PRESS.

Public DEPARTMENT.

~~G.O.~~ Letter DATED 14 Septr/83

No. 1815.

CONFIDENTIAL

First copy sent to Press. 17/9.

Returned for signature. 19/9.

Despatched in print. 19/9

Circ

[Despatch Abstract.]

Native Civil Servants

Submitting the nam

of three eligible Candid

for the Native Civil Serv

Sreenmatha Ayya

2 copies sent to Secy of State
& Madras offices on 20/9.

[*Despatch*]

READ AGAIN Order of Government, dated
188 , No. Miscellaneous.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

Letter
~~ORDER, &c.~~ OF GOVERNMENT—A.

PAPERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL.
(not paged.)

Order
Letter 30.
Collection

B.—
Print in full.
Not to be printed.
Print abstract only.

BACK PAPER, No. OF 1883

FURTHER PAPER, No. OF 188

~~to remark that possibly~~
~~the Government of India~~
~~may be in a position~~
~~to find him employment:~~
it would be agreeable
to this Government to
learn that ~~this~~ with had
been ~~done~~. FW complied
with, if the Govt. of India are pleased
to accede to it.

Ootacamund,
14 Septr/83

A.W.P.
13/9/

Native Civil Servants

Connection with Baroda
being now severed, Ranga Rao
is ~~not~~ anxious to revert to the dept.
in wh. he was originally employed;
and

Civil
~~Secy~~ 131

Des
Print soon

14/9

Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

~~READ the following~~

Baroda.

3. Of these three candidates I am to say that the first named appears to best fulfil the conditions which have been laid down (in regard omit to these Statutory (?) appointments) and in the opinion of H.E. in Council his claims ~~wished~~ should receive preference on the present occasion.

The second in the list has taken a good degree, but is still very young, and his claims might be recognised on some future occasion.

As regards Sir Mádhava

it is to be regretted ~~that~~ he did not complete his education by taking this degree. He matriculated as far back as 1871, was afterwards

B.—
Print in full.
Not to be printed.
Print abstract only.

T. M. Swáminátha Aiyár:

T. Varada Ráo:

T. Ranga Ráo.

The first named is the son the Hon: Mr Justice Muttusvámi ár, C.I.E., of the Madras High t. He was born in 57, and proceeded to the degree of bachelor f arts in the Madras niversity in the spring f 1880. He is at present studying law

The second named is the son of the Hon. T. Ráma Ráo, ~~R~~ a Vakil in the High Ct. and a Member of the Madras Legislative Council. He is twenty years of age, and a bachelor of arts at the Madras University.

The third named is the second son of Sir T. Mádhava Ráo, K.C.S.I., and is at present Emb

Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

~~READ the following~~

Baroda.

3. Of these three candidates I am to say that the first named appears to best fulfil the conditions which have been laid down (in regard omit to these Statutory [?] appointments) and in the opinion of H.E. in Council his claims should ~~[illegible]~~ receive preference on the present occasion.

^ the present occasion.

The second in the list has taken a good degree, but is still very young, and his claims might be recognised on some future occasion.

^ it is to be regretted ~~that~~ he did not complete his education by taking his degree. He matriculated as far back as 1871, was afterwards

As regards Sir Mádhava

T. M. Swáminátha Aiyár:

T. Varada Ráo:

(3.) T. Ranga Ráo.

The first named is the Son the Hon: ~~[illegible]~~ Justice Muttuswámi Aiyár, C.I.E., of the Madras High Court. He was born in 1857, and proceeded to the degree of bachelor of arts in the Madras University in the spring of 1880. He is at present studying law.

The second named is the son of the Hon. T. Ráma Ráo, ^ Member of the Madras Legislative Council. He is twenty years of age, and a bachelor of arts at the Madras University.

~~Pleader~~ a Vakil in the High Ct. and a

The third named is the second son of Sir T. Mádhava Ráo, K.C.S.I., and is at present Empl

B.—
Print in full.
Not to be printed.
Print abstract only

(No 2659

Public Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following

From the Government of India, Home dept.
No. $\frac{36}{1116}$, dt 18th August, 1883.

Despd with 5 S.Cs
19/9/83

Letter: No 1815

To the Secretary to
the Government of India,
Home department.

KR

Sir

In reply to your letter of the 18th August, No. $\frac{36}{1116}$, dt requesting the submission of the names, in order of preference, of three eligible candidates for ~~selection~~ the Native Civil Service, I am directed to name the

B.— Print in full.
Not to be printed.
Print abstract only.

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READ the following

Home dept.

ob, 1883.

815

Secretary to

Govt of India,

department.

to your letter

of

August,

No. 1116, dt requesting

2

Dear Sir,

May I troub

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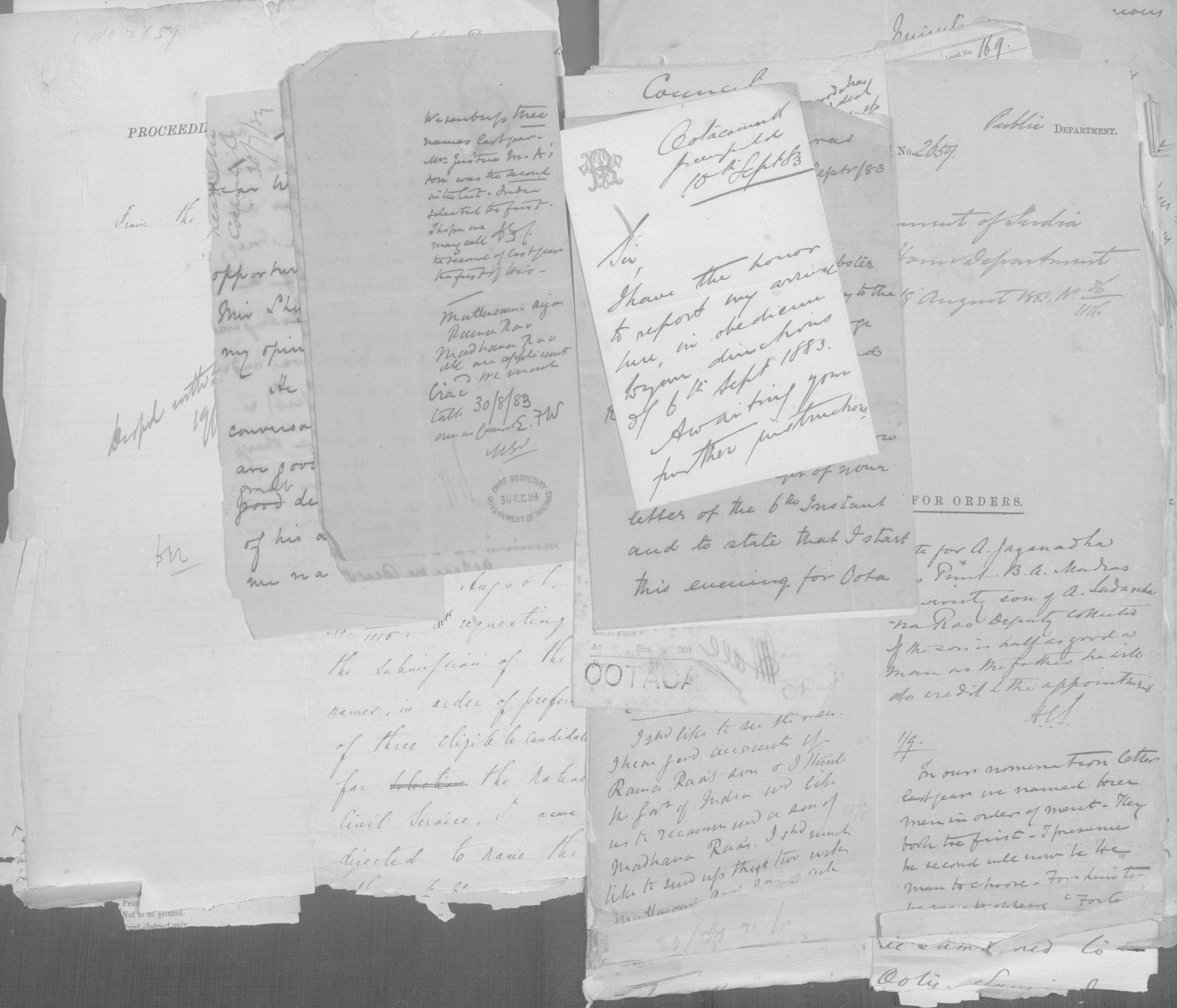

(No 2659

PROCEEDI

From the

Despd with
19

Read in Council
30/7/83

Dear W

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Mr Sh

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We sent up three names last year. Mr. Justice Mr. A's son was the second in the list. India selected the first. I hope we may call the second of last year the first of this.

Muttusami Ayyar
Rama Rao
Madhava Rao
all are applicants & we must
Circ
Calls 30/8/83
on in Council. E. F. W.

CHIEF SECRETARY
30 AUG 83
GOVERNMENT OF MADRAS

Council

Ootacamund
Received
10th Sept 83

Sir,

I have the honor to report my arrival here, in obedience to your directions of 6th Sept 1883. Awaiting your further instructions

---

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Septr/83

bster
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pt of your letter of the 6th Instant and to state that I start this evening for Oota

RECD. FROM
AT Hrs. Mts
OOTACA

Local No. 169.

Public DEPARTMENT.

No. 2659.

nment of India
Home Department
5 August 1883. No. $\frac{36}{1116}$

August 6,
No. 1116, dated requesting the submission of the names, in order of prefer of three eligible candidates for ~~selection~~ the Statutory Civil Service, I am directed to name the

---

FOR ORDERS.

te for A. Jaganadha
Pant. B.A. Madras
versity son of A. Sadasiva
-na Rao Deputy Collector
If the son is half as good a man as the father he will do credit to the appointment
A. C.

1/9.

In our nomination letter last year we named three men in order of merit. They both the first. I presume the second will now be the man to choose. For him to

---

I shd like to see the recc. I hear good accounts of Rama Rao's son & I think the Govt of India wd like us to recommend a son of Madhava Rao. I shd much like to send up these two with Muttusami

recommended to
Ooty

Print
Not to be printed.
Print abstract only

We submit three
names last year -
Mr. Justice Mr. A;

I have the honor
to be
Sir,
Your very obedient
Servant

T. Varada Rao
Greenfield Cottage

CHIEF SECRETARY
10 SEP 83
GOVERNMENT OF MADRAS

Hon
E. F. Webster
Ag Chief Secretary

August

requesting

Council

Madras
8th Septr/83

To
The Honorable
E. F. Webster
ag Chief Secretary to the
Govt of Fort St George
Ootacamund

Respected Sir

I beg to acknowledge the receipt of your letter of the 6th Instant and to state that I start this evening for Oota

RECD. FROM

Ootacamund
10th Septr/83

To
The Honorable E. F. Webster
Ag Chief Secretary to Govt.

Honorable Sir

I most respectfully beg to report my arrival here. Awaiting further instructions

I have the honor to remain
Honorable Sir
Your most obedient
servant
M. Swaminada Rao

CHIEF SECRETARY
10 SEP 83
GOVERNMENT OF MADRAS

1491

requesting

CHIEF SECRETARY GOVERNMENT OF MADRAS
10 SEP 83

[illegible] 20/9

HEAVENS LIGHT OUR GUIDE

Madras -
St Thome
6th Septr '83

Dear Sir,

I have received your telegram as follows;
"Please wire present
"address of your son
"Ranga Row".

I have sent a reply as follows;
"Your son Ranga Row
"is this moment here
"with me; will leave

Council
12/9/83

1 Madhava Rao's son being who is fairly good & has seen a good deal of business employed at Baroda might be employed by G. of T. & matriculated in 1871.

[illegible]

1 Muttusamy Ayyar's son

/

2 Rama Rao's son: has taken unusually high honours but is young & his case may be considered on another occasion.

(No 2659

PROCEEDI

From the

Despd with
19

Print
Not to be printed.
Print abstract only

the Submission of the
names, in order of preference
of three eligible candidates
for ~~selection~~ the Native
Civil Service, I am
directed to name the

The names of
will be sub
in the follow

I T M S
son of

II T Va
son

S. P. No. 2660.—G. T. Press.—No. 730.—27-4-82.—1700000.

Govern
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RECD. FROM
At Hrs. Mts
OOTACA

I shd like to see the men.
I hear good accounts of
Rama Rao's son & I think
the Govt of India wd like
us to recommend a son of
Madhava Rao's. I shd much
like to send up these two with
Muthusami

Local No. 169.

Public DEPARTMENT.

No. 2659.

vernment of India
Home Department
18 August 1883. No. 36/116

FOR ORDERS.

I vote for A. Jaganadha
Rao Pant. B.A. Madras
University son of A. Sadasiva
-na Rao Deputy Collector
If the son is half as good a
man as the father he will
do credit to the appointment

A.C.

1/9.

In our nomination letter
last year we named three
men in order of merit. They
both the first. I presume
the second will now be the
man to choose

Local No. 169.

Public DEPARTMENT.

No. 2659.

From

The Government of India
Home Department
18 August 1883, No. 36/1116

FOR ORDERS.

No 42. on the list

I vote for A. Jaganadha Rao Pant. B.A. Madras University son of A. Sudarsha-na Rao Deputy Collector. If the son is half as good a man as the father he will do credit to the appointment

A.C.

Council.

I shd like to see the men. I hear good accounts of Rama Rao's son & I think the Govt of India wd like us to recommend a son of Madhava Rao's. I shd much like to send up these two with

Mutthuswami

1/9.

In our nomination letter last year we named three men in order of merit - they both the first - I presume the second will now be the man to choose - For him too

...names, in order of preference of three eligible candidates for ~~selection~~ the Native Civil Service, I am directed to name the

Civil Service

FOR ORDERS.

Send the three youths up here.

Print
Not to be printed.
Print abstract only.

DEPARTMENT.

Class I P	INDIAN TELEGRAPH.		Local No. 169.
To (Station) Ootacamund		From (Station) St Thomé Madras	
Words 30	Day 6 Hour 15 Minute 40	Official Instructions urgent	
To (Person) Chief Secretary to the Government of Madras		From (Person) Raja Sir T Madhava Rao	

my son Rungarao is this moment here with me will leave for the Berars in a week

CHIEF SECRETARY 6 SEP 83 GOVERNMENT OF MADRAS

Recd. from L. N. At Hrs. Mts. By Sent to L. N. At Hrs. Mts. By

Date OOTACAMUND 6-9-83

Hall Telegraph Master

---

m is

sent

ing the

nga Rao, the son of Sir T. Madhava Rao.

As the young man is at present in Madras, it is suggested that he be summoned to Ooty.

Yes. Let us all see the three; meet a time!

Aiyar (the son of Mr.
Justice Muttusami
Aiyar) and Varada
Row (son of Hon. T.
Rama Row) have
both been written to
to come up at the
earliest possible
date. — FW

rous

Telegram

To

Raja Sir T. Madava Rao
Mylapore. Madras.

FOR ORDERS.

Government would like to see your son. Please telegraph whether he can come up here at once. Reply prepaid two rupees.

Sd. Porter Webster
Ag. Chief Secretary

Special.

H. W. Carmichael

With Telegram

Ootacamund.
6th Septr. 1883.

Sir,

With reference to your application for a probationership in the Civil Service of this Presidency, I am desired to request that you will come up to Ootacamund at the earliest possible date, as the Govt. are desirous of seeing you personally.

T. Varadu Rao. - son of
T. Rama Row. (Triplicane)

T. M. Saminadu Aiyar. - son
of Mr. Justice Muttuswami Aiyar.
(Mylapore)

? Anandu Rao - son of
Sir T. Madhava R

and as my [illegible] will

If No. 3 is at Hyderabad
this information should be
be circulated with suggestion
that he sh^d not be written to

JW

I have made enquiries on every hand
but no one can say if he is now
in Hyderabad - for certain -
[illegible] Telegram [illegible] No. ?

[illegible]

---

[9]

Public (1883)

From ~~the Govt. of In~~
Home Dep

CURRENT No.

No. 36
1116

Dated 18th August/83.
Received 25th do.
Enclosures

SUBJECT.

Calling for names of
three eligible candidates
for selection of one for the
Native Civil Service Madras

3 H.E. the Governor
Hon. D. F. Carmichael

---

minutes
written
the
G. I. Appointment
been made,
to the power
of the Presidency
3 George 3rd
47 and
Cap 79 Sect 12.
of Council,
Utility & Description,
that time
in accordance
enactments,
ained in a Del
from the Court
ctors) ceases, de
the Governor an
he quits the
ency Town; that
ceases to meddle
any of the details
Government, the
whole machinery of
which is, in such case
entrusted to the

If No. 3 is at Hyderabad this information should be circulated with suggestion that he should not be written to

JW

I have made enquiries in every hand but no one can say if he is now in Hyderabad - so certainly [illegible]

Minute

In the various Minutes which have been written with reference to the Trichinopoly Assessment allusion has been made, incidentally, to the power of the Governor of the Presidency under Acts 33 George 3rd Cap 52 Section 47 and 39 George 3rd Cap 79 Sect 12. The Members of Council, Messrs Malthy & Dyceyft, maintain, that the Governor, in accordance with these enactments, (as explained in a Despatch from the Court of Directors) ceases, de facto, to be Governor as soon as he quits the Presidency Town; that is, he ceases to meddle with any of the details of the Government, the whole machinery of which is, in such case, entrusted to the

and as my remarks will

Public

For orders

E.S.L.
20. 8. 85

Seen by
C.S.

I have [illegible]

Yor

rous

Minute

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and as my remarks will

of Council thus
the Senior of
becomes President.
That such may be the
correct legal interpretation
of the Act above men=
=tioned I am not pre=
=pared to deny; if,
however, such be the
case, the sooner a
change is made in
the system the better —
It is very possible that,
at the time when the
enactments in question
were passed, (now up=
=wards of 60 years ago)
the state of things was
such as to require, not
only a check upon the
freedom of action of the
Governor, but also
~~that~~ direct control
over the proceedings of
the members of his
Council which would
be the result of his con=
=stant presence at their

deliberations; but m
has long passed away since
whole aspect of the Coun
has changed, the relation
of the governing body to the
governed has been alto=
=gether altered, and the
state of things which now
exists has but little ana=
=logous to that which pre=
=vailed when the enact=
=ments alluded to were
made Law —
Looking only to this very
marked difference I
should be very much
disposed to recommend
some corresponding change
in the machinery of Gov.t
when, however, I find
~~that~~ the effect of these
enactments is to tie the
Governor to the Presidency
Town, under the plea that
unless he is actually present in
the Council chamber his
views and opinions may
go for nothing, I feel
convinced that a revision

and as my remarks will

rules by which ion between the , and the members of the Council is regulated would be very beneficial. My own experience, which has extended over a period of upwards of 16 Years, has shewn me that the information obtained by a Governor, during his visits to different parts of the Country, is far more valuable to him, and far more useful in its results, than that which is furnished to him in written reports, or statements prepared in the offices at the seat of Government. I should therefore deprecate any such restriction on the freedom of action of the Governor, as that resulting from the strained interpretation of the acts above alluded to, as being wrong in

principle, and injurious in practice. ——

In pressing the necessity of some amendment of the acts above quoted, I must not be supposed to limit my recommendation to a mere correction of the interpretation of the existing acts – my experience of the working of different forms of Govt, which is the result of many years of practice and observation, has convinced me that the machinery of the existing Indian Governments is unnecessarily complicated, and its action, therefore, cumbrous and dilatory; and that it would be advisable to take advantage of an early opportunity to alter the form, and to make it harmonize better with the actual working

and as my remarks were

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-, and the members
of his Council is regulated
would be very beneficial.
My own experience, which
has extended over a period
of upwards of 16 Years, has
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of Government. I should
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freedom of action of the
Governor, [illegible] as that
resulting from the stan:
dard interpretation
of the acts above alluded
to, as being wrong in

principle, and injurious
in practice.

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of some amendment of
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=tion to a mere correction
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and observation, has
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machinery of the existing
Indian Governments
is unnecessarily compli:
=cated, and its action
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be advisable to take
advantage of an early
opportunity to alter the
form, and to make it
harmonize better with
the actual working

and as my remarks will

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and as my remarks with

of the Departments, and with the existing state of things —

The different enactments which regulate the proceedings of the Indian Governments all, now, proceed upon the assumption that the powers of the Govt are concentrated in the Governor in Council.

Practically, however, by far the largest portion of the business is transacted by the Secretaries, without any reference to the Govr or the Council, other than the submission of a list of the matters so dealt with, which is laid upon the Table of the Council on the days of meeting, & there authenticated by the Initials of the Members. Another large portion is submitted to the Govr, and to the different members of Council, sometimes with recommendations, or memoranda from the Secys, sometimes with merely a precis of the case; these are decided by initials denoting approval, or by minutes of opinions; while, occasionally, matters are referred for consideration in Council —

In point of fact, therefore, by far the largest portion of the business of Govt does not come under the consideration of the Govr in Council —

That such must be the case would be evident to any one cognizant of the character and amount of the ordinary business of a Government — it would be absurd to suppose ~~that~~ by insisting upon the presence of the Governor and the members of his Council upon all occasions, and upon the determination of every matter by this collective body, any security was given for the more perfect consideration of the subjects

and as my remarks will

brought forward: the result would be precisely the reverse; the whole business would become a mere matter of routine, and subjects of importance would be passed over in the hurry of dealing with that mass of detail in which the principal part of the work of a Governt must necessarily consist. The responsibility too, which is divided between Some Members, is necessarily nominal. In my opinion, then, the simple form of Govt consisting of a Governor, with an Executive Council composed of Secretaries or Heads of Departments, would be far better adapted to the present state of things in India than ~~that~~ which at present exists.

The Secretaries, or heads of the different Departments of the Government would hold positions of great responsibility. They would be selected with reference to their aptitude for business. They would be the depositaries of the Policy of the Government, which would then have a character of permanency which it at present lacks; and they would be directly responsible for the advice which they may offer to the Governor. — At present this is not the case — the *theoretical* position of the Secretaries is more analogous to that of Clerks of the Council elsewhere: they put into form, and submit for approval the decisions of the collective Council — *practically* however they do carry

and as my remarks will

Secret 1863 ~~Despatch~~

No. 3.

Minute by the Honorable the President

Despatch No 1

Dated & Received } 9 October 1863.

Proposes the abolition of the existing Executive Council.

Rec 9 Oct 63

-In the Minute of the President now circulated under date the 9th Inst. His Excy suggests that alterations are required in the Law on the following two points

1st. The powers of the Governor when absent from his Council on a tour.

2nd. The system under which the administration of the country is at present carried on by a Governor in Council.

2- It will be perceived that these 2 points are so closely connected as to require consideration at the same time The question whether there is to be a Council necessarily precedes the other point, viz the powers of the Governor when absent from his Council - but as I do not feel at present called upon to discuss the merits of the system of administration established by the British Legislature and as my remarks will principally relate to the practical working of the law as it stands, I propose to notice the two points in the order in which they have been placed by the President

3 - The mode in which the administration is to be carried on in the absence of the Governor "owing to indisposition or any other cause whatsoever" is laid down in Act 39 & 40 Geo III Cap 79 Sect 12 - As the Govt established by law consisted of a President in Council assembled at Fort St George it followed that when the Governor was absent his power legally ceased & it was therefore enacted that the senior member of Govt who was present in Council should on such occasions exercise temporarily the functions of President - This state of the law, as understood by the Honble Mr Pycroft & myself, does not appear to be questioned in His Excellency's Minute & I need not therefore dilate further upon it than to observe that all difficulty is thus obviated during a Governor's absence from the Presidency in disposing of those matters of business, especially in the Judicial & Military Depts, which require the immediate & authoritative orders of the Govt

4 - But although in a legal sense the powers of the President cease when absent from his Council, practically it is far otherwise - The President's colleagues would not wish that any measures of important or permanent influence should be passed without his knowledge or without his opinion upon them being ascertained. As far therefore as is possible all such questions have been ~~either~~ postponed till his return or else

have been referred to him for the expression of his views – Thus under that feeling of respect which the Members of the Govt wish to show to the President & in accordance with the instructions given by the Home authorities in their Legislative Despatch of 5 Novr 1845 No 3, the influence of the President on the proceedings of the Govt may be said to have been virtually the same whether he was present in Council or absent on a tour – The Members of Council on whom the Law casts the responsibility of carrying on the administration in the Presidents absence must at their discretion exercise their powers in cases of emergency, but these cases are rare & are generally unique in their nature. On all measures which have a permanent influence on the administration the President is still consulted & the chief difference caused by his absence on a tour is that papers of mere routine or trivial importance are not forwarded to him.

5 – If the present state of the Law had a tendency to prevent the President visiting the interior & making himself acquainted with the Provinces their inhabitants & the local Officers carrying on the business of Govt in them I would advocate its alteration as I quite agree with the President in the value & beneficial effects of such tours – But it does not appear that any such result has been produced – Almost all the recent Governors including Lords Tweeddale & Harris and Sir C. Trevelyan have made tours without the action of Govt experiencing difficulty or detriment and the orders passed in Council for the transaction of business on the President leaving Madras in June last, which I append to this Minute

will show that the Members of Council acquiesced, on former occasions, in arrangements under which the Proceedings of Govt ~~were~~ underwent in reality no alteration ~~essentially correct & in the same manner~~ -

6. - The case of the Trichinopoly Assessment which has led to the present discussion is I would maintain, confirmatory of my argument - The President had seen the papers connected with that question & recorded his ~~views~~ opinion upon them before the order was passed in Council - The views of the President received careful attention when the subject came under discussion & the decision arrived at was communicated to him before it was carried out - On the President objecting to the order being issued, two points arose for consideration viz the powers of a Governor when absent from his Council & when he differed from the opinion of the majority of the Council - On, however his Excy stating that his objection to the order was so strong that he was prepared to return to the Presidency to put his veto upon it, the Members of the Council declared this form unnecessary, & the question thus assumed the same character which it would have done had his Excy been present when the Trichinopoly Assessment came under deliberation - The question became limited to the point whether his Excy thought ~~it a proper~~ the occasion a proper one for exercising the extraordinary power vested in the head of the Govt to meet emergencies, & for assuming the responsibility of acting independently of his Council -

7. - It does not seem to me therefore that necessity has been shown for altering the Law on this head - His Excy alludes to the Law as obsolete & only suited to the state of things which may have existed 60 years ago when it was passed. But I would point out that the whole question of Indian administration came under careful consideration on Her Majesty's assumption of the ~~administration~~ government of the

See Indian Councils Act of 1861 - Section VI

country - Parliament then resolved to continue the system of ~~government~~ administration by Governors in Council, & consequently continued the provision which existed for the legal action of the Govt. during the absence of a Governor from his Council - New & special provision was made in the case of the Governor General, but the authority given for obvious reasons to that high Functionary was not considered necessary for ~~the~~ the Govr ~~conducting the ordinary administration~~ of a Presidency, and it will be observed that power was still assigned to the President for the time being of the Supreme Council to carry on public business during the Govr. Generals absence -

7 I come now to the 2nd point raised by his Excellency - viz - the advisability of altering the system under which the administration of the country is carried on by a Governor in Council.

8 - This system has been recently & deliberately established by the Legislature and is in force in other parts of India besides the Madras Presidency. - I feel therefore that ~~weighty~~ new, & important ~~[illegible]~~ ~~sound~~ causes ~~should~~ be adduced to show that the system works in a manner injurious to the interests of the empire before this Govt. takes up of its own accord such a question as whether the system of administration established by the Legislature ought to be altered. - But I am not aware of any such new circumstances, nor do I find any in His Excys Minute. The position of the Secretaries of Govt ~~& the mode of carrying on public business~~ remains unaltered, & was well known & considered before the Legislature decided on continuing the administration of a Governor in Council - No change has

taken place in the mode of carrying on public business, and I am not ~~aware~~ acquainted with any new circumstance which has arisen to derange the working of the system.

9. – And here I feel constrained to demur to the description which his Excy gives of the ~~[illegible]~~ mode in which ~~the~~ business of Govt. is transacted. – ~~I cannot~~ ~~admit~~ His Excy observes "Practically however by far "the largest portion of the "business ~~of Govt~~ is transacted "by the Secretaries without "any reference to the Govt. "in Council other than the "submission of a list of the "matters so dealt with which "is laid upon the table of the "Council on the days of "meeting", but I would point out that these are trivial matters of the merest routine & of such little difficulty that difference of opinion regarding them is impossible – Every matter however small its importance, which involves the exercise of judgment or any responsibility is circulated ~~for~~ to the members of the Govt or brought forward in the Council. – In the case also of papers which have been circulated & require discussion in consequence of ~~[illegible]~~ variety of opinion, the Secty takes his final orders in Council

10 – Another reason which leads me to abstain from entering into any detailed consideration of the best form of Govt. for India, is that I feel uncertain ~~which~~ regarding the scheme which his Excellency wishes to have introduced – His Excy alludes to a Govt "consisting of a Governor with an Executive Council composed of Secretaries or Heads of Departments" I presume that this Council would be

a deliberative one, in which
case it would be necessary
for the independence of the
members that they should
hold their appointments
from the Secretary of State.
But then I do not perceive
that the position of the Govr
would be altered or that
business would be expedited
- Such a system ~~would~~ might be
cheaper in as far as it
would save the salaries of
the present members of
Council, but whether it
would be more efficient
& surround the Executive
with a greater amount of
~~practical~~ intelligence & ex-
perience are points on
which I abstain from
~~[illegible]~~ expressing an opinion

11 - But from another part
of His Excy's Minute, it
would seem that in the
proposed scheme ~~there~~ there
would be no deliberative Council
but that each Secretary or
Head of Dept would advise
the Governor on matters
relating to his Office, &
that it would rest with
the Governor to take such
action as he thought ~~advi-~~ proper
~~sable~~ - This system would
certainly be more simple
than the present one by vesting
all power in the Governor;
but ~~I [illegible] whether~~
the Legislature has not shown itself ~~be~~ prepared
to set aside Councils & place
all the authority of the ~~State~~ Govt
in a single Officer - I do
not also find in his Excy's
Minute how the business
of Govt is to be carried on
under the proposed new system ~~when~~ during the absence
of the Governor from the
Presidency on ~~the~~ a tour -

12 - In conclusion I must
regret that this subject
should have been raised
without stronger reasons
~~existing~~ for advocating
a change which must
affect the government of
India generally & cannot
be confined to this Presidency

My position as a present member of the Council renders the subject a delicate one, but as my service in India will close before the English Legislature could make any change in the system of its administration, I feel ~~that~~ I can deprecate a further discussion of this question without any personal or self interested motive being attributed to me. –

19
14th Oct 1863

E Maltby

Secret 1863 Depart

No 4

Despatch No 1

Minute by the Honorable
Ed Maltby

Dated 3 }
Received 19 } October 1863.

Records his observa-
-tions on the President's
Minute respecting the aboli-
-tion of the existing Executive
Council.

Minute by H E the Governor Oct 1863.

In the above Minute
H E Sir W Denison,
in consequence of
the restraint supposed
by the present Law
to be placed upon his
[illegible] action as
Governor [illegible] du-
-ring his absences
from Madras, [illegible]
[illegible], proposes the
abolition of the existing
Executive
Council, consisting
of H E the C in C and
two Members of the
Civil Service, and
the substitution, in lieu
of it, of a Council com-
-posed of Secretaries,
or Heads of Depts whose
duties, functions, & ~~&~~
responsibilities ~~&~~
~~modes of action~~ are
[illegible]

desired —

2. As this Minute will be forwarded to the R.H. Secy of State for India I would desire to offer a few remarks upon it, to show that the discussion of the subject, which I concur with my Colleague Mr Maltby in deprecating, has not been rendered necessary by any action on our part, and also to show that, whatever may be the letter of the Law, its practical operation ~~is~~ has been very different from what H.E. would seem to indicate — this is the more requisite in consequence of some expressions used by H.E. in his present Minute and in his previous one (on the Trichinopoly Asst) under date the 6th Augt last

3. In his Minute of 6 Augt. p. 5. H.E. refers to the

"assumption by the Mem-
"-bers of Council left at ~~the~~
"Madras of the full powers
"of Govt, by which in former
"years, the Members had
"altogether ~~abrogated~~ ignored
"the existence of the Govt, & had
"taken upon themselves
"to abrogate instructions
"issued with the full con-
"-sent of the whole of the
"Members of the Govt" — he stated that in
the Minute notifying his
intended departure from
Madras on his approaching tour he had
"directed that all Drafts
"of despatches upon other
"than routine matters sh[d]
"be forwarded for his appro-
"-val, and that the proceed-
"-ings of the Govt should be
"submitted to him previ-
"-ous to their being acted
"on" — further that "in con-
-sequence of these instruc-
-tions the papers connec-
-ted with the Trichinopoly
Assessment were sent
[illegible]

[illegible] his presence here.
H E states that Mr Maltby
and I maintain that
"the Governor, in accordance
with Charter Acts ~~33 Geo~~
33 Geo III Cap 52 Sect 47 - & ~~[illegible]~~
39 Geo III Cap 79 Sect 12
(as explained in a Despatch
from the Court of Directors)
ceases de facto to be Govern-
-or as soon as he quits the
Presidency Town; that
if he ceases to meddle with
any of the details of the
Govt, the whole machinery
of which is in such case entrusted
to the remaining Members
of ~~Go~~ Council then present,
the Senior of whom becomes
President" - that he finds
"the effect of the above enact-
-ments is to tie the Gov- ~~[illegible]~~
to the Presidency Town, under
the plea that unless he
is actually present in
the Council Chamber, his
views & opinions may
go for nothing."

5. I cannot admit that
the above extracts exper-
[illegible]

of myself and my Civil
Colleagues - nor the course
that has been taken either
by ourselves or by our pre-
-decessors in Council.

6 The question of the power
of the Governor when absent
from the seat of Govt has
been lately brought ~~[illegible]~~
under the consideration
~~[illegible] first by me~~
in connection with the Pro-
-posed revision of the
Trichinopoly Assessment -
The first Minutes on the
subject of Mr Puckle's
scheme were issued for
circulation on the eve of
his Excellency's leaving
Madras for Ossoor - The
question was brought up
to Council in due course,
was carefully considered
by Mr Maltby & myself
with the assistance of the
Revenue Secretary. We
were both of opinion that
Mr Puckle's scheme, with
some modifications, should
be adopted - We recorded
Minutes to that effect -

to [illegible] means [illegible]
Govt orders & Despatch to the
Secretary of State was
drawn up by the Revenue
Secretary in accordance
with our views, and passed by us, and the
whole of the papers were, according to the usual custom, sent to His Excellency for
his perusal, and for any
remarks that he might
be pleased to make on them –
H E "distinctly deprecated
his assent to the adoption of the Draft"
Desp. in the form then
submitted"

Minute Augt.
1813. p 4

~~[illegible]~~ to
as to the course to be adopted
under the actual circumstances,
that is when the two Mem-
-bers of Govt at Madras
were both ~~[illegible]~~
in favor of a measure
which they deemed of
great and pressing im-
-portance, and when the
Governor being absent
from Madras was ~~the~~
~~[illegible]~~ strongly opposed to it –
Mr Maltby in his Minute
of 31 July last stated his

] Had H E then been
present at Madras
with his Council, he
could only have over-
-ruled their opinion –
being that of the majority
of the members of Govt –
by the exercise of the
prerogative vested in
him by Act XXXIII Geo
III Cap 52 Sect 47 – The
question then arose –

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noticed by H.E. in his Minute
of the 6 Augt. In my minute
of 13 Augt I also ~~[illegible]~~ explained
my views on the ~~same~~
question. I gave my
opinion as briefly as pos-
-sible, quoting the words of
the Act of Parliament & the
letter of the Court of Direc-
-tors. I forbore to cite some
passages from the letter
of the Advocate-General Mr Geo
Norton 8 Jany 1847
which put the case in the
~~[illegible]~~ strongest point
of view – I at the same time
remarked that altho' what
I had stated was I con-
-ceived the "purely legal
view of the case", yet that I
"was fully aware of the advan-
-tages to be derived from
a Governor's tour in the
Provinces under his
Govt, and that it was the
duty of the Members of
Govt during the absence
of its Head, to communicate
with him freely on all
important questions,
[illegible] could

[illegible] in
without sacrificing their
own judgment & princi-
-ples to defer to his wishes
and opinions" — and I
added that "from a pretty
long acquaintance with
the proceedings of Govt, I
could affirm that the
Members of Govt had not
failed in this duty" —

8. Consequently the Members
of Council forbore either
to issue the order on the
Trichinopoly Asst. which
they had passed, + or to press
the return of H.E. to the Presidency
to put his veto on their
proceedings in the third
form of the Act. They waited
for H.E. to propound his
own scheme of assess-
-ment. In consequence of a ~~[illegible]~~
private note from H.E. to
~~[illegible]~~ without any official requisition
they directed the Rev Secy
and the Depy Dir Revl
Settlement Mr Puckle
to give his Excellency to
assistance in the ~~prep~~ exposi-
-~~[illegible]~~tion of this scheme. He
did not [illegible]

+ or according to the
letter of the law they
might have done,

⊕ He is in respect to this
question in the same
position as if he had
not left the Presidency

for about two months after
until his return to the
Presidency, and his
resumption of his seat
in Council — and it is
now open to him to carry on his own responsibility
out his own plan of assess-
-ment for the Trichy Dis-
-trict or to refer the question to
the Secretary of State — ⊕

9. Thus much in re-
-gard to the subject
of the Trichinopoly
Assessment, out of
which H.E. present
proposal has imme-
-diately arisen. I
would now say a word
on his general asser-
-tion that the Members
of Council have "igno-
-red the existence of
the Governor during
his absence from the
Presidency" — and that
the Governor is "tied" to
the Presidency" in-
as unless he be habitually
present in the Council
Chamber his views [illegible]

⊕ absences from Madras

Opinions may go for nothing!"

10 In my capacity of Chief Secretary I have ~~accompanied~~ attended His Ex^y himself and Lord Harris on ~~[illegible]~~ some of the ⊕ On other occasions I have remained at Madras in charge of the Secretariat, whilst the Revenue Secretary has ~~attended~~ accompanied Lord Harris to Ootacamund ~~&~~ and the present Govr. I am therefore in a position to give positive testimony on the subject, and I can truly assert that there has always been the utmost disposition on the part of the Members of Council to ~~[illegible]~~ consult the wishes and defer to the opinions of the absent Governor as far as they

conscientiously do. All papers but those of mere routine or demanding immediate disposal have been referred to him. One of the Secretaries to Govt has usually accompanied him, to afford him information on questions coming before him, and to assist him in the despatch of business. H.E is ~~[illegible]~~ mistaken in ~~[illegible]~~ supposing that the Trichinopoly papers were sent to him in consequence of the order for the disposal of business during his absence issued on his leaving Madras in June last. That order was substantially the same as has been usually issued on such occasions, as may be seen by comparing it with those similarly issued in the times of Sir C. Trevelyan and Lord Harris & preceding Governors. The Trichi-nopoly papers would have gone to the [illegible] under any circumstances.

11 Nor can I subscribe ~~to the~~ H.E.'s account of the extent to which public business is performed by the Secretaries. The papers disposed of by them & laid before the Council in the weekly lists are mere ~~[illegible]~~ matters of routine. Of the more important questions many, no doubt, are disposed of by the Members of Govt in circulation, and are not actually brought to the

that these are not disposed of in Council – but they are still the acts of the ~~[illegible]~~ Govt and not of the Secretaries.

12. I have ~~entered~~ gone into the above detail to show that, practically, the mode in which the business of Govt has been conducted during the absence of the Governor from the Presidency furnishes no ground for the change of system contemplated by H.E.

Into the more general question as to the advantages of his scheme as compared with that which now obtains I do not ~~propose to~~ enter – It would not be delicate in me to do so – nor is it necessary – I concur in all that my Colleague Mr Maltby has written upon it in his Minute – The proposed change would apply not only to the Council of the Govt of Madras, but to the Council of the Govt of Bombay & indeed as regards some of the arguments used by H E the Council of the Govt. — ~~[illegible]~~ ~~[illegible]~~ The question on the continuance of the existing Councils or their supersession by bodies differently constituted was fully considered by the Home Govt before the Indian Councils Act was passed. The working of the old Councils — their merits, defects and those of the substitutes suggested for them were then doubtless carefully weighed and after full ~~deliberation~~ reflection the Councils in their old form were deliberately continued and sanctioned by an Act of the Brit[illegible] [illegible]

legislation — It will be for the Secretary of State for India to consider whether in the brief interval that has since elapsed anything has ~~[illegible]~~ occurred to warrant a reagitation of the subject

Oct 19 – 1863

Secret 1863. Depart
No 5

Despatch No 1
Minute by the Honorable T. Pycroft

Dated & Received 19 October 1863.

23/9

Records his observations on the proposal of the President to abolish the existing Executive Council.

Minute

The statements contained in the Minutes of Messrs Maltby & Pycroft shew clearly that in their opinion the despatch of papers to the Govr when absent from the Presidency is a concession on the part of the Members of Council, not a claim of right on the part of the Governor.

I wish it however to be clearly understood that my minute is the expression of an op

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to the members of Coun-
cil there present, the senior of whom becomes President. That such may be the correct legal interpretation of the Acts above-mentioned I am not prepared to deny; if, however, such be the case, the sooner a change is made in the system, the better. It is very possible that, at the time when the enactments in question were passed (now upwards of 60 years ago) the state of things was such as to require, not only a check upon the freedom of action of the Governor, but also that direct con

would apply not only

Land 1863 Despatch

No. 75

Minute by the Honorable T. Pycroft

Despatch No. 1

Dated 4th & 19 October 1862
Received 3/19 October, 1862

L 3/9

[illegible] the objections in the proposal of the President to abolish the existing Executive Council.

Minute

In the various minutes which have been written with reference to the Trichinopoly Assessment, allusion has been made, incidentally, to the powers of the Governor of the Presidency under Act 33 George 3rd Cap 52 Section 47 - and 39 George 3rd Cap 79. Sect. 12. The members of Council, Mr. Maltby and Pycroft, maintain, that the Governor, in accordance with these enactments (as explained in a Despatch from the Court of Directors) ceases, de facto, to be Governor as soon as he quits the Presidency Town; that is he ceases to meddle with any of the details of the Government, the whole machinery of which is, in such case, intrusted to the remaining members of Council there present, the senior of whom becomes President. That such may be the correct legal interpretation of the Acts above-mentioned I am not prepared to deny; if, however, such be the case, the sooner a change is made in the system, the better. It is very possible that, at the time when the enactments in question were passed (now upwards of 60 years ago) the state of things was such as to require, not only a check upon the freedom of action of the Governor but also that direct con would appy not only in

-pros [illegible] members of
his Council which would be the result of his constant presence at their deliberations; but this time has long passed away, the whole aspect of the country has changed, the relation of the Governing body to the governed has been altogether altered, and the state of things which now exists has but little analogy to that which prevailed when the enactments alluded to were made law.

Looking only to this very marked difference I should be very much disposed to recommend some corresponding change in the machinery of Govt. When I find however that the effect of these enactments is to tie the Governor to the Presiden-
-y Town, under the plea that unless
-s actually present in the Coun-
-mber his views & opinions
-cil &c. I feel con-
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to different parts of the country, is far more valuable to him, and far more useful in its results, than that which is furnished to him in written reports, or statements prepared in the offices at the seat of Government. I should therefore deprecate any such restriction in the freedom of action of the Governor, as that resulting from the standard interpretation of the Acts above alluded to, as being wrong in principle and injurious in practice.

In pressing the necessity of some amendment of the acts above quoted, I must not be supposed to limit my recommendation to a mere correction of the interpretation of existing acts. My experience of the working of different forms of Govt. which is the result of many years of practice and observation, has convinced me that the machinery of the existing Indian Government is unnecessarily complicated, & its action therefore cumbrous & dilatory, & that it would be advisable to take advantage of an early opportunity to alter the form & to make it harmonize better with the
[illegible] & working of the Departme

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– pros ... members of
his Council which would be the result of his constant presence at their deliberations; but this time has long passed away, the whole aspect of the country has changed, the relation of the Governing body to the governed has been altogether altered, and the state of things which now exists has but little analogy to that which prevailed when the enactments alluded to were made law.

Looking only to this very marked difference I should be very much disposed to recommend some corresponding change in the machinery of Govt. When I find however
that the effects of these enactments
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to different parts of the country, is far more valuable to him, and far more useful in its results, than that which is furnished to him in written reports, or statements prepared in the offices at the seat of Government. I should therefore deprecate any such restriction in the freedom of action of the Governor, as that resulting from the standard interpretation of the Acts above alluded to, as being wrong in principle and injurious in practice.

In pressing the necessity of some amendment of the acts above quoted, I must not be supposed to limit my recommendation to a mere correction of the interpretation of existing acts. My experience of the working of different
forms of Govt. which is the is divi-
of many ... 3 or 4 members, is
vation, ... nominal. In my opinion
the ... simple form of Governme
Indian Govt. a Governor, with an
... council composed of
Secretaries or Heads of Departments
& that it is better adapted to the
... state of things in India
opportunity which at present exis
make it Secretaries or Heads of the
... Departments of the G

ment would hold positions of great responsibility. They would be selected with reference to their aptitude for business, they would be the depositaries of the Policy of the Government which would then have a character of permanency which it at present lacks, & they would be directly responsible for the advice which they may offer to the Governor.

At present this is not the case. The *theoretical* position of the Secretaries is more analogous to that of Clerks of the Council elsewhere. They put into form, & submit for approval the decisions of the Collective Council. *Practically*, however, they do carry on by far the largest portion of the work of the Government, but they do so under no distinct responsibility, as their acts are *supposed* to be approved by the Governor in Council.

My wish would be to make these officers in name, what they are in reality, and at the same time to hold them responsible for their actions; while the Governor should be responsible for the results of ny measure advd. by the
his views

Secretaries, & adopted by him.

I feel certain that a Govt. so constituted would exercise all its functions under a better defined responsibility than that which at present exists. Its mode of action would be simpler, its proceedings less complicated, & it would at once be more effective and more economical.

(Signed) W. Des Voeux.

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Minute by H.E.
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In the Minute of the President now circulated under date the 9th instant, His Excellency suggests that alterations are necessary in the Law on the following two points –

1st The powers of the Governor when absent from his Council on a tour or otherwise.

2nd The system under which the effective administration of the country –cal– carried on by a Governor (signed) cil.

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be carried on during
bsence is laid down
Geo III. Cap. 79. sec. 12.
stablished by Law
a Resident in Coun

assembled at Fort St George, it followed logically that when the Governor was absent his power legally ceased, & it was therefore enacted that the senior Member of Govt. who was present in Council, should on such occasions exercise temporarily the functions of President. This state of the law as understood by the Honble Mr Pycroft & myself does not appear to be questioned in his Excellency's minute, & I need not therefore dilate upon it further than to observe that all difficulty is thus obviated during a Governor's absence from the Presidency in disposing of those matters of business, especially in the Judicial and Military Departments, which require the immediate and authoritative orders of the Govt.

But although in a legal sense the powers of the President cease when absent from his Council, practically it is far otherwise. The President's colleagues would not wish that any measures of important or permanent influence, should be passed without his knowledge, or without his opinion upon them being ascertained. As far therefore as is possible all such questions have been either postponed until his return, or have been deferred to him for an expression of his views.

[illegible]lems under th[illegible] feeli[illegible] of respect
[illegible] by [illegible]s visits

which the [illegible]bers of the Government wish to shew to the President and in accordance with the instructions given by the Home Authorities in their Legislative Despatch of 5 Novr 1845. No. 3, the influence of the President on the proceedings of Govt. may be said to have been virtually the same whether he was present in Council or absent on a tour. The members of Council on whom the law casts the responsibility of carrying on the administration in the President's absence must at their discretion exercise their powers in cases of emergency, but these cases are rare & are generally unique in their nature. On all measures which have a permanent or important influence on the administration the President is still consulted, & the chief difference caused by his absence on a tour is that papers of mere routine or trivial importance are not forwarded to him.

If the present state of the law had a tendency to prevent the President visiting the interior & making himself acquainted with the Provinces, their inhabitants, & the local officers carrying on the business of Government in them, I would advocate its alteration, as I quite agree with the President in the value & beneficial effects of such tours [illegible] it being not appear[illegible] [illegible] even

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[illegible] followed [illegible] for maintaining the provision which existed for the legal action of the Government during the absence of a Governor from his Council.

I come now to the 2nd Point raised by his Excy. viz the advisability of altering the system under which the administration of the country is carried on by a Governor in Council.

The system has been recently & deliberately established by the Legislature, and is in force in other parts of India besides the Madras Presidency. I feel therefore that new and important causes should be adduced to shew that the system works in a manner injurious to the interests of the Empire before this Govt. takes up, of its own accord, such a question as whether the system of administration established by the Legislature ought to be altered. But I am not aware of any such new circumstances, nor do I find any in his Excy's minute. The position of the Secretaries of Govt. remains unaltered, & was well known and considered before the Legislature decided on continuing the administration of a Governor in Council. No change has taken place in the mode carrying on [illegible] his views

I am not aware of any new circumstance which has arisen to derange the working of the system.

And here I feel constrained to demur to the description which his Excy gives of the mode in which the business of Govt. is transacted. His Excy observes "practically however by far the largest portion of the business is transacted by the Secretaries without any reference to the Governor in Council other than the submission of a list of the matters so dealt with, which is laid upon the table of the Council on the days of meeting" but I would point out that these are trivial matters of the merest routine, & of such little difficulty that difference of opinion regarding them is impossible. Every matter, however small its importance, which involves the exercise of judgment or any responsibility, is circulated to the Members of the Govt., or brought forward in the Council. In the case also of papers which have been circulated & require discussion in consequence of a variety of opinion, the Secretary takes his final orders in Council.

Another reason which leads [illegible] in entering into any detailed consideration of the best form of Govt. for India, is that I feel uncertain regarding the scheme which his Excy wishes to have introduced. His Excy alludes to a Govt. "consisting of a Governor with an Executive Council composed of Secretaries or Heads of Departments". I presume that this Council would be a deliberative one, in which case it wd. be necessary for the independence of the members that they should hold their appointments from the Secretary of State. But then I do not perceive that the position of the Governor would be altered or that business would be expedited. Such a system would be cheaper in as far as it would save the salaries of the present Members of Council, but whether it would be more efficient, & surround the Executive with a greater amount of intelligence & experience are points on which I abstain from expressing an opinion.

But from another part of his Excy's minute it would seem that in the proposed scheme there would be no deliberative Council [illegible] that each Secretary or Head of Dept. would advise [illegible] Governor [illegible] no change has taken place in or [illegible] the carrying on [illegible] to the [illegible] his views [illegible]

on matte[illegible] [illegible] to his op[illegible] that it would rest with the Govern to take such action as he thought advisable. This system would certainly be more simple than the present one by vesting all power in the Governor, but I must doubt whether the Legislature are prepared to set aside Councils & place all the authority of the Govt. in a single officer. I do not also find in his Excy's Minute how the business of Govt. is to be carried on during the ~~time~~ absence of the Governor from the Presidency on a tour.

In conclusion I must regret that this subject should have been raised without stronger reasons for advocating a change which must affect the Government of India generally & cannot be confined to this Presidency. My position as a present member of the Council is a delicate one, but as my service in India will close before the English Legislature could make any change in the system of its administration, I feel that I can deprecate a further discussion of this question without any personal or self-interested motive being attributed to me.

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form; [illegible]

Minute by the
Hon'ble Mr Maltby

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Minute by H.E. the Governor d
October 1863.

1. In the above Minute H.E. Sir Will[illegible] Denison, in consequence of the restrain[illegible] supposed to be placed by the present Law upon his action as Governor du[illegible] ring his absence from Madras, propose[illegible] the abolition of the existing Executive Council, consisting [illegible] H.E. the C. in C. and two Members [illegible] Civil Service, and the substitu[illegible] lieu of it, of a Council consi[illegible] Secretaries or Heads of Dep[illegible]tments, whose duties, functions [illegible]ponsibilities, are not howe[illegible] very clearly defined.—

2. As [illegible] minute will be forwarded to [illegible] R.H. the Secretary of State for India, I would desire to offer a few remarks upon it, to show that the discussion of the subject, which I concur with my colleague Mr Maltby in deprecating, has not been rendered necessary by any action on our part, as also to show that, whatever may be the letter of the Law, its practical operation has been very different from what H.E. would seem to indicate.—

This is the more requisite in consequence of some expressions used by H.E. in his present Minute, and in his previous one (on the Trichinopoly Assessment) under date the 6th August last.

3. In his Minute of 6 August – para 5. H.E. referred to the "assumption by the Members of Council left at Madras of the full powers of Govt by which in former years these Members had altogether ignored the existence of the Governor, and had taken upon themselves to abrogate instructions issued with the full consent of the whole of the Members of the Government" – he stated that in the Minute notifying his intended departure from Madras on his approaching tour, he had "directed that the drafts of despatches upon other than routine matters should be forwarded for his approval, and that the proceedings of the Govt should be submitted to him previous to their being acted on" – further that "*in consequence of these instructions* the papers connected with the Trichinopoly Assessment were sent to him."

4. In his present Minute H.E. states that Mr Maltby and I maintain that "the Governor, in accordance with enactments 33 Geo. III Cap. 52. Sect. 47 – and 39 Geo III. Cap. 79. Sect. 12. (as explained in a Despatch from the Court of Directors) ceases de facto to be Governor as soon as he quits the Presidency Town; that is, he ceases to meddle with any of the details of the Govt, the whole machinery of which is, in such case, entrusted to the remaining Members of Council there present, the Senior of whom becomes President" – that he finds "the effect of the above enactments is to tie the Governor to the Presidency Town, under the plea that unless he is actually present in the Council Chamber, his views and opinions may go for nothing."

5. I cannot admit that the above extracts represent correctly the views of myself and my Civil Colleague – nor the course ~~which~~ that has been taken either by ourselves or by our predecessors in Council.

6. The Question of the power of the Governor when absent from the

seat of Government has been lately brought under consideration in connection with the proposed revision of the Trichinopoly Assessment. The first Minutes on the subject of Mr Puckle's scheme returned from circulation on the eve of His Excellency's leaving Madras for Oossoor. The question was brought up to Council in due course, was carefully considered by Mr Maltby & myself with the assistance of the Revenue Secretary. We were both of opinion that Mr Puckle's scheme, with some modifications, should be adopted. We recorded Minutes to that effect. A Government order and Despatch to the Secretary of State was drawn up by the Revenue Secretary in accordance with our views, and passed by us, and the whole of the papers were, according to the usual custom sent to his Excellency for his perusal, and for any remarks that he might see fit to ~~record~~ make on them. His Excy "distinctly refused his assent to the adoption of the Trichinopoly Assessment in the form thus submitted" Minute Aug 1863 para 4.

7. Had H.E. then been present at Madras with his Council he could only have overruled their opinion — being that of the majority of the Members of Govt. — by the exercise of the prerogative vested in him by Act XXXIII Geo III. Cap. 52. Sect. 4. The question then arose as to the course to be adopted under the actual circumstances, that is, when the two Members of Govt. at Madras were both in favor of a measure which they deemed of great and pressing importance, and when the Governor being absent from Madras was strongly opposed to it. Mr Maltby in his Minute of 31 July last stated his view of the matter, which was noticed by H.E. in his Minute of the 6 August. In my Minute of the 13 August I also explained my views on the same question. I gave my opinion as briefly as possible, quoting the words of the Act of Parliament and letter of the Court of Directors. I forebore to cite some passages from a letter of the Advocate General, Mr Geo. Norton — 8th January 1847 — which put the case in the strongest point of view — I at the same time remarked that altho' what I had stated was

considered the "purely legal view of the case", yet that I was fully aware "of the advantage to be derived from a Governor's tour in the Provinces under his Government, & that it was the duty of the Members of Govt. during the absence of its Head, to communicate with him freely on all important questions, & as far as they could, without sacrificing their own judgment & principles to defer to his wishes & opinions" – and I added that "from a pretty long acquaintance with the Proceedings of Govt., I could affirm that the Members of Govt. had not failed in this duty".

8. Eventually the Members of Council forebore either to issue the order on the Trichinopoly assessment which they had passed, as according to the letter of the law they might have done, or to press the return of H.E. to the Presidency to put his veto on their proceedings in the strict form of the Act. They waited for H.E. to propound his own scheme of assessment. In consequence of a private note from H.E. & without any official expression they directed the Revenue Secretary & the Deputy Director of Revenue Settlement, Mr Puckle, to join His Excellency and assist him in the exposition of his scheme. H.E. did not submit his scheme for about two months and until after his return to the Presidency, & his resumption of his seat in Council – and it is now open to him on his own responsibility to carry out his own plan of assessment for the Trichinopoly District, or to refer the question to the Secretary of State. He is in respect to this question in the same position as if he had not left the Presidency.

9. Thus much in regard to the subject of the Trichinopoly assessments, out of which H.E.'s present proposal has immediately arisen. I would now say a word on his general assertion that the Members of Council "have ignored the existence of the Governor during his absence from the Presidency" – and that the Governor is "tied down to the Presidency Town as unless he is actually present in the Council Chamber his views & opinions may go for nothing".

10. In my capacity of Chie

Secretary I [illegible]
himself and Lord Harris on some
of their absences from Madras.
On other occasions I have remained
at Madras in charge of the Secreta-
riat, whilst the Revenue Secretary
has accompanied Lord Harris, Sir
C. Trevelyan, & the present Governor.
I am therefore in a position to give
positive testimony on the subject,
and I can truly assert that there
has always been the utmost dispo-
sition on the part of the Members
of Council to consult the wishes,
and defer to the opinion, of the ab-
sent Governor as far as they could
conscientiously do. All papers but
those of mere routine or demanding
immediate disposal have been
referred to him. One of the Secreta-
ries to Govt. has usually accom-
panied him, to afford him inform-
ation on questions coming before
him, and to assist him in the des-
patch of business. H. E. is mistaken
in supposing that the Trichinopo-
[illegible] were sent him in con-
[illegible] of the order for the dis-
[illegible] business during his ab-
[illegible] ued on his leaving Madras
In cont[illegible]. That order was sub-
from H.E. [illegible]

-stantially the Co[illegible] as has been u
ally issued on such occasions, as m
be seen by comparing it with tho
similarly issued in the times of Si
C. Trevelyan, Lord Harris & precedin
Governors. The Trichinopoly pape
would have gone to Sir William u
der any circumstances.

11. Nor can I subscribe to H. E.'s ac-
-count of the extent to which public
business is performed by the Secretarie
The papers disposed of by them and
laid before the Council in the week
ly lists are mere matters of routine.
Of the more important questions,
many, no doubt, are disposed of by
the Members of Govt. in circulatio
and are not actually brought to
the Council Board, and in th
sense are not disposed of in
-cil. but they are [illegible]
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12. I have g
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