution of the Legislative Council, at the renewal of the late Charter Act in 1813, up to the present time, your Petitioners have anxiously watched its course and procedure.

II. That sufficient time having elapsed for its fair and full trial, your Petitioners now express their deliberate conviction that it has not answered the expectations formed of it; that the Council has not won the confidence and respect of the people of India; and that it has not proved itself suited to the wants and condition of the Country.

III. That in consideration, theoretically looked at, would not lead to any *a priori* probability of its success; since, with the exception of the two Judges of the Supreme Court, it was composed entirely of persons appointed upon the Government, and drawn from the single Governmental class.

IV. That it was not to be expected that a body so composed would show any independence of the Authorities, to whom they looked for place and pay; nor could gentlemen selected from only one class of Society, itself isolated and exclusive, be acquainted with the wants, wishes, condition, and feeling of their own countrymen, and still less of the people at large; [illegible] to bear upon every question, laid upon the [illegible]able, that knowledge of information and varied [illegible] composed of persons selected from various classes of society, and from the different professions and pursuits of active life.

V. That although the Council, since its creation, has passed some three hundred Acts, the great legal reforms expected at its hands, with respect to the codification of the laws, the better administration of justice, and the reorganization of the Police, have not yet been accomplished.

VI. That without professing or even attempting to estimate these failures, your Petitioners desire to place on record their earnest conviction, that the Council has been characterized by poverty of debate generally, especially with reference to questions of finance; and on several occasions by a precipitancy of proceeding, which has reduced it to little more than a Chamber for registering the edicts of the Executive Government.

VII. That among other Acts passed in such fashion, they would point to the Press Act, the Five Acts, the Bombay Habeas Corpus Suspension Act, the Act for the amendment of the Nabob of the Carnatic's Debt Act, and lastly, to the late Act imposing the new Tariff upon the community at large.

VIII. That your Petitioners abstain from examining the political merits of these Acts, since it is to the hasty, inconsiderate manner in which the Council has passed Acts affecting the welfare, the liberties, and property of the people at large, rather than to the quality of the Acts themselves, that they would now draw your most earnest attention.

IX. That, in the opinion of your Petitioners, the time has now come, when the representative system, to a certain reserved and limited extent, may, with great safety and undoubted advantage, be introduced into the Councils of this country. That some such a principle as that of the Ceylon Legislative Council, modified and made applicable to local necessities, should be extended to Her Majesty's Indian subjects.

X. Your Petitioners would beg to call your attention to the important fact, that up to the year 1833, the Presidencies of Madras and Bombay had [illegible] Council, and that [illegible] by the Charter Act of 3d and 4th William the 4th, not on account of any proved abuse or alleged inconvenience, but simply from the then favoured policy of centralization, which sought to confine all initiatory power to the Supreme Government in Calcutta.

XI. Your Petitioners submit that each Presidency should have its own Council for Executive purposes, consisting of the Governor or Lieutenant-Governor, and a Cabinet of the Heads of Departments; and its own Legislative Council, consisting of the Governor and his Cabinet as aforesaid, the Chief Justice and the Advocate General, and a limited number of non official members.

XII. That the official members, the Chief Justice and the Advocate General, receive no remuneration as Councillors; and that the non-official members be paid a moderate salary in recognition of their services.

XIII. That the non-official members be nominated by the Governor or Lieutenant-Governor, but that being so nominated, they shall not be removable except by the unanimous vote of the whole Council.

That they be drawn from the following classes:

1. The European Community, not in the service of Government, 2 Members.
2. The East Indian Community, ditto, 1 Member.
3. The Hindoo community, ditto, 1 Member.
4. The Mahomedan community, ditto, 1 Member.

XIV. That in addition to the Presidency Councils here described, there be similarly constituted a Supreme Executive Council, and a Supreme Legislative Council. That to the Supreme Legislative Council be added a representative Member from each Presidency, the said Member to be elected by the local Legislative Council, and his election approved by the local Government. That there be also added to the Supreme Executive Council a Financial Councillor, to be appointed by the Secretary of State. That the elected Councillor and the Financial Councillor receive adequate salaries from the State.

XV. That all official and non-official Members of Councils, both Presidency and Supreme, be for [illegible] terms only, but be eligible for re-election and re-appointment.

XVI. That the power of legislation be distributed amongst the Legislative Councils in manner following:—

1. All measures of an Imperial character, to be passed in Supreme Council only.
2. All measures of an exclusively local character, and not having operation beyond the one Presidency, to be considered and passed in the Presidency Councils only.
3. That the distinction between Imperial and Local measures be defined by Parliament.
4. That the Governor-General, as to the Supreme Council, and the Governor and Lieutenant-Governors, as to the local Councils, shall have a veto on all passed measures, such veto being removable by the Secretary of State for India.

XVII. Your Petitioners present the above as the mere outline of a scheme, to receive, as such, your Lordship's consideration; and they respectfully pray that their views may be embodied in an Act to be at as early date submitted to Parliament.

XVIII. Such a Council as is here proposed, though far from being a perfect political institution, would be a great step in advance of the present state of things; and while it is characterised by the caution which should always attend measures of reform in this peculiarly constituted country, it would afford means of testing representative principles on new ground, and prepare the way for a more liberal enfranchisement hereafter.

And your Petitioners will ever pray.

[illegible]

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[illegible]

[illegible] June
[illegible]

Proceedings of Govt.
Revenue Dept.

No.

Ft. St. G. 21st June 1857

[illegible]

No. 1037

Under the opinion given by the [illegible] in the Sudder Adawlut of the qualities [illegible] by the Govt. [illegible] in the [illegible] Court at Rajahmundry, the Govt. in Council [illegible] [illegible] employed [illegible] [illegible] and [illegible]

[illegible] brought before [illegible]

[illegible]

Order thereon No. 0580 of 23rd June /57

Communicated to the Civil Judge of Rajahmundry, thro' the Sudder Adawlut.

[illegible]

The Sudder Adawlut [illegible]