

ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. CVI.

An Act for the better Government of *India*.

[2d *August* 1858.]

WHEREAS by an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, "to provide for the Government of *India*," the Territories in the Possession and under the Government of the *East India* Company were continued under such Government, in trust for Her Majesty, until Parliament should otherwise provide, subject to the Provisions of that Act and of other Acts of Parliament, and the Property and Rights in the said Act referred to are held by the said Company in trust for Her Majesty for the Purposes of the said Government: And whereas it is expedient that the said Territories should be governed by and in the Name of Her Majesty: Be it therefore enacted by the Queen'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, as follows; that is to say, 16 & 17 Vict. c. 95.

Transfer of the Government of India to Her Majesty.

I. The Government of the Territories now in the Possession or under the Government of the *East India* Company, and all Powers in Territories under the Government

of the East India Company to be vested in Her Majesty, and Powers to be exercised in Her Name.

in relation to Government vested in or exercised by the said Company in trust for Her Majesty, shall cease to be vested in or exercised by the said Company, and all Territories in the Possession or under the Government of the said Company, and all Rights vested in or which if this Act had not been passed might have been exercised by the said Company in relation to any Territories, shall become vested in Her Majesty, and be exercised in Her Name; and for the Purposes of this Act *India* shall mean the Territories vested in Her Majesty as aforesaid, and all Territories which may become vested in Her Majesty by virtue of any such Rights as aforesaid.

India to be governed by and in the Name of Her Majesty.

II. India shall be governed by and in the Name of Her Majesty, and all Rights in relation to any Territories which might have been exercised by the said Company if this Act had not been passed shall and may be exercised by and in the Name of Her Majesty as Rights incidental to the Government of *India*; and all the Territorial and other Revenues of or arising in *India*, and all Tributes and other Payments in respect of any Territories which would have been receivable by or in the Name of the said Company if this Act had not been passed, shall be received for and in the Name of Her Majesty, and shall be applied and disposed of for the Purposes of the Government of *India* alone, subject to the Provisions of this Act.

Secretary of State to exercise Powers now exercised by the Company or Board of Control.

III. Save as herein otherwise provided, One of Her Majesty's Principal Secretaries of State shall have and perform all such or the like Powers and Duties in anywise relating to the Government or Revenues of *India*, and all such or the like Powers over all Officers appointed or continued under this Act, as might or should have been exercised or performed by the *East India* Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or by the Direction or with the Sanction or Approbation of the Commissioners for the Affairs of *India* in relation to such Government or Revenues, and the Officers and Servants of the said Company respectively, and also all such Powers as might have been exercised by the said Commissioners alone; and any Warrant or Writing under Her Majesty's Royal Sign Manual, which by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Seventy-seven, or otherwise, is required to be countersigned by the President of the Commissioners for the Affairs of *India*, shall in lieu of being so countersigned be countersigned by One of Her Majesty's Principal Secretaries of State.

As to Warrants, &c. required to be countersigned by 17 & 18 Vict. c. 77.

Four Principal and Four Under Secretaries

IV. After the Commencement of this Act any Four of Her Majesty's Principal Secretaries of State for the Time being, and any Four of the Under Secretaries for the Time being to Her Majesty's

Majesty's Principal Secretaries of State, may sit and vote as Members of the House of Commons, but not more than Four such Principal Secretaries and not more than Four such Under Secretaries shall sit as Members of the House of Commons at the same Time.

of State may sit as Members in the House of Commons.

V. In case the Person who immediately before the Commencement of this Act is the President of the Commissioners for the Affairs of *India* be appointed, upon or within One Month after the Commencement of this Act, One of Her Majesty's Principal Secretaries of State, and be at the Time of such Appointment a Member of the House of Commons, he shall not by reason of such Appointment vacate his Seat in Parliament.

If President of Board of Control is appointed Secretary of State, his Seat in the House of Commons not to be vacated.

VI. In case Her Majesty be pleased to appoint a Fifth Principal Secretary of State, there shall be paid out of the Revenues of *India* to such Principal Secretary of State and to his Under Secretaries respectively the like yearly Salaries as may for the Time being be paid to any other of such Secretaries of State and his Under Secretaries respectively.

Salaries of One Secretary of State and his Under Secretaries to be paid out of the Revenue of India.

Council of India.

VII. For the Purposes of this Act a Council shall be established, to consist of Fifteen Members, and to be styled the Council of *India*; and henceforth the Council in *India* now bearing that Name shall be styled the Council of the Governor General of *India*.

Council of India established.

VIII. Within Fourteen Days after the passing of this Act the Court of Directors of the *East India* Company shall, from among the Persons then being Directors of the said Company or having been theretofore such Directors, elect Seven Persons to be with the Persons to be appointed by Her Majesty as herein-after mentioned the First Members of the Council under this Act, and the Names of the Persons so elected by the Court of Directors shall be forthwith, after such Election, certified to the Board of Commissioners for the Affairs of *India*, under the Seal of the said Company, and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, within Thirty Days after the passing of this Act, to appoint to be Members of such Council Eight Persons: Provided always, that if the Court of Directors of the *East India* Company shall refuse or shall for such Fourteen Days neglect to make such Election of such Seven Persons, and to certify the Names of such Persons as aforesaid, it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, within Thirty Days after the Expiration of such Fourteen Days, to appoint from among the said Directors Seven Persons to make up the full Number of the said Council: Provided also, that if any Person being

First Members of the Council.

being or having been such Director, and elected or appointed as aforesaid, shall refuse to accept the Office, it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint in the Place of every Person so refusing some other Person to be a Member of the Council, but so that Nine Members of the Council at the least shall be Persons qualified as herein-after mentioned.

Vacancies in the Council how to be filled up.

IX. Every Vacancy happening from Time to Time among the Members of the Council appointed by Her Majesty, not being Members so appointed by reason of the Refusal or Neglect of the Court of Directors or the Refusal to accept Office herein-before mentioned, shall be filled up by Her Majesty, by Warrant under Her Royal Sign Manual, and every other Vacancy shall be filled up by the Council by Election made at a Meeting to be held for that Purpose.

The major Part of the Council, with certain Exceptions, to be Persons who shall have served or resided Ten Years in India.

X. The major Part of the Persons to be elected by the Court of Directors, and the major Part of the Persons to be first appointed by Her Majesty after the passing of this Act to be Members of the Council, shall be Persons who shall have served or resided in *India* for Ten Years at the least, and (excepting in the Case of late and present Directors and Officers on the Home Establishment of the *East India* Company who shall have so served or resided) shall not have last left *India* more than Ten Years next preceding the Date of their Appointment; and no Person other than a Person so qualified shall be appointed or elected to fill any Vacancy in the Council unless at the Time of the Appointment or Election Nine at the least of the continuing Members of the Council be Persons qualified as aforesaid.

Tenure of Office of Members of the Council.

XI. Every Member of the Council appointed or elected under this Act shall hold his Office during good Behaviour; provided that it shall be lawful for Her Majesty to remove any such Member from his Office upon an Address of both Houses of Parliament.

Members of Council not to sit in Parliament.

XII. No Member of the Council appointed or elected under this Act shall be capable of sitting or voting in Parliament.

Salaries of Members of Council.

XIII. There shall be paid to each Member of the Council the yearly Salary of One thousand two hundred Pounds, out of the Revenues of *India*.

As to Retiring Pensions, &c.

XIV. Any Member of the Council may, by Writing under his Hand, which shall be recorded in the Minutes of the Council, resign his Office, and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any Person who, having held the Office of Member

Member of the Council for the Period of Ten Years or upwards, shall so resign by reason of Infirmity disabling him from a due Execution of the Duties of the Office, a Retiring Pension during Life of Five hundred Pounds: Provided, that if at any Time hereafter it should appear to Parliament expedient to reduce the Number or otherwise deal with the Constitution of the said Council, no Member of Council who has not served in his Office for a Period of Ten Years shall be entitled to claim any Compensation for the Loss of his Office, or for any Alteration in the Terms and Conditions under which the same is held.

Secretaries and Officers on the Home Establishment of Company to form the Establishment of the Secretary of State in Council.

XV. The Secretaries and other Officers and Servants on the Home Establishment of the said Company, and on the Establishment of the Commissioners for the Affairs of *India*, immediately before the Commencement of this Act, shall on such Commencement be and form the Establishment of the Secretary of State in Council; and the Secretary of State shall with all convenient Speed make such Arrangement of the said Establishments, and such Reductions therein, as may seem to him consistent with the due Conduct of the Public Business, and shall within Six Months after the Commencement of this Act submit a Scheme for the permanent Establishment to Her Majesty in Council; and it shall be lawful for Her Majesty, by the Advice of Her Privy Council, upon Consideration of such Scheme, to fix and declare what shall constitute and be the Establishment of the Secretary of State in Council, and what Salaries shall be paid to the Persons on the Establishment, and the Order of Her Majesty in Council shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, provided Parliament be then sitting, or otherwise within Fourteen Days after the next Meeting thereof; and after such Establishment has been formed by such Order in Council no Addition of Persons shall be made to such Establishment, nor any Addition made to the Salaries authorized by such Order, except by a similar Order in Council, to be laid in like Manner before both Houses of Parliament.

Secretary of State to submit a Scheme for a permanent Establishment.

As to removal of Officers and Supply of Vacancies after First Formation of Establishment.

XVI. After the First Formation of the Establishment, it shall be lawful for the Secretary of State in Council to remove any Officer or Servant belonging thereto, and also to make all Appointments and Promotions to and in such Establishment; provided that the Order of Her Majesty in Council of the Twenty-first Day of *May* One thousand eight hundred and fifty-five, or such other Regulations as may be from Time to Time established by Her Majesty for Examinations, Certificates, Probation, or other Tests of Fitness, in relation to Appointments to junior Situations in the Civil Service, shall apply to such Appointments on the said Establishment.

Compensations to Officers on Home Establishment of the Company and of Board of Control not retained on new Establishment.

XVII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any Secretary, Officer, or Servant on the Home Establishment of the said Company, or on the Establishment of the said Commissioners, who in consequence of such Reduction as aforesaid by the Secretary of State or under such Order in Council is not retained on the Establishment of the Secretary of State in Council, any Compensation, either by way of a gross or annual Payment, as, having regard to the Circumstances, may seem just.

As to Superannuation to Officers.

XVIII. It shall be lawful for Her Majesty, by Warrant countersigned as aforesaid, to grant to any such Secretary, Officer, or Servant as aforesaid, retained on such last-mentioned Establishment, such Compensation, Superannuation, or Retiring Allowance on his ceasing to hold Office as might have been granted to him if this Act had not been passed, and the Transfer of any Person to the Service of the Secretary of State in Council shall be deemed to be a Continuance of his previous Appointment or Employment, and shall not prejudice any Claims which he might have had in respect of Length of Service if his Service under the said Company or Commissioners had continued; and it shall be lawful for Her Majesty, by Warrant countersigned as aforesaid, to grant to any Secretary, Officer, or Servant appointed on the said Establishment after the First Formation thereof such Compensation, Superannuation, or Retiring Allowance as, under the Act of the Session holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four, or any other Act for the Time being in force concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service, may be granted to Persons appointed on the Establishment of One of Her Majesty's Principal Secretaries of State.

Duties and Procedure of the Council.

Duties of the Council.

XIX. The Council shall, under the Direction of the Secretary of State, and subject to the Provisions of this Act, conduct the Business transacted in the United Kingdom in relation to the Government of *India* and the Correspondence with *India*, but every Order or Communication sent to *India* shall be signed by One of the Principal Secretaries of State; and, save as expressly provided by this Act, every Order in the United Kingdom in relation to the Government of *India* under this Act shall be signed by such Secretary of State; and all Despatches from Governments and Presidencies in *India*, and other Despatches from *India*, which if this Act had not been passed should have been addressed to the Court

Court of Directors or to their Secret Committee, shall be addressed to such Secretary of State.

Secretary of State to divide the Council into Committees, and to regulate the Transaction of Business.

XX. It shall be lawful for the Secretary of State to divide the Council into Committees for the more convenient Transaction of Business, and from Time to Time to re-arrange such Committees, and to direct what Departments of the Business in relation to the Government of *India* under this Act shall be under such Committees respectively, and generally to direct the Manner in which all such Business shall be transacted.

President and Vice-President.

XXI. The Secretary of State shall be the President of the Council, with Power to vote, and it shall be lawful for such Secretary of State in Council to appoint from Time to Time any Member of such Council to be Vice-President thereof, and any such Vice-President may at any Time be removed by the Secretary of State.

Meetings of the Council.

XXII. All Powers by this Act required to be exercised by the Secretary of State in Council, and all Powers of the Council, shall and may be exercised at Meetings of such Council, at which not less than Five Members shall be present, and at every Meeting the Secretary of State, or in his Absence the Vice-President, if present, shall preside, and in the Absence of the Secretary of State and Vice-President, One of the Members of the Council present shall be chosen by the Members present to preside at the Meeting; and such Council may act notwithstanding any Vacancy therein: Meetings of the Council shall be convened and held when and as the Secretary of State shall from Time to Time direct; provided that One such Meeting at least be held in every Week.

Procedure at Meetings.

XXIII. At any Meeting of the Council at which the Secretary of State is present, if there be a Difference of Opinion on any Question other than the Question of the Election of a Member of Council, or other than any Question with regard to which a Majority of the Votes at a Meeting is herein-after declared to be necessary, the Determination of the Secretary of State shall be final; and in case of an Equality of Votes at any Meeting of the Council, the Secretary of State, if present, and in his Absence the Vice-President, or presiding Member, shall have a Casting Vote; and all Acts done at any Meeting of the Council in the Absence of the Secretary of State, except the Election of a Member of the Council, shall require the Sanction or Approval in Writing of the Secretary of State; and in case of Difference of Opinion on any Question decided at any Meeting, the Secretary of State may require that his Opinion, and the Reasons for the same, be entered in the Minutes of the Proceedings, and any Member

Member of the Council who may have been present at the Meeting may require that his Opinion, and any Reasons for the same that he may have stated at the Meeting, be entered in like Manner.

Orders, &c. to be open to the Perusal of Members of Council, who may record their Opinions.

XXIV. Every Order or Communication proposed to be sent to *India*, and every Order proposed to be made in the United Kingdom by the Secretary of State, under this Act, shall, unless the same has been submitted to a Meeting of the Council, be placed in the Council Room for the Perusal of all Members of the Council during Seven Days before the sending or making thereof, except in the Cases herein-after provided; and it shall be lawful for any Member of the Council to record in a Minute Book, to be kept for that Purpose, his Opinion with respect to each such Order or Communication, and a Copy of every Opinion so recorded shall be sent forthwith to the Secretary of State.

Secretary of State acting against Opinions of the Majority to record his Reasons.

XXV. If a Majority of the Council record as aforesaid their Opinions against any Act proposed to be done, the Secretary of State shall, if he do not defer to the Opinions of the Majority, record his Reasons for acting in opposition thereto.

Provision for Cases of Urgency.

XXVI. Provided, That where it appears to the Secretary of State that the Despatch of any Communication, or the making of any Order, not being an Order for which a Majority of the Votes at a Meeting is hereby made necessary, is urgently required, the Communication may be sent or Order given notwithstanding the same may not have been submitted to a Meeting of the Council or deposited for Seven Days as aforesaid, the urgent Reasons for sending or making the same being recorded by the Secretary of State, and Notice thereof being given to every Member of the Council, except in the Cases herein-after mentioned.

Orders now sent through Secret Committee may be sent by Secretary of State without Communication with the Council.

XXVII. Provided also, That any Order, not being an Order for which a Majority of Votes at a Meeting is hereby made necessary, which might, if this Act had not been passed, have been sent by the Commissioners for the Affairs of *India* through the Secret Committee of the Court of Directors to Governments or Presidencies in *India*, or to the Officers or Servants of the said Company, may, after the Commencement of this Act, be sent to such Governments or Presidencies, or to any Officer or Servant in *India*, by the Secretary of State, without having been submitted to a Meeting or deposited for the Perusal of the Members of the Council, and without the Reasons being recorded or Notice thereof given as aforesaid.

XXVIII. Any

Government of India.

As to Communication of Secret Despatches from India.

XXVIII. Any Despatches to *Great Britain* which might if this Act had not been passed have been addressed to the Secret Committee of the Court of Directors, may be marked "Secret" by the Authorities sending the same, and such Despatches shall not be communicated to the Members of the Council, unless the Secretary of State shall so think fit and direct.

Appointments and Patronage.

Appointments to be made by or with the Approbation of Her Majesty.

XXIX. The Appointments of Governor General of *India*, Fourth Ordinary Member of the Council of the Governor General of *India*, and Governors of Presidencies in *India*, now made by the Court of Directors with the Approbation of Her Majesty, and the Appointments of Advocate General for the several Presidencies now made with the Approbation of the Commissioners for the Affairs of *India*, shall be made by Her Majesty by Warrant under Her Royal Sign Manual; the Appointments of the Ordinary Members of the Council of the Governor General of *India*, except the Fourth Ordinary Member, and the Appointments of the Members of Council of the several Presidencies, shall be made by the Secretary of State in Council, with the Concurrence of a Majority of Members present at a Meeting; the Appointments of the Lieutenant Governors of Provinces or Territories shall be made by the Governor General of *India*, subject to the Approbation of Her Majesty; and all such Appointments shall be subject to the Qualifications now by Law affecting such Offices respectively.

Appointments now made in India to continue to be made there.

XXX. All Appointments to Offices, Commands, and Employments in *India*, and all Promotions, which by Law, or under any Regulations, Usage, or Custom, are now made by any Authority in *India*, shall continue to be made in *India* by the like Authority, and subject to the Qualifications, Conditions, and Restrictions now affecting such Appointments respectively; but the Secretary of State in Council, with the Concurrence of a Majority of Members present at a Meeting, shall have the like Power to make Regulations for the Division and Distribution of Patronage and Power of Nomination among the several Authorities in *India*, and the like Power of restoring to their Stations, Offices, or Employments, Officers and Servants suspended or removed by any Authority in *India* as might have been exercised by the said Court of Directors, with the Approbation of the Commissioners for the Affairs of *India*, if this Act had not been passed.

Certain Sections of 16 & 17 Vict. c. 95. as to Appointment, &c. to the Civil Service repealed.

XXXI. Sections Thirty-seven, Thirty-eight, Thirty-nine, Forty, Forty-one, and Forty-two of the Act of the Sixteenth and Seventeenth *Victoria*, Chapter Ninety-five, are hereby repealed, so far as the same apply to or provide for the Admission or Appointment of Persons to the Civil Service of the *East India* Company.

XXXII. With

Secretary of State in Council to make Regulations for the Admission of Candidates to the Civil Service of India.

XXXII. With all convenient Speed after the passing of this Act, Regulations shall be made by the Secretary of State in Council, with the Advice and Assistance of the Commissioners for the Time being acting in execution of Her Majesty's Order in Council of Twenty-first *May* One thousand eight hundred and fifty-five, "for "regulating the Admission of Persons to the Civil Service of the "Crown," for admitting all Persons being natural-born Subjects of Her Majesty (and of such Age and Qualification as may be prescribed in this Behalf) who may be desirous of becoming Candidates for Appointment to the Civil Service of *India* to be examined as Candidates accordingly, and for prescribing the Branches of Knowledge in which such Candidates shall be examined, and generally for regulating and conducting such Examinations under the Superintendence of the said last-mentioned Commissioners, or of the Persons for the Time being intrusted with the carrying out of such Regulations as may be from Time to Time established by Her Majesty for Examination, Certificate, or other Test of Fitness in relation to Appointments to junior Situations in the Civil Service of the Crown, and the Candidates who may be certified by the said Commissioners or other Persons as aforesaid to be entitled under such Regulations shall be recommended for Appointment according to the Order of their Proficiency as shown by such Examinations, and such Persons only as shall have been so certified as aforesaid shall be appointed or admitted to the Civil Service of *India* by the Secretary of State in Council: Provided always, that all Regulations to be made by the said Secretary of State in Council under this Act shall be laid before Parliament within Fourteen Days after the making thereof, if Parliament be sitting, and, if Parliament be not sitting, then within Fourteen Days after the next Meeting thereof.

Regulations made by Secretary of State to be laid before Parliament.

Other Appointments and Admissions to Service vested in Her Majesty.

XXXIII. All Appointments to Cadetships, Naval and Military, and all Admissions to Service not herein otherwise expressly provided for, shall be vested in Her Majesty; and the Names of Persons to be from Time to Time recommended for such Cadetships and Service shall be submitted to Her Majesty by the Secretary of State.

Regulations to be made for admitting Persons to be examined for Cadetships in Engineers and Artillery.

XXXIV. With all convenient Speed after the Commencement of this Act, Regulations shall be made for admitting any Persons being natural-born Subjects of Her Majesty (and of such Age and Qualifications as may be prescribed in this Behalf) who may be desirous of becoming Candidates for Cadetships in the Engineers and in the Artillery, to be examined as Candidates accordingly, and for prescribing the Branches of Knowledge in which such Candidates shall be

be examined, and generally for regulating and conducting such Examinations.

Not less than One Tenth of Persons recommended for Military Cadetships to be selected from Sons of Persons who have served in India.

XXXV. Not less than One Tenth of the whole Number of Persons to be recommended in any Year for Military Cadetships (other than Cadetships in the Engineers and Artillery) shall be selected according to such Regulations as the Secretary of State in Council may from Time to Time make in this Behalf from among the Sons of Persons who have served in *India* in the Military or Civil Services of Her Majesty, or of the *East India* Company.

Nominations for Cadetships to be made by Secretary of State and Members of Council.

XXXVI. Except as aforesaid, all Persons to be recommended for Military Cadetships shall be nominated by the Secretary of State and Members of Council, so that out of Seventeen Nominations the Secretary of State shall have Two and each Member of Council shall have One; but no Person so nominated shall be recommended unless the Nomination be approved of by the Secretary of State in Council.

Regulations as to Appointments and Admissions to Service.

XXXVII. Save as herein-before provided, all Powers of making Regulations in relation to Appointments and Admissions to Service and other Matters connected therewith, and of altering or revoking such Regulations, which if this Act had not been passed might have been exercised by the Court of Directors or Commissioners for the Affairs of *India*, may be exercised by the Secretary of State in Council, and all Regulations in force at the Time of the Commencement of this Act in relation to the Matters aforesaid shall remain in force, subject nevertheless to Alteration or Revocation by the Secretary of State in Council as aforesaid.

As to Removal of Officers by Her Majesty.

XXXVIII. Any Writing under the Royal Sign Manual, removing or dismissing any Person holding any Office, Employment, or Commission, Civil or Military, in *India*, of which, if this Act had not been passed, a Copy would have been required to be transmitted or delivered within Eight Days after being signed by Her Majesty to the Chairman or Deputy Chairman of the Court of Directors, shall, in lieu thereof, be communicated within the Time aforesaid to the Secretary of State in Council.

Transfer of Property.

Real and Personal Property of the Company to vest in Her Majesty for the

XXXIX. All Lands and Hereditaments, Monies, Stores, Goods, Chattels, and other Real and Personal Estate of the said Company, subject to the Debts and Liabilities affecting the same respectively, and the Benefit of all Contracts, Covenants, and Engagements, and all Rights

Purposes of the Government of India.

Rights to Fines, Penalties, and Forfeitures, and all other Emoluments which the said Company shall be seised or possessed of, or entitled to at the Time of the Commencement of this Act, except the Capital Stock of the said Company and the Dividend thereon, shall become vested in Her Majesty, to be applied and disposed of, subject to the Provisions of this Act, for the Purposes of the Government of *India*.

Powers of Sale and Purchase, and to enter into Contracts, vested in Secretary of State in Council.

XL. The Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting, shall have full Power to sell and dispose of all Real and Personal Estate whatsoever for the Time being vested in Her Majesty under this Act, as may be thought fit, or to raise Money on any such Real Estate by way of Mortgage, and make the proper Assurances for that Purpose, and to purchase and acquire any Land or Hereditaments, or any Interests therein, Stores, Goods, Chattels, and other Property, and to enter into any Contracts whatsoever, as may be thought fit, for the Purposes of this Act; and all Property so acquired shall vest in Her Majesty for the Service of the Government of *India*; and any Conveyance or Assurance of or concerning any Real Estate to be made by the Authority of the Secretary of State in Council may be made under the Hands and Seals of Three Members of the Council.

Revenues.

Expenditure of Revenues of India subject to Control of Secretary of State in Council.

XLI. The Expenditure of the Revenues of *India*, both in *India* and elsewhere, shall be subject to the Control of the Secretary of State in Council, and no Grant or Appropriation of any Part of such Revenues, or of any other Property coming into the Possession of the Secretary of State in Council by virtue of this Act, shall be made without the Concurrence of a Majority of Votes at a Meeting of the Council.

Dividend on the Stock of the Company, and existing and future Debts, Liabilities, and Expenses, to be charged on Revenues of India.

XLII. The Dividend on the Capital Stock of the said Company secured by the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Eighty-five, until the Redemption thereof, and all the Bond, Debenture, and other Debt of the said Company in *Great Britain*, and all the Territorial Debt and all other Debts of the said Company, and all Sums of Money, Costs, Charges, and Expenses, which if this Act had not been passed would after the Time appointed for the Commencement thereof have been payable by the said Company out of the Revenues of *India*, in respect or by reason of any Treaties, Covenants, Contracts, Grants, or Liabilities then existing, and all Expenses, Debts, and Liabilities which after the Commencement of this Act shall be lawfully contracted and incurred

on account of the Government of *India*, and all Payments under this Act, shall be charged and chargeable upon the Revenues of *India* alone, as the same would have been if this Act had not been passed, and such Expenses, Debts, Liabilities, and Payments as last aforesaid had been Expenses, Debts, and Liabilities lawfully contracted and incurred by the said Company, and such Revenues shall not be applied to any other Purpose whatsoever; and all other Monies vested in or arising or accruing from Property or Rights vested in Her Majesty under this Act, or to be received or disposed of by the Council under this Act, shall be applied in aid of such Revenues: Provided always, that nothing herein contained shall lessen or prejudicially affect any Security to which the said Company, or any Proprietor or Creditor thereof, now is or may be entitled upon the Fund called "The Security Fund of the *India* Company," and mentioned in the Act of the Third and Fourth Years of His late Majesty King *William* the Fourth, Chapter Eighty-five, Section Fourteen.

Revenues remitted to Great Britain, and Monies arising in Great Britain, to be paid to Secretary of State in Council.

XLIII. Such Part of the Revenues of *India* as shall be from Time to Time remitted to *Great Britain*, and all Monies of the said Company in their Treasury or under the Care of their Cashier, and all other Monies in *Great Britain* of the said Company, or which would have been received by them in *Great Britain* if this Act had not been passed, and all Monies arising or accruing in *Great Britain* from any Property or Rights vested in Her Majesty by this Act, or from the Sale or Disposition thereof, shall be paid to the Secretary of State in Council, to be applied for the Purposes of this Act; and all such Monies, except as herein-after otherwise provided, shall be paid into the Bank of *England*, to the Credit of an Account to be opened by the Governor and Company of the Bank of *England*, to be intituled "The Account of the Secretary of State in Council of *India*;" and all Monies to be placed to the Credit of such Account under this Act shall be paid out upon Drafts or Orders signed by Three Members of the Council, and countersigned by the Secretary of State or One of his Under Secretaries, and such Account shall be a public Account: Provided always, that the Secretary of State in Council may cause to be kept, from Time to Time, under the Care of their Cashier, in an Account to be kept at the Bank of *England*, such Sum or Sums of Money as they may deem necessary for the Payments now made out of Money under the Care of the Cashier of the said Company.

Cash Balance of the Company at the Bank to be transferred to

XLIV. Such Amount of Money as at the Time of the Commencement of this Act may be standing to the Credit of the *East India* Company at the Bank of *England* shall be transferred by the Governor and Company of the Bank of *England* to the Credit of the

Secretary of State in Council.

Account to be opened in the Name of the Secretary of State in Council as aforesaid.

Stock Account to be opened at the Bank.

XLV. There shall be raised in the Books of the Governor and Company of the Bank of *England* such Accounts as may be necessary in respect of any Stock or Stocks of Government Annuities, and all such Accounts respectively shall be intituled "The Stock Account of the Secretary of State in Council of *India*," and every such Account shall be a public Account.

Stock standing in the Name of the Company transferred.

XLVI. Such Government Stock or Stocks as at the Time of the Commencement of this Act may be standing in the Name of the *East India* Company in the Books of the said Governor and Company shall be transferred by the Chief Cashier or the Chief Accountant of the said Governor and Company to the proper Account or Accounts to be raised as aforesaid.

Power to grant Letter of Attorney for Sale, &c. of Stock and Receipt of Dividends.

XLVII. The Secretary of State in Council, by Letter of Attorney, executed by Three Members of the Council, and countersigned by the Secretary of State or One of his Under Secretaries, may authorize all or any of the Cashiers of the Bank of *England* to sell and transfer all or any Part of the Stock or Stocks standing or that may thereafter stand in the Books of the said Bank to the several Accounts of the Secretary of State in Council, and to purchase and accept Stock on the said Accounts, and to receive the Dividends due and to become due on the several Stocks standing or that may thereafter stand on the said Accounts, and by any Writing signed by Three Members of the Council, and countersigned as aforesaid, may direct the Application of the Monies to be received in respect of such Sales and Dividends, but no Stock shall be purchased or sold and transferred by any of the said Cashiers under the Authority of such General Letter of Attorney, except upon an Order in Writing directed to the said Chief Cashier and Chief Accountant from Time to Time, and duly signed and countersigned as aforesaid.

Provision as to Exchequer Bills, Bonds, and other Securities.

XLVIII. All Exchequer Bills, Exchequer Bonds, or other Government Securities, or other Securities, of whatsoever Kind, not hereinbefore referred to, which shall be held by the Governor and Company of the Bank of *England* in trust for or on account of the *East India* Company at the Time of the Commencement of this Act, shall thenceforward be held by the said Governor and Company in trust for and on account of the Secretary of State in Council; and all such Securities as aforesaid, and all such Securities as may thereafter be lodged with the said Governor and Company by or on behalf of the Secretary of State in Council, shall and may be disposed of and the Proceeds thereof

thereof applied as may be authorized by Order in Writing signed by Three Members of the Council, and countersigned by the Secretary of State or One of his Under Secretaries, and directed to the said Chief Cashier and Chief Accountant.

Powers of borrowing vested in the Company transferred to Secretary of State in Council.

XLIX. All Powers of issuing Bonds, Debentures, and other Securities for Money in *Great Britain* which, if this Act had not been passed, might have been exercised by the said Company, or the Court of Directors, under the Direction and Control of the Commissioners for the Affairs of *India*, or otherwise, shall and may be exercised by the Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting; and such Securities as might have been issued under the Seal of the said Company shall be issued under the Hands of Three Members of the Council, and countersigned by the Secretary of State or One of his Under Secretaries.

Provisions in force relating to Forgery to extend to Bonds, &c. issued by Secretary of State in Council.

L. All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any *East India* Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Bond, Debenture, or Security issued by the Secretary of State in Council of *India* under the Authority of this Act.

Present System of issuing Warrants for Payments to be continued.

LI. The Regulations and Practice now acted on by the Court of Directors on the Issue of Warrants or Authorities for the Payment of Money shall be maintained and acted on by the Secretary of State in Council of *India* under this Act until the same be altered by the Authority of Her Majesty in Council: Provided, that where a Warrant or Authority for the Payment of Money passes through the Audit Department at the *East India House* before Payment, it shall be countersigned by such Officer or Officers of that Audit Department as the Secretary of State in Council may direct before Payment shall be made; and that Warrants or Authorities which have heretofore been signed by Two Directors of the *East India* Company shall, after the Commencement of this Act, be signed by Three Members of the Council of *India*.

As to the Audit of Accounts in Great Britain.

LII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to appoint from Time to Time a fit Person to be Auditor of the Accounts of the Secretary of State in Council, and to authorize such Auditor to appoint and remove from Time to Time such Assistants as may be specified in such Warrant; and every such Auditor shall hold Office during good Behaviour; and there shall be paid to such Auditor and Assistants out of the Revenues of *India* such respective

respective Salaries as Her Majesty, by Warrant as aforesaid countersigned as aforesaid, may direct; and such Auditor shall examine and audit the Accounts of the Receipt, Expenditure, and Disposal in *Great Britain* of all Monies, Stores, and Property applicable for the Purposes of this Act; and the Secretary of State in Council shall by the Officers and Servants of the Establishment produce and lay before such Auditor from Time to Time all such Accounts, accompanied by proper Vouchers for the Support of the same, and shall submit to his Inspection all Books, Papers, and Writings having relation thereto; and such Auditor shall have Power to examine all such Officers and Servants in *Great Britain* of the Establishment as he may see fit in relation to such Accounts, and the Receipt, Expenditure, or Disposal of such Monies, Stores, and Property, and for that Purpose, by Writing under his Hand, to summon before him any such Officer or Servant; and such Auditor shall report from Time to Time to the Secretary of State in Council his Approval or Disapproval of such Accounts, with such Remarks and Observations in relation thereto as he may think fit, specially noting any Case, if such there shall be, in which it shall appear to him that any Money arising out of the Revenues of *India* has been appropriated to other Purposes than those of the Government of *India* to which alone they are declared to be applicable; and shall specify in detail in his Reports all Sums of Money, Stores, and Property which ought to be accounted for, and are not brought into account or have not been appropriated, in conformity with the Provisions of this Act, or have been expended or disposed of without due Authority, and shall also specify any Defects, Inaccuracies, or Irregularities which may appear in such Accounts, or in the Authorities, Vouchers, or Documents having relation thereto; and all such Reports shall be laid before both Houses of Parliament by such Auditor, together with the Accounts of the Year to which the same may relate.

Accounts to be annually laid before Parliament.

LIII. The Secretary of State in Council shall, within the first Fourteen Days during which Parliament may be sitting next after the First Day of *May* in every Year, lay before both Houses of Parliament an Account for the financial Year preceding that last completed of the annual Produce of the Revenues of *India*, distinguishing the same under the respective Heads thereof, at each of the several Presidencies or Governments, and of all the annual Receipts and Disbursements at Home and Abroad on account of the Government of *India*, distinguishing the same under the respective Heads thereof, together with the latest Estimate of the same for the last financial Year, and also the Amount of the Debts chargeable on the Revenues of *India*, with the Rates of Interest they respectively carry, and the annual Amount of such Interest, the State of the Effects and Credits at each Presidency or Government, and in *England*

England or elsewhere, applicable to the Purposes of the Government of *India*, according to the latest Advices which have been received thereof, and also a List of the Establishment of the Secretary of State in Council, and the Salaries and Allowances payable in respect thereof; and if any new or increased Salaries or Pensions of Fifty Pounds a Year or upwards have been granted or created within any Year, the Particulars thereof shall be specially stated and explained at the Foot of the Account of such Year; and such Account shall be accompanied by a Statement prepared from detailed Reports from each Presidency and District in *India* in such Form as shall best exhibit the moral and material Progress and Condition of *India* in each such Presidency.

When Order to commence Hostilities is sent to India, the Fact to be communicated to Parliament.

LIV. When any Order is sent to *India* directing the actual Commencement of Hostilities by Her Majesty's Forces in *India*, the Fact of such Order having been sent shall be communicated to both Houses of Parliament within Three Months after the sending of such Order, if Parliament be sitting, unless such Order shall have been in the meantime revoked or suspended, and if Parliament be not sitting at the End of such Three Months then within One Month after the next Meeting of Parliament.

Except for repelling Invasion, the Revenues of India not applicable for any Military Operation beyond the Frontiers.

LV. Except for preventing or repelling actual Invasion of Her Majesty's *Indian* Possessions, or under other sudden and urgent Necessity, the Revenues of *India* shall not, without the Consent of both Houses of Parliament, be applicable to defray the Expenses of any Military Operation carried on beyond the external Frontiers of such Possessions by Her Majesty's Forces charged upon such Revenues.

Existing Establishments.

Indian Military and Naval Forces to remain under existing Conditions of Service.

LVI. The Military and Naval Forces of the *East India* Company shall be deemed to be the *Indian* Military and Naval Forces of Her Majesty, and shall be under the same Obligations to serve Her Majesty as they would have been under to serve the said Company, and shall be liable to serve within the same territorial Limits only, for the same Terms only, and be entitled to the like Pay, Pensions, Allowances, and Privileges, and the like Advantages as regards Promotion and otherwise, as if they had continued in the Service of the said Company: Such Forces, and all Persons hereafter enlisting in or entering the same, shall continue and be subject to all Acts of Parliament, Laws of the Governor General of *India* in Council, and Articles of War, and all other Laws, Regulations, and Provisions relating to the *East India* Company's Military and Naval Forces respectively, as if Her Majesty's *Indian* Military and Naval Forces

respectively had throughout such Acts, Laws, Articles, Regulations, and Provisions been mentioned or referred to, instead of such Forces of the said Company; and the Pay and Expenses of and incident to Her Majesty's *Indian* Military and Naval Forces shall be defrayed out of the Revenues of *India*.

Provision for Persons hereafter entering Her Majesty's Indian Forces.

LVII. Provided, That it shall be lawful for Her Majesty from Time to Time by Order in Council to alter or regulate the Terms and Conditions of Service under which Persons hereafter entering Her Majesty's *Indian* Forces shall be commissioned, enlisted, or entered to serve, and the Forms of Attestation and of the Oath or Declaration to be used and taken or made respectively on attesting Persons to serve in Her Majesty's *Indian* Forces shall be such as Her Majesty with regard to the *European* Forces, and the Governor General of *India* in Council with regard to the Native Forces, shall from Time to Time direct: Provided, that every such Order in Council shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, if Parliament be sitting, and if Parliament be not sitting, then within Fourteen Days after the next Meeting thereof.

Officers, &c. in Employ of the Company at the Commencement of this Act to be deemed to hold Offices under Her Majesty.

LVIII. All Persons who at the Time of the Commencement of this Act shall hold any Offices, Employments, or Commissions whatever under the said Company in *India* shall thenceforth be deemed to hold such Offices, Employments, and Commissions under Her Majesty as if they had been appointed under this Act, and shall be paid out of the Revenues of *India*; and the Transfer of any Person to the Service of Her Majesty shall be deemed to be a Continuance of his previous Service, and shall not prejudice any Claims to Pension, or any Claims on the various Annuity Funds of the several Presidencies in *India*, which he might have had if this Act had not been passed.

All Orders of the Court of Directors or Board of Control given before Commencement of this Act to remain in force.

LIX. All Orders, Regulations, and Directions lawfully given or made before the Commencement of this Act by the Court of Directors or by the Commissioners for the Affairs of *India* shall remain in force; but the same shall, from and after the Commencement of this Act, be deemed to be the Orders, Regulations, and Directions under this Act, and take effect and be construed and be subject to Alteration or Revocation accordingly.

Cesser of Appointments and Functions of Directors, &c.

LX. All Functions and Powers of Courts of Proprietors and Courts of Directors of the said Company in relation to the Government of *India*, and all Appointments of such of the Directors of the said Company as have been appointed by Her Majesty, shall cease, and the yearly Sums payable to the Chairman, Deputy Chairman,

man, and other Directors of the said Company shall cease to be payable, and all Powers vested in Her Majesty of appointing Directors of the said Company shall cease and determine.

Board of Control abolished.

LXI. The Appointments and Powers of Appointment of Commissioners for the Affairs of *India* shall cease and determine.

Records, &c. of the Company to be delivered into the Care of Secretary of State in Council.

LXII. All Books, Records, and Archives of the said Company, except such Books and Documents as concern the Ownership of Shares in the Capital Stock of the said Company, and the Payments to the Proprietors of such Capital Stock of their respective Shares of the Dividend thereon, shall be delivered into the Care and Custody of the Secretary of State in Council as they may direct.

A Person succeeding to the Office of Governor General may exercise his Powers before he takes his Seat in Council.

LXIII. In case the Person who shall be entitled under any provisional Appointment to succeed to the Office of Governor General of *India* upon a Vacancy therein, or who shall be appointed absolutely to assume that Office, shall be in *India* (upon or after the happening of the Vacancy, or upon or after the Receipt of such absolute Appointment, as the Case may require), but shall be absent from *Fort William* in *Bengal*, or from the Place where the Council of the Governor General of *India* may then be, and it shall appear to him necessary to exercise the Powers of Governor General before he shall have taken his Seat in Council, it shall be lawful for him to make known by Proclamation his Appointment, and his Intention to assume the said Office of Governor General, and after such Proclamation, and thenceforth until he shall repair to *Fort William* or the Place where the Council may assemble, it shall be lawful for him to exercise alone all or any of the Powers which might be exercised by the Governor General in Council, except the Power of making Laws and Regulations; and all Acts done in the Exercise of the said Powers, except as aforesaid, shall be of the same Force and Effect as if they had been done by the Governor General in Council; provided that all Acts done in the said Council after the Date of such Proclamation, but before the Communication thereof to such Council, shall be valid, subject nevertheless to Revocation or Alteration by the Person who shall have so assumed the said Office of Governor General; and when the Office of Governor General is assumed under the foregoing Provision, if there be at any Time before the Governor General takes his Seat in Council no Vice-President of the Council authorized to preside at Meetings for making Laws and Regulations (as provided by Section Twenty-two of the Act of the Sixteenth and Seventeenth Years of Her Majesty), the senior ordinary Member of Council then present shall preside therein, with the

the same Powers as if a Vice-President had been appointed and were absent.

Continuance of existing Enactments.

Existing Provisions to be applicable to Secretary of State in Council, &c.

LXIV. All Acts and Provisions now in force under Charter or otherwise concerning *India* shall, subject to the Provisions of this Act, continue in force, and be construed as referring to the Secretary of State in Council in the Place of the said Company and the Court of Directors and Court of Proprietors thereof, and all Enactments applicable to the Officers and Servants of the said Company in *India*, and to Appointments to Office or Admissions to Service by the said Court of Directors, shall, subject to the Provisions of this Act, remain applicable to the Officers and Servants continued and to the Officers and Servants appointed or employed in *India*, and to Appointments to Office and Admissions to Service under the Authority of this Act.

Actions and Contracts.

Secretary of State in Council may sue and be sued.

LXV. The Secretary of State in Council shall and may sue and be sued as well in *India* as in *England* by the Name of the Secretary of State in Council as a Body Corporate; and all Persons and Bodies Politic shall and may have and take the same Suits, Remedies, and Proceedings, legal and equitable, against the Secretary of State in Council of *India* as they could have done against the said Company; and the Property and Effects hereby vested in Her Majesty for the Purposes of the Government of *India*, or acquired for the said Purposes, shall be subject and liable to the same Judgments and Executions as they would while vested in the said Company have been liable to in respect of Debts and Liabilities lawfully contracted and incurred by the said Company.

Secretary of State in Council to come in the Place of the Company with regard to pending Suits, &c.

LXVI. The Secretary of State in Council shall, with respect to all Actions, Suits, and all Proceedings by or against the said Company pending at the Time of the Commencement of this Act, come in the Place of the said Company, and that without the Necessity of substituting the Name of the Secretary of State in Council for that of the said Company.

Treaties to be binding on Her Majesty, and Contracts, &c. of Company may be enforced, &c.

LXVII. All Treaties made by the said Company shall be binding on Her Majesty, and all Contracts, Covenants, Liabilities, and Engagements of the said Company made, incurred, or entered into before the Commencement of this Act may be enforced by and against the Secretary of State in Council in like Manner and in the same Courts as they might have been by and against the said Company if this Act had not been passed.

LXVIII. Neither

LXVIII. Neither the Secretary of State nor any Member of the Council shall be personally liable in respect of any such Contract, Covenant, or Engagement of the said Company as aforesaid, or in respect of any Contract entered into under the Authority of this Act, or other Liability of the said Secretary of State or Secretary of State in Council in their official Capacity; but all such Liabilities, and all Costs and Damages in respect thereof, shall be satisfied and paid out of the Revenues of *India*. Members of Council not personally liable.

LXIX. After the Commencement of this Act such of the Directors as have been elected by the General Court of the said Company, or who shall from Time to Time be so elected, shall be the Directors of the said Company, and the major Part of such Directors for the Time being shall form a Court of Directors; and where the Presence, Signature, Consent, or Concurrence of Ten Directors is now requisite, the Presence, Signature, Consent, or Concurrence of the major Part of the Directors for the Time being shall be sufficient; and to the Intent that the Number of Directors may be reduced to Six, Two Directors only shall be elected by the General Court of the said Company at each biennial Election to fill the Vacancies occasioned by the Expiration of the Term of Office of Directors; and so much of the said Act of the Sixteenth and Seventeenth Years of Her Majesty as requires any of the Directors to be Persons who have resided Ten Years in *India* shall be repealed, and in the Oath to be taken by a Director of the said Company, under Section Thirteen of the said Act, the Words "in the Administration of the "Government of *India* in trust for the Crown" shall be omitted. The Directors elected by General Court of Company, alone to be the Directors of the Company. Provision as to Reduction of Number of Directors.

LXX. It shall no longer be obligatory on the Directors to summon Four General Quarterly Courts in every Year as heretofore. Quarterly Courts need not be summoned.

LXXI. Except Claims of Mortgagees of the Security Fund herein-before mentioned, the said Company shall not, after the passing of this Act, be liable in respect of any Claim, Demand, or Liability which has arisen or may hereafter arise out of any Treaty, Covenant, Contract, Grant, Engagement, or Fiduciary Obligation made, incurred, or entered into by the said Company before the passing of this Act, whether the said Company would, but for this Act, have been bound to satisfy such Claim, Demand, or Liability out of the Revenues of *India*, or in any other Manner whatsoever. Company not to be liable in respect of any Claim arising out of any Covenant, &c. made before the passing of this Act.

Saving of certain Rights of the Company.

LXXII. It shall be lawful for the Secretary of State in Council to pay to the said Company out of the Revenues of *India* such annual Sum As to Payment of Expenses

of the Company in respect of their Capital Stock and Dividend.

Sum as Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, may direct for defraying the Expenses of and incident to the Payment to the Proprietors of the Capital Stock of the said Company of their respective Shares of the Dividend on such Stock, and of keeping the Books of the said Company for Transfers, and otherwise in relation to such Stock.

Saving of the Rights of the Company in respect of their Dividend and Security Fund.

LXXIII. Nothing herein contained shall affect the Preference secured by the said Act of the Third and Fourth Years of King *William* the Fourth to the Dividend on the Capital Stock of the said Company or the Right of the said Company to demand the Redemption of the said Dividend secured by such Act; and all the Provisions of the said Act concerning the Security Fund thereby created shall remain in force, save that when the Approbation of the Commissioners for the Affairs of *India* is required in relation to the Disposal of the said Security Fund, the Approbation of the Secretary of State in Council shall be required.

Commencement of the Act.

Commencement of Act.

LXXIV. Save as herein otherwise provided, this Act shall commence and take effect on the Expiration of Thirty Days after the Day of the passing thereof.

Provision as to Proceedings in India before the Act is proclaimed there.

LXXV. This Act shall be proclaimed in the several Presidencies and Governments of *India* as soon as conveniently may be after such Act has been received by the Governor General of *India*; and until such Proclamation be made all Acts, Matters, and Things done, ordered, directed, or authorized in *India* in the Name of the *East India* Company, or otherwise in relation to the Government of *India*, shall be as valid and effectual as if this Act had not been passed.

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