

GOVERNMENT OF INDIA ACT, 1800

79 of 1800

[28th July, 1800]

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An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of

Justice within the same.

1. Preamble :-

Whereas the territorial possessions of the United Company of Merchants of England trading to the East Indies, in the peninsula of India, have become so much extended as to require further regulations to be made for the due government of the same: and whereas by an Act of Parliament made and passed in the thirty-third year of the reign of his present Majesty, intituled, "An Act for continuing in the East India Company for a further term the possession of the British territories in India, together with their exclusive trade, under certain limitations, for establishing further regulations for the government of the said territories and the better administration of justice within the same, for appropriating to certain uses the revenues and profits of the said company, and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay," it is enacted, that the whole civil and military government of the presidency of Fort Saint George on the coast of Coromandel and the ordering, management and government of all the territorial acquisitions and revenues on the said coast, and also so much and such parts of the territories and possessions on the coast of Orissa with the revenues of the same as had been and then were under the administration of the government or presidency of Fort Saint George, should be and were thereby vested in a Governor and three counsellors of and for the said presidency of Fort Saint George, subject to such rules, regulations and restrictions as were therein mentioned: and that the whole civil and military government of the presidency and island of Bombay on the coast of Malabar. and the ordering, management and government of all the territorial acquisitions and revenues on the said coast of Malabar, should be and were thereby vested in a Governor and three counsellors of and for the said presidency and island of Bombay, subject to the provision therein mentioned. The Court directors may appoint what parts of the territorial acquisitions, revenues, etc., shall be subject to either an which of their presidencies subject to the control of the Commissioners for the Affairs of India.-May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons, in this Present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful for the

court of directors of the said company for the time being to declare and appoint what part or parts of the said territorial acquisitions, or of any other now subject to the government of the said presidency of Fort Saint George or the said presidency of Bombay, together with the revenues arising therefrom and the establishment of civil servants connected therewith respectively, shall from thenceforth hereafter be subject to the government of either and which of the said presidencies, or of the presidency of Fort William in Bengal, and from time to time, as occasion may require, to revoke and alter in the whole or in part such appointment, and to make such new distribution of the same as to them shall seem fit and expedient, subject nevertheless in all cases to the superintendence, direction and control of the commissioners for the Affairs of India, in like manner as any acts or order of the said court of directors are now by law subject; and all such territorial acquisitions, and the revenues arising therefrom and the establishment of civil servants connected therewith, shall from and after the time, and subject as to such time to the conditions and limitations to be by the said court of directors limited and appointed for such purposes respectively, be to all intents and purposes whatsoever annexed to and made subject to such presidency, and to the court or courts of judicature established or to be established therein respectively.

2. Letters patent of George 2, dated the 8th January, in the 21st year of his reign :-

And whereas his late Majesty King George the Second did by his letters patent, bearing date at Westminster the eighth day of January in the twenty-first year of his reign, grant unto the said United Company of Merchants of England trading to the East Indies his royal charter, thereby amongst other things constituting and establishing courts of civil, criminal and ecclesiastical jurisdiction at the united company's respective settlements at Madras, Patnam, Bombay, or the Island of Bombay, and Fort William in Bengal: and whereas the said charter, in so far as it respects the administration of justice at Madras, has been altered and changed by virtue of an Act passed in the thirty-seventh year of his present Majesty, intituled "An Act for the better administration of justice at Calcutta, Madras and Bombay, and for preventing British subjects from being concerned in loans to the native princes in India." and whereas the said charter, so far as it respects the administration of justice at Fort William in Bengal, has also been altered and changed by virtue of an Act passed in the thirteenth year of his present Majesty,

intituled "An Act for establishing- certain regulations for the better managgement of the affair of the East India Company as well in India as in Europe," and by divers subsequent statutes: and whereas it may be expedient for the better administration of justice in the said settlement of Madras that a supreme court of judicature should be established at Madras, in the same form and with the same powers and authorities as that now subsisting by virtue of the several Acts begorementioned at Fort William in Bengal; His Majesty may establish a supreme court of judicature at Madras, to consist of the like number of persons, and with the like powers, etc., as the supreme court at Fort William--Be it therefore enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by chapter or letters patent under the great seal of Great Britain, to erect and establish a supreme court of judicature at Madras aforesaid, to consist of such and the like number of persons, to be named from time to time by his Majesty, his heirs and successors, with full power to exercise such civil criminal. admiralty and ecclesiastical jurisdictions, both as to natives and British subjects, and to-be invested with such power and authorities, privileges and immunities, for the better administration of the same, and subject to the same limitations, restrictions and control within the said Fort Saint George and town of Madras and the limits thereof and the factories sub ordinate thereto, and within the territories which now are or hereafter may be subject to or dependant upon the said government of Madras, as the said supreme court of judicature at Fort William in Bengal, by virtue of any law now in force and unrepealed or by this present Act, doth consist of, is invested with or subject to, within the said Fort William or the kingdoms or provinces of Bengal, Behar and Orissa.

3. Exemption of the governor and council at Madras and the governor general of Fort William from the authority of the court :-

Provided always that the governor and council at Madras and the governor general of Fort William aforesaid shall enjoy the same exemption and no other, from the authority of the said supreme court of judicature to be there erected, as is enjoyed by the said governor general and council at Fort William aforesaid from the jurisdiction of the supreme court of judicature there already by law established.

4. 4 :-

Rep. 55 and 56 Vict., c. 19 (S. L. R.); rep. also as to B.I. by XIV of

1870, s. 1 and sch.

5. Transfer of powers of recorder of Madras to supreme court :-

¹all powers and authorities granted by the said Act of the thirty-seventh of his present Majesty to the said courts of the recorder at Madras * * *² shall and may be exercised by the supreme court of judicature to be erected by virtue of this Act, in the manner and to the extent hereinbefore directed.

1. Words repealed by 55 and 56 Vict., c. 19 (S. L. R.), have been omitted.

2. So much of the section as related to the commencement of salaries was repealed 53 Geo 3, c. 155, s. 89.

6. 6 :-

Rep. 55 and 56 Vict., c. 19 (S. L. R.); rep. also as to B.I. by XIV of 1870, J. I and sch.

7. Salaries to be in lieu of all perquisites :-

And * * *¹all such salaries shall be in lieu of all fees of office, perquisites, emoluments and advantages whatsoever; and * * *² no fees of office, perquisites, emoluments or advantages whatsoever shall be accepted, received or taken in any manner or on any account or pretence whatsoever, other than such salaries and allowances as are in and by this Act directed to be paid.

1. So much of the section as related to the commencement of salaries was repealed 53 Geo 3, c. 155, s. 89.

2. The word "that" was repealed (U. K.) by 51 and 52 Vict., c. 3 (S. L. R.).

8. 8 :-

Rep. as to B. 1. by XIV of 1870, s. I and sch.

9. The salaries of the Judges of the supreme courts and of the recorder of Bombay to cease on their leaving India :-

Provided always * * * that when either of the judges of the supreme court of judicature at Fort William, or of the supreme court of judicature which his Majesty is hereby empowered to erect at Madras, or the recorder of Bombay, shall respectively leave India, the salary now payable or which may become payable under and by virtue of this Act to any such judge or recorder respectively shall cease and be no longer paid, anything herein or in any former Act or Acts contained to the contrary thereof in anywise notwithstanding.

10. 10 :-

Rep. 55 and 56 Vict., c. 19 (S. L. R.); rep., also as to B. 1. by 14 of 1870, s. 1 and sch.

11. 11 :-

Rep. 55 and 56 Vict., c. 19 (S. L. R.); rep., also as to B. 1. by 14 of 1870, s. 1 and sch.

12. 12 :-

If the governor general of Fort William or the governor of Fort St. George or of Bombay shall signify his intended absence from the council, the senior member present shall preside; but no act of such council shall be valid, unless signed by the governor general or governor respectively, if resident at the presidency and not prevented by indisposition; and if not so prevented and he shall refuse to sign, he and the members who shall have signed shall mutually communicate the grounds of their opinions as directed by 33 George 3, c. 32, in cases where he shall, when present, dissent from the council. The governor general, when absent, may nominate a vice-president and deputy governor of Fort William.¹ And * * * if the governor general of Fort William in Bengal for the time being, or the governor of the said presidency of Fort Saint George and of the said presidency and island of Bombay respectively for the time being, shall happen to be absent from any council to be assembled for the said respective presidencies of Fort William and Fort Saint George and the said presidency and island of Bombay owing to indisposition or any other cause whatsoever, and shall signify such his intended absence to such council so to be assembled, then and in every such case senior member for the time being, who shall be present at the council so assembled, shall preside at such council in such manner, and with such full powers and authorities during the time that such councils shall continue to be assembled, as such governor general or governor might or would have had in case such governor general or governor were himself actually present at such council: Provided nevertheless that no act of any council so held shall be valid to any effect whatsoever unless the same shall be signed by such governor general or governor respectively, if such governor general or governor shall at the time be resident at the presidency at which such council shall be so assembled, and shall not be prevented by such indisposition from signing the same; Provided always, that in case such governor general or governor, not being so prevented as aforesaid, shall decline or refuse to sign such act of council he and the several

members of the council who shall have signed the same shall mutually exchange with and communicate in writing to each other the grounds and reasons of their respective opinions, in like manner, and subject to such regulations and ultimate responsibility of such governor general or governor respectively, as are by the said Act passed in the thirty-third year of the reign of his present Majesty provided and directed, in cases where such governor general or governor respectively shall when present, dissent from any measure proposed or agitated in such council respectively: Provided also, that nothing herein contained shall be taken or construed to prevent such governor general in case he shall be absent from his own government of Bengal, to nominate a vice-president and deputy governor of Fort William according to the provision for that purpose in the said Act passed in the thirty-third year of his present Majesty.

1. Section 12 in so far as it relates to the Governor General and the Council of Fort William, has been repealed by 55 and 56 Vict., c. 19 (S. L. R.).

13. 13 :-

Rep. 9 Geo. 4, c. 74, s. 126.

14. 14 :-

Rep. 9 Geo. 4, c. 74, s. 126.

15. 15 :-

Rep. 9 Geo. 4, c. 74, s. 126.

16. 16 :-

Rep. 9 Geo. 4, c. 74, s. 126.

17. 17 :-

Rep. 55 and 56 Vict., c. 19 (S. L. R.)-, rep. also as to B I by XIV of 1870, J. I and sch.

18. 18 :-

Rep. 55 and 56 Vict., c. 19 (S. L. R.)-, rep. also as to B I by XIV of 1870, J. I and sch.

19. 19 :-

Rep. 55 and 56 Vict., c. 19 (S. L. R.)-, rep. also as to B I by XIV of 1870, J. I and sch.

20. 20 :-

The power of the supreme court of judicature of Fort William shall

extend over the province of Benares and all places subordinate thereto and all districts hereafter annexed to the presidency of Fort William. * * *¹ the power and authority of the said supreme court of judicature in and for the said presidency of Fort William aforesaid, as now and by virtue of this Act established, and all such regulations as have been or may be hereafter, according to the powers and authorities, and subject, to the provisions and restrictions before enacted, framed and provided, shall extend to and over the said province or district of Benares, and to and over all the factories, districts and places, which now are or hereafter shall be made subordinate thereto, and to and over all such provinces and districts as may at any time hereafter be annexed and made subject to the said presidency of Fort William aforesaid.

1. Wors omitted by 55 and 56 Vict., c. 19 (S. L. R.).

21. 21 :-

Rep. 55 and 56 Vict., c. 19 (S. L. R.); rep. also as to B.I. by XIV of 1870, s. I and sch.

22. 22 :-

Rep. 55 and 56 Vict., c. 19 (S. L. R.); rep. also as to B.I. by XIV of 1870, s. I and sch.

23. 23 :-

Rep. 55 and 56 Vict., c. 19 (S. L. R.); rep. also as to B.I. by XIV of 1870, s. I and sch.

24. 24 :-

Rep. 55 and 56 Vict., c. 19 (S. L. R.); rep. also as to B.I. by XIV of 1870, s. I and sch.

25. 25 :-

Rep. 57 and 58 Vict., c. 39, J. 5.