CAP. XLI.

An Act to amend the Act for the better Government of *India*.

[13th *August* 1859.]

'WHEREAS an Act was passed in the Session holden in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, intituled *An Act for the better Government of* India: And whereas it has been considered that, under the Enactment in the Fortieth Section of the said Act, the local Governments in *India* and Officers intrusted with the Charge of Provinces or Districts there respectively cannot enter into and execute such Contracts and Assurances in *India* on behalf of the Secretary of State in Council as before the Commencement of the said Act they were respectively competent to enter into and execute on behalf of the *East India* Company, and it is expedient to give them such Powers: And whereas Doubts have arisen as to the proper Mode of the Execution of Contracts entered into by the Secretary of State in Council pursuant to the Provision of the said Fortieth Section of the said Act, and it is expedient that such Doubts should be removed: And whereas it is expedient to alter so much of the Enactment in the Forty-third Section of the said Act as relates to the Mode of signing and countersigning the Drafts or Orders therein mentioned:' 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,

Powers to execute Contracts vested in Government of India.

I. The Governor General of *India* in Council, the Governor in Council of *Fort St. George*, the Governor in Council of *Bombay*, the Lieutenant Governor of the North-western Provinces now under the Presidency of *Fort William* in *Bengal*, respectively, or any Officer for the Time being intrusted with the Government, Charge, or Care of any Presidency, Province, or District in *India*, subject to such Provisions or Restrictions as the Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting, shall from Time to Time prescribe, are hereby respectively empowered to sell and dispose of all Real and Personal Estate whatsoever in *India* for the Time being vested in Her Majesty under the said Act, within the Limits of their respective Governments, Provinces, or Districts, or to raise Money on any such Real Estate by way of Mortgage, and to make proper Assurances for that Purpose, and to purchase and acquire any Land or Hereditaments, or any Interest therein, Stores, Goods, Chattels, and other Property in *India*, within the said respective Limits, and to enter into any Contracts whatsoever, within the said respective Limits, for the Purposes of the said Act, and all Property so acquired shall vest in Her Majesty for the Service of the Government of *India*.

Mode of executing Contracts in India.

II. The Secretary of State in Council may be named as a Party to any such Deed, Contract, or other Instrument, and it shall be sufficient to use the Designation of Secretary of State in Council in such Deed, Contract, or other Instrument, and the same may be expressed to be executed on behalf of the Secretary of State in Council, by or by Order of the Governor General in Council, Governor in Council, Lieutenant Governor of the North-western Provinces, or other Officer intrusted as aforesaid, but may be executed in other respects in like Manner as other Instruments executed by or on behalf of him or them respectively in his or their official Capacity, and may be enforced by or against the Secretary of State in Council for the Time being; and neither the Secretary of State, nor any Member of the Council, nor any Person executing such Deed, Contract, or other Instrument, shall be personally liable in respect thereof; and all Liabilities, Costs, and Damages in respect thereof shall be satisfied and paid out of the Revenues of *India*.

Secretary of State and Council not to be personally liable.

Mode of signing Drafts or Orders on Bank of England.

III. Notwithstanding anything contained in the said Act, it shall be lawful for the Governor and Company of the Bank of *England* to pay out all or any of the Moneys paid to the Credit of the Account opened under the said Act by the Governor and Company of the Bank of *England*, intituled "The Account of the Secretary of State in Council of *India*," upon any Drafts or Orders signed by the Accountant General on the Establishment of the Secretary of State in Council, or by either of the Two Senior Clerks in the Depart-

ment of the said Accountant General, and countersigned in such Manner as the Secretary of State for *India* in Council shall from Time to Time order or establish; and any Draft or Order signed and countersigned as aforesaid, or in manner directed by the said Act, shall effectually discharge the Bank of *England* for all Moneys paid upon the same.

As to Validity of Contracts, &c. entered into before the passing of this Act.

IV. If before the passing of this Act any Contracts or Assurances shall have been entered into or made on behalf of the Secretary of State in Council, or the Government of *India*, by any Person in *India* who, previously to the Commencement of the said Act, would have been authorized to enter into and make the same on behalf of the *East India* Company, such Contracts or Assurances shall have the same Validity in favour of and against the Secretary of State in Council as they would have had in favour of and against the said Company if made on behalf of the said Company, and if the said Act had not been passed; but neither the Secretary of State nor any Member of the Council shall be personally liable in respect of any such Contracts or Assurances; and all Liabilities, Costs, and Damages in respect thereof shall be satisfied and paid out of the Revenues of *India*.

Mode of executing Contracts.

V. All Contracts purporting to be entered into by the Secretary of State in Council which shall have been previous to the passing of this Act made under the Hands and Seals or Hands of Three or more Members of Council shall be as valid and effectual, to all Intents and Purposes whatsoever, as the same would have been if Section Forty of the said Act had contained an express Provision that the Contracts to be entered into by the Secretary of State in Council pursuant to that Act might be so made; and from and after the passing of this Act all Contracts in Writing entered into by the Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting, may be expressed to be made by the Secretary of State in Council under that Designation, and if such as if made between private Persons would be by Law required to be under Seal may be made, varied, or discharged under the Hands and Seals of Two Members of the Council, or if such as if made between private Persons would be by Law required to be signed by the Parties to be charged therewith, may be made, varied, or discharged under the Hands of Two Members of the Council; and the Benefit and Liability of such Contracts shall pass to the Secretary of State in Council for the Time being.

Actions to be carried on in Name of Secretary of State for India.

VI. All Actions, Suits, and Proceedings in any Court of Justice in respect of any of the Matters aforesaid shall and may be carried on, prosecuted, or defended in the Name of the Secretary of State for *India* in Council.

CAP. XLII.

An Act to provide for the Establishment of a Reserve Force of Men who have been in Her Majesty's Service. [13th *August* 1859.]

'WHEREAS it is expedient that Her Majesty should be enabled to enrol as a Reserve Force for Service within the United Kingdom in Cases of Emergency such of the Men who have served in Her other Forces as may be willing to engage for such Service:' Be it 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:

Reserve Force not exceeding 20,000 Men for Service in Great Britain.

I. It shall be lawful for Her Majesty, from Time to Time, to cause to be enrolled and kept up as a Reserve Force in the United Kingdom any Number of Men not exceeding in the whole Twenty thousand, the Men so enrolled to be Persons who shall have previously served in Her Majesty's other Forces or in the Forces of the *East India* Company, and who may voluntarily engage to serve under this Act; and such Reserve Force shall be formed into or attached to such Battalions, Corps, or Companies as Her Majesty may think fit.

II. The