

GOVERNMENT OF INDIA ACT, 1833

85 of 1833

[28th August, 1833]

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GOVERNMENT OF INDIA ACT, 1833

85 of 1833

[28th August, 1833]

An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till the thirtieth day of April one thousand eight hundred and fifty-four. Preamble recites 53 Geo. 3, c. 155, and the consent of the "United Company of Merchants of England trading to the East Indies" to place their rights and property at the disposal of parliament. Rep. 53 and 54 Vict., c. 33 (S. L. R.).

1. The British territories in India to remain under the government of the company till 30th April, 1854 :-

* * * ¹The territorial acquisitions and revenues mentioned or referred to in the said Act of the fifty-third year of his late Majesty King George the Third, together with the port and island of Bombay and all other territories now in the possession and under the government of the said company except the island of St. Helena, shall remain and continue under such government until the thirtieth day of April one thousand eight hundred and fifty-four; Real and personal property of the company to be held in trust for the Crown, for the service of India and²* * *all the lands and hereditaments, revenues, rents and profits- of the said company, and all the stores, merchandize, chattels, monies, debts, and real and personal estate what- soever, except the said island of St. Helena and the stores and property thereon hereinafter mentioned, subject to the

debts and liabilities now affecting the same respectively, and the benefit of all contracts, covenants, and engagements, and all rights to fines, penalties, and forfeitures, and other emoluments whatsoever, which the said company shall be seised or possessed of or entitled unto on the³* * * twenty-second day of April one thousand eight hundred and thirty-four shall remain and be vested in, and beheld, received, and exercised respectively according to the nature and quality, estate and interest of and in the same respectively, by the said company, in trust for his Majesty,⁴ * * * for the service of the government of India, discharged of all claims of the said company to any profit or advantage therefrom to their own use, except the dividend on their capital stock secured to them as herein-after is mentioned, subject to such powers and authorities for the superintendence, direction and control over the acts, operations, and concerns of the said company as have been already made. or provided by any Act or Acts of Parliament in that behalf, or are made or provided by this Act

1. Words repealed by 53 and 54 Vict, c. 33 (S. L. R), have been omitted.

2. The words "that", "said", and "his heirs and successors" were repealed by 53 and 54 Vict., c. 33 (S.L. R.).

3. The words "that", "said", and "his heirs and successors" were repealed by 53 and 54 Vict., c. 33 (S.L. R.).

4. The words "that", "said", and "his heirs and successors" were repealed by 53 and 54 Vict., c. 33 (S.L. R.).

2. All privileges, powers etc., granted by 53 Geo. 3, c 155, for the term thereby limited; and all enactments not repugnant to this Act: as also all rights and immunities of the company, to be in force till 30th April, 1854, subject to control :-

* * *¹ all and singular the privileges, franchises, abilities, capacities, powers, authorities, whether military or civil, rights, remedies, methods of suits, penalties, forfeitures, disabilities, provisions, matters, and things whatsoever granted to or continued in the said united company by the said Act of the fifty-third year of King George the Third for and during the term limited by the said Act, and all other the enact- ments, provisions, matters, and things contained in the said Act, or in any other Act or Acts whatsoever which are limited or may be construed to be limited to continue for and during the term granted to the said company by the said Act of the fifty-third year of King George the Third so far as the same or any of them are in force, and not repealed by or repugnant to the

enactments hereinafter contained, and all powers of alienation and disposition, rights, franchises, and immunities, which the said united. company now have, shall continue and be in force, and may be exercised and enjoyed, as against all persons whomsoever, subject to the superin- tendence, direction and control herein- before mentioned until the thirtieth day of April one thousand eight hundred and fifty-four.

1. Enacting words repealed (U. K.), 51 and 52 Vict., c. S7 (S. L. R.).

3. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

4. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

5. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

6. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

7. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

8. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

9. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

10. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

11. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

12. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

13. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

14. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

15. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

16. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

17. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

18. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

19. **19** :-

Rep. 53 and 54 Vict., c. 33 (S. L. R.).

20. **20-24** :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

21. **20-24** :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

22. **20-24** :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

23. **20-24** :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

24. **20-24** :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

25. **The board of commissioners to control all acts of the company concerning India, etc** :-

* * *¹ the said board shall have and be invested with full power and authority to superintend, direct, and control, all acts, operations, and concerns of the said company which in anywise relate to or concern the government or revenues of the said territories or the property hereby vested in the said company in trust as aforesaid and all grants of salaries, gratuities and allowances and all other payments and charges whatever out of or upon the said revenues and property respectively, except as herein-after is mentioned.

1. Enacting words repealed (U. K.), 51 and 52 Vict., c. S7 (S. L. R.).

26. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

27. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

28. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

29. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

30. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

31. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

32. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

33. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

34. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

35. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

36. If the board are of opinion that any matters wherein Indian or other states are concerned require secrecy, the board may send official communications through secret committee :-

Provided also * * *¹ that if the said board shall be of opinion that the subject-matter of any of their deliberations concerning the levying war or making peace, or treating or negotiation with any of the native princes or states in India, or with any other princes or sides, or touching the policy to be observed with respect to such princes or states intended to be communicated in orders, dispatches, official letters or communications, to any of the governments or presidencies in India, or to any officers or servants of the said company shall be of a nature to require secrecy, it shall and may be lawful for the said board to send their orders, dispatches, official letters or communications, to the secret committee of the said court of directors to be appointed as is by this Act directed, who shall thereupon without disclosing the same transmit the same according to the tenor thereof or pursuant to the directions of the said board, to the respective governments and presidencies, officers and servants; and that the said governments and presidencies, officers and servants shall be bound to pay a

faithful obedience thereto, in like manner as if such orders, dispatches, official letters or communications had been sent to them by the said court of directors.

1. Enacting words repealed (U. K.), 51 and 52 Vict., c. 57 (S. L. R.).

37. 37 :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).

38. Presidency of Fort William in Bengal to be divided into two presidencies :-

* * *¹ the territories now subject to the government of the presidency of Fort William in Bengal shall be divided into two distinct presidencies, one of such presidencies in which shall be included Fort William aforesaid, to be styled the Presidency of Fort William in Bengal, and the other of such presidencies to be styled the Presidency of Agra; The court of directors to declare the limits from time to time of the several presidencies.-And it shall be lawful for the said court of directors under the control by this Act provided, and they are hereby required to declare and appoint what part or -parts of any of the territories under the government of the said company shall from time to time be subject to the government of each of the several presidencies now subsisting or to be established as aforesaid, and from time to time, as occasion may require, to revoke and alter, in the whole or in part, such appointment, and such new distribution of the same as shall be deemed expedient.

1. Enacting words repealed (U. K.), 51 and 52 Vict, c. 57 (S. L. R.)

39. Government of India vested in governor general and counsellors :-

* * *¹ the superintendence, direction, and control of the whole civil and military government of all the said territories and revenues in India shall be and is hereby vested in a governor general and counsellors, to be styled "The Governor General of India in Council."

1. Enacting words repealed (U. K.), 51 and 52 Vict, c. 57 (S. L. R.)

40. . :-

Rep 24 and 25 Vict., c. 67, s. 2.

41. . :-

Rep 37 and 38 Vict., c. 35 (S. L. R.).

42. 41-42 :-

Rep 37 and 38 Vict., c. 35 (S. L. R.).

43-44. . :-

Rep. 24 and 25 Vict., c. 67, s. 2.

44. . :-

Rep. 24 and 25 Vict., c. 67, s. 2.

45. All such laws and regulations to be of the same force as any Act of Parliament :-

Provided also * * *¹ that all laws and regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect within and throughout the said territories as any Act of Parliament would or ought to be within the same territories and shall be taken notice of by all courts of justice whatsoever within the same territories in the same manner as any public Act of Parliament would and ought to be taken notice of; Registration unnecessary-And it shall not be necessary to register or publish in any court of justice any laws or regulations made by the saidgovernor general in council.

1. Enacting words repealed (U. K.), 51 and 52 Vict, c. 57 (S. L. R.)

46. Restriction as to giving the power of punishing with death European subjects, etc :-

Provided also * * *¹ that it shall not be lawful for the said governor general in council without the previous sanction of the said court of directors, to make any law or regulation whereby power shall be given to any courts of justice, other than the courts of justice established by his Majesty's charters, to sentence to the punishment of death any of his Majesty's natural-born subjects born in Europe, or the children of such subjects, or which shall abolish any of the courts of justice established by his Majesty's charters.

1. Enacting words repealed (U. K.), 51 and 52 Vict, c. 57 (S. L. R.)

47. The court of directors to submit to the board rules for the pro- cedure of the governor general in council, etc :-

* * *¹ the said court of directors shall forthwith submit for the approbation of the said board, such rules as they shall deem expedient for the procedure of the governor general in council in the discharge and exercise of all powers, functions, and duties imposed on or vested in him by virtue of this Act or to be imposed

or vested in him by any other Act or Acts; which rules shall prescribe the modes of promulgation of any laws or regulations to be made by the said governor general in council and of the authentication of all acts and proceedings whatsoever of the said governor general in council: and such rules when approved by the said board of commissioners shall be of the same force as if they had been inserted in this Act: Provided always that such rules shall be laid before both Houses of Parliament in the session next after the approval thereof.

1. Enacting words repealed (U.K.) 51 and 52 Vict, c. 57 (S L. R.).

48. Quorum of governor general and members in council :-

Provided always * * * ¹ that all other functions of the said governor general in council may be exercised by the said governor general and one or more ordinary member or members of council, and that in every case of difference of opinion at meetings of the said council where there shall be an equality of voices, the said governor general shall have two votes or the casting vote.

1. Enacting words repealed (U.K.) 51 and 52 Vict, c. 57 (S L. R.).

49. 49 :-

Rep. 33 and 34 Vict., c. 3, s. 4.

50. 50 :-

Rep. 24 and 25 Vict., c. 67, s.2.

51. Nothing in this Act to affect the right of Parliament to legislate for India, etc :-

Provided always * * * ¹ that nothing herein contained shall extend to affect in any way the right of Parliament to make laws for the said territories and for all the inhabitants thereof; and it is expressly declared that a full, complete, and constantly existing right and power is intended to be reserved to Parliament to control, supersede, or prevent all proceedings and acts whatsoever of the said governor general in council, and to repeal and alter at any time any law or regulation whatsoever made by the said governor general in council, and in all respects to legislate for the said territories and all the inhabitants thereof in as full and complete a manner as if this Act had not been passed; Laws and regulations made by governor general in council to be laid before Parliament.- And the better to enable Parliament to exercise at all times such right and power, all laws and regulations made by the said governor general in council shall be transmitted to England, and

laid before both Houses of Parliament, in the same manner as is now by law provided concerning the rules and regulations made by the several governments in India.

1. Enacting words repealed (U.K.) 51 and 52 Vict, c. 57 (S L. R.).

53. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).]

54. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).]

55. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).]

56. The executive government of the presidencies to be administered by a governor and three councillors :-

* * * ¹the executive government of each of the several presidencies of the Fort William in Bengal, Fort Saint George, Bombay, and Agra shall be administered by a governor and three councillors, to be styled "The Governor in Council of the said Presidencies of Fort William in Bengal, Fort Saint George, Bombay, and Agra respectively" ; and the said governor and councillors respectively of each such presidency shall have the same rights and voices in their assemblies, and shall observe the same order and course in their proceedings, as the governors in council of the presidencies of Fort Saint George and Bombay now have and observe; * * * ²

1. Enacting words repealed (U. K.). 51 and 52 Vict, c. 57 (S. L. R.).

2. Rest of the section was repealed by 37 and 38 Vict., c. 35 (S. L. R.),

57. Directors may revoke the appointments of councils, or reduce the number of councillors :-

Provided always * * * ¹ that it shall and may be lawful for the said court of directors, under such control as is by this Act provided, to revoke and suspend, so often and for such periods as the said court shall in that behalf direct, the appointment of councils in all or any of the said presidencies or to reduce the number of councillors in all or any of the said councils; and during such time as a council shall not be appointed in any such presidencies the executive government thereof shall be administered by a governor alone.

1. Enacting words repealed (U. K.). 51 and 52 Vict, c. 57 (S. L. R.).

58. 58 :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).]

59. The governors of the presidencies to have the powers and immunities of the present governors of Madras and Bombay, but not to make or suspend laws or create officers, etc :-

* * * **1** in the presidencies in which the appointment of a council shall be suspended under the/provision herein- before contained, and during such time as councils shall not be appointed therein respectively, the governors appointed under this Act, and in the presidencies in which councils shall from time to time be appointed, the said governors in their respective councils shall have all their rights, powers, duties, functions, and immunities whatsoever, not in anywise repugnant to this Act, which the governors of Fort Saint George and Bombay in their respective councils now have .within their respective presidencies; and the governors and members of council of presidences appointed by or under this Act shall severally have all the rights, powers, and immu- nities respectively, not in anvwise repugnant to this Act, which the gov- ernors and members of council of the presidencies of Fort Saint George and Bombay respectively now have in their respective presidencies: Provided that no governor or governor in council shall have the power of making or suspending any regulations or laws in any case whatever, unless in cases of urgent necessity (the burthen of the proof whereof shall be on such governor or governor in council), and then only until the decision of the governor general of India in council shall be signified thereon; and provided also, that no governor or governor in council shall have the power of creating any new office, or granting any salary, gratuity, or allowances, without the previous sanction of the governor general of India in council.

1. Enacting words repealed (U. K.). 51 and 52 Vict, c. 57 (S. L. R.).

60. 60 :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).]

61. Power for the court to make provisional appointments to any offices :-

1 * * **2** it shall be lawful for the said court of directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid, for supplying any vacancy or vacancies therein, when the same shall happen by the death or resignation of the person or

persons holding the same office or offices respectively, or on his or their departure from India with intent to return to Europe, or on any event of contingency expressed in any such provisional appointment or appointments to the same respectively, and such appointments again to revoke: Provisional appointments of certain officers to be approved by his Majesty.-Provided that every provisional appointment to the several offices of governor general of India, governor of a presidency, and the member of council of India by this Act directed to be appointed from amongst persons who shall not be servants of the said company, shall be subject to the approbation of his Majesty, to be signified as aforesaid; but that no person so appointed to succeed provisionally to any of the said offices shall be entitled to any authority, salary, or employment appertaining thereto until he shall be in the actual possession of such office.

1. So much of s 61 relates to vacancies in the office of Ordinary Member of the Council of India was repealed by 24 and 25 Vict, c. 67. s 2

2. Enacting words repealed (U. K.) 51 and 52 Vict., c 57 (S L R)

62. In case of vacancy in the office of governor general, and no successor upon the spot, the ordinary members of council next in rank to act as governor general :-

* * *¹if any vacancy shall happen in the office of governor general of India when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case²the ordinary member of council next in rank to the said governor general shall hold and execute the said office of governor general of India³ * * * until a successor shall arrive or until some other person on the spot shall be duly appointed thereto; and every such acting governor general shall, during the time of his continuing to act as such, have and exercise all the rights and powers of governor general of India, and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting governor general foregoing his salary and allowance of a member of council for the same period.

1. Enacting words repealed (U. K.) 51 and 52 Vict., c 57 (S L R)

2. The Vice-president appointed under 9 Edw. 7, c. 4, s. 4, shall be deemed to be such member.

3. The words "and Governor of the Presidency of Fort William in Bengal" were repealed by 2 and 3 Geo. 5, c. 6, s. 4, and Sch. Part II.

63. Provision in case of a vacancy in the office of governor of any of the subordinate presidencies and no successor on the spot :-

* * *¹if any vacancy shall happen in the office of governor of Fort Saint George, Bombay, or Agra, when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case, if there shall be a council in the presidency in which such vacancy shall happen², the member of such council, who shall be next in rank to the governor other than the..... office commanding the forces of such presidency, and if there shall be no council, then the secretary of government of the said presidency who shall be senior in the said office of secretary, shall hold and execute the said office of governor until a successor shall arrive or until some other person on the spot shall be duly appointed thereto ; and every such acting governor shall, during the time of his continuing to act as such, receive and be entitled to the emoluments and advantages appertaining to the office by him supplied, such acting governor foregoing all salaries and allowances by him held and enjoyed at the time of his being called to supply such office.

1. The Vice-president appointed under 9 Edw. 7, c. 4, s. 4, shall be deemed to be such member.
2. Enacting words repealed, 51 and 52 Vict., c. 57.

64. 64 :-

Rep. 53 and 54 Vict., c. 33 (S. L. R.).]

65. The governor general in council to have control over the presi- dencies :-

* * *¹ the said governor general in council shall have and be invested by virtue of this Act with full power and authority to superintend and control the governor and governors in council of Fort William in Bengal, Fort Saint George, Bombay and Agra, in all points relating to the civil or military administration of the said presidencies respectively, and the said governors and governors in council shall be bound to obey such orders and instructions of the said governor general in council in all cases whatsoever.

1. Enacting words repealed, 51 and 52 Vict., c. 57.

66. 66 :-

Rep. 24 and 25 Vict., c. 67, s. 2.]

67. Powers of governors not to be suspended by visit of

governor general :-

* * *¹ when the said governor general shall visit any of the presidencies of Fort Saint George, Bombay, or Agra the powers of the governors of those presidencies respectively shall not by reason of such visit be suspended.

1. Enacting words repealed, 51 and 52 Vict., c. 57.

68. Communications to be transmitted by governors to governor general in council :-

* * *¹ the said governors and governors in council of the said presidencies of Fort William in Bengali, Fort Saint George, Bombay, and Agra respectively shall and they are hereby respectively required regularly to transmit to the said governor general in council true and exact copies of all such orders and acts of their respective governments, and also advice and intelligence of all transactions and matters which shall have come to their knowledge, and which they shall deem material to be communicated to the said governor general in council as aforesaid, or as the said governor general in council shall from time to time require.

1. Enacting words repealed, 51 and 52 Vict., c. 57.

69. 69 :-

Rep 53 and 54 Vict., c. 33 (S. L. R.).]

70. 70 :-

Rep. 24 and 25 Vict., c. 67, s. 2.]

71. 71 :-

Rep. 2 and 3 Geo. 5, c. 6, s. 4 and Sch., Part II.]

72. 72 :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).]

73. Articles of war to be made by governor general in council :-

* * *¹ it shall be lawful for the said governor general in council from time to time to make articles of war for the government of the native officers and soldiers in the military service of the company, and for the administration of justice by courts-martial to be holden on such officers and soldiers and such articles of war from time to time to repeal or vary and amend; and such articles of war shall be made and taken notice of in the same manner as all other the laws and regulations to be made by the said governor general in council under this Act, and shall prevail and be in force, and shall be of

exclusive authority over all the native officers and soldiers in the said military service, to whatever presidency such officers and soldiers may belong or wheresoever they may be serving: Provided nevertheless, that until such articles of war shall be made by the said governor general in council, any articles of war for or relating to the government of the company's native forces, which at the time of this Act coming into operation shall be in force and use in any part of parts of the said territories, shall remain in force.

1. Enacting words repealed, 51 and 52 Vict., c. 57.

74. His Majesty may, remove any officer of the company in India :-

* * *¹it shall be lawful for his Majesty, by any writing under his manual, * * * ²to remove or dismiss any person holding any office, employment or commission, civil or military, under the said company in India, and to vacate any appointment or commission of any person to any such office or employment. * * * ²

1. Enacting words repealed (U. K), 51 and 52 Vict., c. 57 (S.L.R.).
2. Words repealed by 53 and 54 Vict., c. 33 (S. L. R.), have been omitted.

75. The power of the directors to remove their servants preserved :-

Provided always * * * ¹that nothing in this Act contained shall take away the power of the said court of directors to remove or dismiss any of the officers or servants of the said company, but that the said court shall and may at all times have full liberty to remove or dismiss any of such officers or servants at their will and pleasure.* * *²

1. Enacting words repealed (U. K), 51 and 52 Vict., c. 57 (S.L.R.).
2. Words repealed by 53 and 54 Vict., c. 33 (S. L. R.), have been omitted.

76. Salaries of governor, etc :-

** *¹there shall be paid to the several officers herein-after named the several salaries set against the names of such officers, subject to such reduction of the said several salaries respectively as the said court of directors, with the sanction of the said board, may at any time think fit (that is to say), To the governor general of India, two hundred and forty thousand sicca rupees: To each ordinary member of the council of India, ninety-six thousand sicca rupees: To each governor of the presidencies of Fort Saint George, Bombay,

and Agra, one hundred and twenty thousand sicca rupees: To each member of any council to be appointed in any presidency, sixty thousand sicca rupees: and the salaries of the said officers respectively shall commence from their respectively taking upon them the execution of their respective offices; and the said salaries shall be the whole profit or advantage which the said officers shall enjoy during their continuance in such offices respectively; Acceptance of gratuities, etc., a misdemeanor.-And it shall be and it is hereby declared to be a misdemeanor for any such officer to accept for his own use in the discharge of his office any present, gift, donation, gratuity or reward, pecuniary or otherwise whatsoever, or to trade or traffic for his own benefit or for the benefit of any other person or persons whatsoever; * * *²

1. Enacting words repealed (U. K), 51 and 52 Vict., c. 57 (S.L.R.).
2. Rest of the section was repealed by 43 Vict, c. 3, 2.5.

77. Governor general and governors, etc., to forego pensions, etc., from the crown or company while they hold office :-

Provided always * * *¹ that if any governor general, or governor, or ordinary member of the council of India, or any member of the council of any presidency, shall hold or enjoy any pension, salary, or any place, office, or employment of profit under the crown or any public office or the said company, or any annuity payable out of the civil or military fund of the said company, the salary of his office of governor general of India, governor or member of council, shall be reduced by the amount of the pension, salary, annuity, or profits of office so respectively held or enjoyed by him.

1. Enacting words repealed (U.K.), 51 and 52 Vict., c. 3, 57 (S. L. R.).

78. Directors to make regulations for the distribution of patronage in India :-

* * *¹ the said court of directors, with the approbation of the said board of commissioners, shall and may from time to time make regulations for the division and distribution of the patronage and power of nomination of and to the offices, commands and employments in the said territories, and in all or any of the presidencies thereof, among the said governor general in council, governor general, governors in council, governors, commander in chief, and other commanding officers respectively appointed or to be appointed under this Act.

1. Enacting words repealed (U.K.), 51 and 52 Vict., c. 3, 57 (S. L. R.).

79. Departure of governor general etc., for Europe, to be a resignation :-

* * *¹ the return to Europe or the departure from India with intent to return to Europe of any governor general of India, governor, member of council, or commander in chief, shall be deemed in law a resignation and avoidance of his office or employment; Resignation in India to be by deed.-And no act or declaration of any governor general, or governor, or member of council, other than as afore- said, excepting a declaration in writing under hand and seal, delivered to the secretary for the public department of the presidency wherein he shall be, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said office; Salary to cease on departure or resignation.-And if any such governor general or member of council of India shall leave the said territories, or if any governor or other officer whatever in the service of the said company shall leave the presidency to which he shall belong, other than in the known actual service of the said company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use; and in the event of his not returning, or of his coming to Europe, his salary and allowances shall be deemed to have ceased on the day of his leaving the said territories, or the presidency to which he may have belonged: Payment to representatives of officers dying during absence.-Provided that it shall be lawful for the said company to make such payment as is now by law permitted to be made to the representatives of their officers or servants who, having left their stations intending to return thereto, shall die during their absence.

1. Enacting words repealed (U.K.), 51 and 52 Vict., c. 3, 57 (S. L. R.).

80. Disobedience of orders and breach of trust by officers or servants or the company in India, misdemeanors :-

* * *¹ every wilful disobeying, and every wilful omitting, forbearing, or neglecting to execute the orders or instructions of the said court of directors by any governor general of India, governor, member of council, or commander in chief, or by any other of the officers or servants of the said company, unless in cases of necessity (the burthen of the proof of which necessity shall be on the person so dis- obeying or omitting, forbearing or

neglecting, to execute such orders or instructions as aforesaid), and every wilful breach of the trust and duty of any office or employment by any such governor general, governor, member of council, or commander in chief, or any of the officers or servants, of the said company, shall be deemed and taken to be a misdemeanor at Jaw, and shall or may be proceeded against and punished as such by virtue of this Act.

1. Enacting words repealed (U. K.), 51 and 52 Vict, c. 57 (S. L. R.).

81. :-

Rep. 53 and 54 Vict., c. 32 (S. L. R.).]

82. . :-

Rep. 53 and 54 Vict., c. 32 (S. L. R.).]

83. . :-

Rep. 53 and 54 Vict., c. 32 (S. L. R.).]

84. Laws against illicit residence to be :-

* * *¹ the said governor general in council shall and he is hereby required, as soon as conveniently may be, to make laws or regulations providing for the prevention or punishment of the illicit entrance into or residence in the said territories of persons not authorized to enter or reside therein.

1. Enacting words repealed (U. K.), 51 and 52 Vict, c. 57 (S. L. R.).

85. 85 :-

Rep. 53 and 54 Vict., c. 33 (S. L. R.).]

86. Lands within the Indian territories may be purchased :-

* * *¹ it shall be lawful for any natural born subject of his Majesty authorised to reside in the said territories to acquire and hold lands, or any right, interest, or profit in or out of lands, for any term of years, in such part or parts of the said territories as he shall be so authorized to reside in: Provided always, that nothing herein contained shall be taken to prevent the said governor general in council from enabling, by any laws or regulations, or otherwise, any subjects of his Majesty, to acquire or hold any lands, or rights, interests, or profits in or out of lands, in any part of the said territories and for any estates or terms whatever.

1. Enacting words repealed (U. K.), 51 and 52 Vict, c. 57 (S. L. R.).

87. No disability, for office under the company in respect of religion, colour, etc :-

* * *¹ no native of the said territories, nor any natural-born subject of his Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said company.

1. Enacting words repealed (U. K.), 51 and 52 Vict, c. 57 (S. L. R.).

88. 88 :-

Rep. as to U.K. 51 and 52 Vict., c. 57 (S. L. R.). Omitted as being obsolete.]

89. If the King erects bishopricks of Madras and Bombay, certain salaries to be paid to the bishops :-

Recital. Rep. 53 and 54 Vict., c. 33 (S.L. R.)]. In case it shall please his Majesty to erect, found, and constitute two bishopricks, one to be styled the bishoprick of Madras and the other the bishoprick of Bombay, and from time to time to nominate and appoint bishops to such bishopricks under the style and title of bishops of Madras and Bombay respectively, there shall be paid from and out of the revenues of the said territories to such bishops respectively the sum of twenty-four thousand sicca rupees by the year.

90. Such salaries to commence from time of taking office, and to be in lieu of all fees, etc :-

* * *¹ the said salaries shall commence from the time at which such persons as shall be appointed to the 'said office of 'bishop shall take upon them the execution of their respective offices; and such salaries shall be in lieu of all fees of office, perquisites, emoluments, or advantages whatsoever; and no fees of office, perquisites, emoluments, or advantages whatsoever shall be accepted, received, or taken by such bishop or either of them, in any manner or on any account or pretence whatsoever, other than the salaries aforesaid; and such bishops respectively shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the British territories aforesaid.

1. Enacting words repealed (U. K.), 51 and 52 Vict, c. 57 (S. L. R.).

91. 91 :-

Rep. 43 Vict., c. 3, s. 5.]

92. Jurisdiction of such bishops :-

Provided always * * *¹ that such bishops shall not have or use any

jurisdiction or exercise any episcopal functions whatsoever, either in the said territories or elsewhere, but only such jurisdiction and functions as shall or may from time to time be limited to them respectively by his Majesty by his royal letters patent under the great seal of the said United Kingdom.

1. Enacting words repealed (U. K.), 51 and 52 Vict., c. 57 (S. L. R.).

93. The King may by letters patent assign limits to the dioceses, etc :-

* * *¹ it shall and may be lawful for his Majesty from time to time, if he shall think fit, by his royal letters patent under the great seal of the said United Kingdom, to assign limits to the diocese of the bishoprick of Calcutta and to the dioceses of the said bishopricks of Madras and Bombay respectively, and from time to time to alter and vary the same limits respectively, as to his Majesty shall seem fit, and to grant to such bishops respectively within the limits of their respective dioceses the exercise of episcopal functions, and of such ecclesiastical jurisdiction as his Majesty shall think necessary for the superintendence and good government of the ministers of the United Church of England and Ireland therein.

1. Enacting words repealed (U. K.), 51 and 52 Vict., c. 57 (S. L. R.).

94. The bishop of Calcutta to be Metropolitan in India :-

Provided always* * *¹ that the bishop of Calcutta for the time being shall be deemed and taken to be the metropolitan bishop in India, and as such shall have, enjoy, and exercise all such ecclesiastical jurisdiction and episcopal functions, for the purposes aforesaid, as his Majesty shall by his royal letters patent under the great seal of the said United Kingdom think necessary to direct, subject nevertheless to the general superintendence and revision of the archbishop of Canterbury for the time being; and that the bishops of Madras and Bombay for the time being respectively shall be subject to the bishop of Calcutta for the time being as such metropolitan and shall at the time of their respective appointments to such bishopricks or at the time of their respective consecrations as bishops take an oath of obedience to the said bishop of Calcutta in such manner as his Majesty by his said royal letters patent shall be pleased to direct.

1. Enacting words repealed (U. K.), 51 and 52 Vict., c. 57 (S. L. R.).

95. 95 :-

Rep. 53 and 54 Vict., c. 33 (S. L. R.)]

96. The King may grant certain pensions to bishops of Madras and Bombay :-

* * *¹ it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his roval sign manual countersigned by the chancellor of the Exchequer for the time being, to grant to any such bishop of Madras or Bombay respectively who shall have exercised in the British territories aforesaid for fifteen years the office of such bishop, a pension not exceeding eight hundred pounds per annum to be paid quarterly by the said company.

1. Enacting words repealed (U. K.), 51 and 52 Vict., c. 57 (S. L. R.).

97. Payments in respect of salary of a bishop of Madras or Bombay dying while in office :-

* * *¹ in all cases when it shall happen the said person nominated and appointed to be bishop of either of the said bishopricks of Madras or Bombay shall depart this life within six calendar months next after the day when he shall have arrived in India for the purpose of taking upon him the office of such bishop, there shall be payable out of the territorial revenues from which the salary of such bishop so dying shall be payable, to the legal personal representatives of such bishop, such sum or sums of money as shall together with the sum or sums paid to or drawn by such bishop in respect of his salary, make up the full amount of one year's salary: and when and so often as it shall happen that any such bishop shall depart this life while in possession of such office, and after the expiration of six calendar months from the time of his arrival in India for the purpose of taking upon him such office, then and in every such case there shall be payable, out of the territorial revenues from which the salary of the said bishop so dying shall be payable to his legal personal representatives over and above what may have been due to him at the time of his death a sum equal to the full amount of the salary of such bishop for six calendar months.

1. Enacting words repealed (U. K.), 51 and 52 Vict., c. 57 (S. L. R.).

98. Provision for reckoning residence of bishop of Madras or Bombay, if translated to Calcutta, etc :-

* * * **1** if it shall happen that either of the bishops of Madras or Bombay shall be translated to the bishoprick of Calcutta, the period of residence of such person as 'bishop of Madras or Bombay shall be accounted for and taken as a residence as bishop of Calcutta; and if any person now an archdeacon in the territories shall be appointed bishop of Madras or Bombay, the period of his residence in India as such archdeacon shall for all the purposes of this Act be accounted for and taken as a residence as such 'bishop.

1. Enacting words repealed (U. K.), 51 and 52 Vict., c. 57 (S. L. R.).

99. Provision for consecration of any person under the degree of a bishop, if resident in India, appointed to a bishoprick :-

Provided also * * * **1** that if any person under the degree of a bishop shall be appointed to either of the bishopricks of Calcutta, Madras or Bombay who at the time of such appointment shall be resident in India, then and in such case it shall and may be lawful for the archbishop of Canterbury, when and as he shall be required so to do by his Majesty by his royal letters patent under the great seal of the said United Kingdom to issue a commission under his hand and seal to be directed to the two remaining bishops, authorizing and charging them to perform all such requisite ceremonies for the consecration of the person so to be appointed to the degree and office of a bishop.

1. Enacting words repealed (U. K.), 51 and 52 Vict., c. 57 (S. L. R.).

100. Provision for expences of visitations of bishops of Madras and Bombay :-

* * * **1** the expences of visitationsto to be made from time to time by the said bishops of Madras and Bombay respectively shall be paid by the said company out of the revenues of the said territories: Provided that no greater sum on account of such visitations be at any time issued than shall from time to time be defined and settled by the court of directors of the said company with the approbation of the commissioners for the affairs of India.

1. Enacting words repealed (U. K.), 51 and 52 Vict., c. 57 (S. L. R.).

101. No archdeacon to have a salary exceeding 3,000 sicca rupees :-

* * * **1** no archdeacon hereafter to be appointed for the archdeaconry of the presidency of Fort William in Bengal or the archdeaconry of the presidency of Fort Saint George, or the archdeaconry of the presidency and island of Bombay, shall receive in respect of his archdeaconry any salary exceeding three thousand sicca rupees per annum: Proviso as to total expence of church establishment.-Provided always that the whole expence incurred in respect of the said bishops and archdeacons shall not exceed one hundred and twenty thousand sicca rupees per annum.

1. Enacting words repealed (U. K.), 51 and 52 Vict., c. 57 (S. L. R.).

102. Two chaplains of the Church of Scotland to be on the establishment of each presidency :-

* * * **1** of the establishment of chaplains maintained by the said company at each of the presidencies of the said territories, two chaplains shall always be ministers of the church of Scotland, and shall have and enjoy from the said company such salary as shall from time to time be allotted to the military chaplains at the several presidencies: Provided always that the ministers of the Church of Scotland to be appointed chaplains at the said presidencies as aforesaid shall be ordained and inducted by the presbytery of Edinburgh according to the forms and solemnities used in the Church of Scotland and shall be subject to the spiritual and ecclesiastical jurisdiction in all things of the presbytery of Edinburgh whose judgments shall be subject to dissent, protest, and appeal to the provincial synod of Lothian and Tweeddale and to the general assembly of the Church of Scotland; Proviso as to grants to other sects.-Provided always that nothing herein contained shall be so construed as to prevent the governor general in council from granting from time to time, with the sanction of the court of directors and of the commissioners for the affairs of India, to any sect, persuasion, or community of Christians not being of the United Church of England and Ireland, or of the Church of Scotland, such sums of money as may be expedient for the purpose of instruction or for the maintenance of places of worship.

1. Enacting words repealed (U.K.) 51 and 52 Vict., c. 57 (S.L.R.)

103. . :-

Rep. 16 and 17 Vict., c. 95, s. 36].

104. . :-

Rep. 16 and 17 Vict., c. 95, s. 36].

105. . :-

Rep. 16 and 17 Vict., c. 95, s. 36].

106. . :-

Rep. 16 and 17 Vict., c. 95, s. 36].

107. . :-

Rep. 16 and 17 Vict., c. 95, s. 36].

108. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.)]

109. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.)]

110. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.)]

111. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.)]

112. Saint Helena vested in the Crown :-

* * *¹the island of Saint Helena and all forts, factories public edifices, and hereditaments whatsoever in the said island, and all stores and property thereon fit or used for the service of the government thereof, shall be vested in his Majesty* * *² ; and the said island shall be governed by such orders as his Majesty in council shall from time to time issue in that behalf.

1. Enacting words repealed (U.K.) 51 and 52 Vict., c. 57 (S.L.R.)

2. The words "his heirs and successors" were repealed by 53 and 54 Vict., c. 33 (S.L.R.)

113. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.)]

114. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.)]

115. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.)]

116. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.)]

117. . :-

Rep. 37 and 38 Vict., c. 35 (S. L. R.).]