

THE
GOVERNMENT OF INDIA

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SUPPLEMENT TO
The Government of India
BY SIR COURTENAY ILBERT 1915

TABLE OF COMPARISON
BETWEEN
DIGEST AND THE ACT

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OXFORD
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1916

SUPPLEMENT

TO THE

GOVERNMENT OF INDIA

THE Government of India Act, 1915, is based upon the Digest published in the third edition of the *Government of India*, and reproduces that Digest with modifications which are mainly verbal.

The correspondence between the Digest and the Act is shown in the following Table of Comparison :

TABLE OF COMPARISON BETWEEN DIGEST AND ACT.

<i>Digest.</i>	<i>Act.</i>	<i>Remarks.</i>
1	1	For 'British India' the Act substitutes the synonymous expression 'the territories for the time being vested in His Majesty in India,' so as to bring the language into closer conformity with that of the Act of 1858. It also incorporates in the text the title 'Emperor of India'.
2	2	Subs. (3) of s. 2 of Digest omitted as spent.
3	3	
4	4	
5	—	Omitted as unnecessary now that the term of office is reduced to 7 years.
6	5	S. 5 of Act also contains words transferred from s. 15 (1) of Digest.
7	6	
8	7	
9	8	
10	9	
11	10	
12	11	
13	12	
14	13	In subs. (2) 'India or of any part thereof' substituted for 'British India'; 'the levying of war, or the making of peace, or negotiations or treaties with any prince or state' substituted for 'any of the matters aforesaid'.
15	14 & 5	Subs. (1) of s. 15 of Digest transferred to s. 5 of Act.

1729 405 (3)
THE
GOVERNMENT OF INDIA

*BEING A DIGEST OF THE STATUTE LAW
RELATING THERETO*

WITH HISTORICAL INTRODUCTION

AND

EXPLANATORY MATTER

BY

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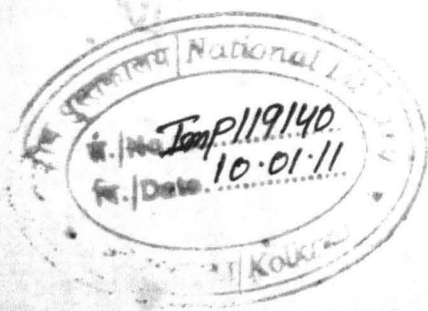
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<i>Digest.</i>	<i>Act.</i>	<i>Remarks.</i>
16	15	
17	16	
18	17	
19	18	
20	19	Language of proviso altered in Act, but without alteration of effect.
21	—	Omitted as unnecessary. Applied only to officers of the East India Company. Officers holding under the Crown in India hold during pleasure.
22	20	Slight alterations of language, but no alteration of substance.
23	21	
24	22	
25	23	
26	24	
27	25	
28	—	Omitted as spent.
29	26	Para. (c) contains matter which does not appear in the Digest but has been added in order to reproduce exactly the existing law.
30	27	
31	28	'Real or personal estate' substituted for the first 'property', and 'real estate' for the second 'property'.
32	29	
33	30 & 32 (4)	'Real or personal estate' substituted for 'movable or immovable property'. Power to mortgage confined to real estate. Power to sell and dispose of and to purchase or acquire property limited to property in British India. Subs. (3) of s. 33 of Digest embodied in s. 32 (4) of Act.
34	31	
35	32	
36	33	'India' substituted for 'British India'.
37	34	
38	35	
39	36	
40	37	S. 38 of the Act reproduces a provision (9 Edw. 7, c. 4, s. 4) for the appointment of a vice-president which does not appear in the body of the Digest but is referred to in a note on Digest s. 42.
41	—	S. 41 of the Digest, which was merely

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<i>Digest.</i>	<i>Act.</i>	<i>Remarks.</i>
		explanatory, is not specifically reproduced in the Act, but effect is given to it by the language of the Act.
42	39	
43	40	
44	41	
45	—	Not reproduced. The power to appoint a president of the Council is virtually repealed by the obligation to appoint a vice-president.
46	42	
47	43	Language changed in consequence of the omission of s. 45 of Digest.
48	44	
49	45	In subs. (1) the words 'and of all matters which ought, in its opinion, to be reported to him, or as to which he requires information' added to reproduce old enactments; 'direction and control' substituted for 'authority'; 'government' substituted for 'authority'. In subs. (2) power of suspension or removal added.
50	46	This section of the Act reproduces only subs. (1), (2), and (3) of s. 50 of the Digest. The effect of subs. (4) is preserved by the terms in which the Act is drawn. The powers given by subs. (5) were exhausted by the notification in the <i>Gazette</i> of August 1, 1912. See ss. 102 (2), 105 and 107 of the Act.
51	47	After s. 47 of the Act is inserted a new section (48) requiring each Governor to appoint a vice-president of his executive council. See note to s. 72 of Digest.
52	—	Omitted as merely explanatory.
53	50, 51	Provisions of existing law set out specifically, instead of by reference. There are slight differences between the procedure of the Governor-General's Council and the procedure in the Councils of Governors.
		After s. 51 of the Act is inserted a new section (52) reproducing existing provisions as to the Province of Agra.

THE GOVERNMENT OF INDIA ACT, 1915 v

<i>Digest.</i>	<i>Act.</i>	<i>Remarks.</i>
54	49	
55, subs. (1)	53, subs. (1)	The words 'with or without an executive council' added.
		Subs. (2) of s. 53 is substituted for part of subs. (1) of s. 74 of Digest.
55, subs. (2), (3), & (4)	54	Language of subs. (3) in Act slightly altered.
		After s. 54 of the Act are inserted three new sections (55, 56, and 57) relating to executive councils for lieutenant-governors (see note on page 218 of Digest) and a section (58) enumerating existing chief commissionerships.
56	59	Language slightly altered but substance not changed.
57	60	
58	61	
59	62	
60	63, subs. (1) to (6)	Reproduced with verbal changes.
61	64, subs. (1) & (2)	
62, subs. (1)	—	S. 63 (2) of Act provides for the quorum being fixed by rules.
62, subs. (2), (3)	64, subs. (3), (4)	The reference to a President is omitted from s. 64 (3) of the Act in consequence of the omission of s. 45 of Digest.
63, subs. (1), (2), & (3)	65	Some verbal changes. The provisions of the Act which can be altered by the Governor-General in Legislative Council are specified in Schedule V.
		Subs. (4) of s. 63 of Digest is covered by the wide language of s. 65 (1) (f) of Act.
63, subs. (5) & (6)	66	
64	67	Subs. (1) & (2) of s. 64 of Digest amalgamated and language slightly altered.
65	68	
66	69	
67	70	
68	71	
69	72	
70	—	This enumeration of local legislatures is omitted. See language of s. 73

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<i>Digest.</i>	<i>Act.</i>	<i>Remarks.</i>
71	73, 74	(4) of Act. A list of local legislative councils is given in Schedule I. Reproduced with differences in language and arrangement but without alteration of substance.
72, subs. (1)	74, subs. (1)	In view of recent constitutional changes it was considered convenient to recast the provisions of the Digest relating to local legislatures and to rearrange them on a somewhat different plan. But the differences are differences of form, not of substance. The Act reproduces in substance the provisions to be found in the third edition of the Digest.
72, subs. (2)	75, subs. (3)	
72, subs. (3), (4)	75, subs. (4)	
72, subs. (5)	75, subs. (1), (2)	
73, subs. (1)	73, subs. (1), (3)	
73, subs. (2), (3), (4)	76, subs. (1)	S. 76 (2) of the Act does not appear in Digest but reproduces a provision of existing law.
73, subs. (5)	76, subs. (3)	The power to constitute new lieutenant-governorships has been transferred from Part VI (relating to Indian legislation) to Part V (relating to local Governments). S. 77 (2) of the Act reproduces a provision of existing law. See note to s. 74 of Digest.
74, subs. (1)	53, subs. (2)	
	54, subs. (1)	
	77, subs. (1)	
74, subs. (2)	61	S. 78 (1) of Act reproduces a provision of existing law.
75, subs. (1)	78, subs. (2)	
75, subs. (2)	76, subs. (1)	Subs. (1) & (2) of s. 77 of Digest amalgamated and language slightly altered.
75, subs. (3)	78, subs. (3)	
76	79	
77, subs. (1), (2)	80, subs. (1)	
77, subs. (3)	80, subs. (3)	
77, subs. (4)	80, subs. (2)	
77, subs. (5)	83, 80, subs. (3)	
78	81, 82	
79	84	
80	85	
81	86	
82	87	
83	88	

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<i>Digest.</i>	<i>Act.</i>	<i>Remarks.</i>
84	89	The reference to a President is omitted from s. 89 (4) of the Act in consequence of the omission of s. 45 of Digest.
85	90	
86	91	
87	92	
88	93	
89	94	
90	95, subs. (1).	The power given by s. 95 (1) of the Act to reinstate officers, and s. 95 (2) of the Act, reproduce provisions of existing law.
91	96	The words 'natural born' in ss. 91 and 92 of Digest are omitted in view of s. 3 of the British Nationality and Status of Aliens Act, 1914 (4 & 5 Geo. 5, c. 17).
92	97	
93	98	
94	99	
95	100	
96	101, subs. (2) to (4)	Subs. (5) of s. 101 of Act is new.
97	102	
98	103	
99	104, subs. (1)	Subs. (2) to (4) of s. 104 of Act reproduce provisions of existing law.
100	105	
101, subs. (1), (2)	106, subs. (1); 131, subs. (3)	The provision as to high courts being courts of oyer and terminer and jail delivery is omitted from the Act as being superseded by 24 & 25 Vict. c. 104, s. 9, and Letters Patent issued thereunder.
101, subs. (3)	106, subs. (2); 131, subs. (3)	
102	107	The provision in s. 107 of Act as to consistency with other Acts reproduces a saving in the existing law.
103	108, 131, subs. (3)	
104	109, 131, subs. (3)	
105	110, 131, subs. (3)	
106	111, 131, subs. (3)	
107	—	Omitted for the reason appearing in the note to s. 107.

VIII • THE GOVERNMENT OF INDIA ACT, 1915

<i>Digest.</i>	<i>Act.</i>	<i>Remarks.</i>
108	112, 131, subs. (3)	S. 113 of Act reproduces provisions of existing law. See note to s. 96 of Digest.
109	114	
110	115	
111	116, subs. (1) to (4)	Subs. (5) of s. 116 of Act reproduces a provision of existing law.
112	117	
113	118, subs. (1), (3)	The provision in s. 113 (2) of Digest as to providing a house for the Bishop of Calcutta is omitted as exhausted. Subs. (2) of s. 118, and ss. 119 and 120, of Act reproduce provisions of existing law.
114	121	
115	122	
116	123	
117	124	The words appearing in square brackets in the Digest are reproduced in the Act.
118	125	
119, subs. (1), (2)	127	
119, subs. (3)	128	'Six years' substituted for 'five years', to follow 33 Geo. 3, c. 52, s. 141. See note to s. 119 of Digest. S. 129 of Act reproduces provisions of existing law, and s. 130 effects repeals, with savings.
120	126	
121	131, subs. (1), (2)	S. 131 (3) of Act is new in point of form, and covers Sch. V.
122	132	
123	133	
123A	55, subs. (2) 63, subs. (7) 67, subs. (3) 74, subs. (5) 76, subs. (4) 80, subs. (3)	
124	101, subs. (1), 134	
Sch. I	Sch. II	
Sch. II	Sch. III	

PREFACE TO THE SECOND EDITION

THIS is a revised edition of a book which was published in 1898.

In the year 1873 the Secretary of State for India sent to the Government of India the rough draft of a Bill to consolidate the enactments relating to the Government of India. This draft formed the subject of correspondence between the India Office and the Government of India, and an amended draft, embodying several proposals for alteration of the law, was submitted to the India Office by the Government of India in the month of February, 1876. After that date the matter was allowed to drop.

The case for consolidating the English statutes relating to India is exceptionally strong. The Government of India is a subordinate Government, having powers derived from and limited by Acts of Parliament. At every turn it runs the risk of discovering that it has unwittingly transgressed one of the limits imposed on the exercise of its authority. The enactments on which its authority rests range over a period of more than 120 years. Some of these are expressed in language suitable to the time of Warren Hastings, but inapplicable to the India of to-day, and unintelligible except by those who are conversant with the needs and circumstances of the times in which they were passed. In some cases they have been duplicated or triplicated by subsequent enactments, which reproduce with slight modifications, but without express repeal, the provisions of earlier statutes; and the combined effect of the series of enactments is only to be ascertained by a careful study and comparison of the several parts. A consolidating Act would repeal and supersede more than forty separate statutes relating to India.

In England the difficulty of threading the maze of administrative statutes is mitigated by the continuity of administrative tradition. In India there is no similar continuity. The Law Member of Council, on whom the Governor-General is mainly dependent for advice as to the nature and extent

of his powers, brings with him from England either no knowledge or a scanty knowledge of Indian administration, and holds office only for a term of five years. The members of the Civil Service who are posted at the head-quarters of the Central and Local Governments are engaged in climbing swiftly up the ladder of preferment, and rarely pause for many years on the same rung. Hence the risk of misconstruing administrative law, or overlooking some important restriction on administrative powers, is exceptionally great.

During various intervals of leisure after my return from India in 1886 I revised and brought up to date the consolidating draft of 1873, and endeavoured to make it an accurate reproduction of the existing statute law. The revised draft was submitted to the Secretary of State, but the conclusion arrived at, after communication with the Government of India, was adverse to the introduction of a consolidating measure into Parliament at that time. It was, however, suggested to me by the authorities at the India Office that the draft might, if published as a digest of the existing law, be useful both to those who are practically concerned in Indian administration, and to students of Indian administrative law. It has accordingly been made the nucleus of the following pages.

The first chapter contains such amount of historical introduction as appeared necessary for the purpose of making the existing law intelligible. The sources from which I have drawn are indicated in a note at the end of the chapter. There are many excellent summaries of British Indian history, and the history of particular periods has been treated with more or less fullness in the biographies of Indian statesmen, such as those which have appeared in Sir William Hunter's series. But a history of the rise and growth of the British Empire in India, on a scale commensurate with the importance of the subject, still remains to be written. Sir Alfred Lyall's admirable and suggestive *Rise and Expansion of the British Dominion in India* appears to me to indicate, better than any book with which I am acquainted, the lines on which it might be written.

The second chapter contains a short summary of the

existing system of administrative law in India. This has been carefully revised in the present edition, and brought up to date.

The third chapter is a digest of the existing Parliamentary enactments relating to the government of India, with explanatory notes. This digest has been framed on the principles now usually adopted in the preparation of consolidation Bills to be submitted to Parliament; that is to say, it arranges in convenient order, and states in language appropriate to the present day, what is conceived to be the net effect of enactments scattered through several Acts. When this process is applied to a large number of enactments belonging to different dates, it is always found that there are *lacunae* to be filled, obscurities to be removed, inconsistencies to be harmonized, doubts to be resolved. The Legislature can cut knots of this kind by declaring authoritatively how the law is to be construed. The draftsman or the text-writer has no such power. He can merely state, to the best of his ability, the conclusions at which he has arrived, and supply materials for testing their accuracy.

The fourth chapter, which deals with the application of English law to the natives of India, is based on a paper read at a meeting of the Society of Comparative Legislation. It points to a field in which useful work may be done by students of comparative jurisprudence.

In the fifth chapter I have tried to explain and illustrate the legal relations between the Government of British India and the Governments of the Native States by comparison with the extra-territorial powers exercised by British authorities in other parts of the world, such as the countries where there is consular jurisdiction, and in particular the modern protectorates. The subject is interesting and important, but full of difficulty. The rules and usages which govern the relation between States and peoples of different degrees and kinds of civilization are in a state of constant flux and rapid growth, and on many topics dealt with in this chapter it would be unsafe to lay down general propositions without qualifying and guarding words. There are quicksands at every step.

Since the date of the first edition of this work important changes have been made in the Orders in Council which regulate the exercise of jurisdiction in African protectorates and the jurisdiction exercised by the Governor-General in Council in the Native States of India has been brought into line with the extra-territorial jurisdiction exercised under authority of the British Crown in other parts of the world by shifting its basis from an Act of the Indian legislature to an Order in Council under the Foreign Jurisdiction Act, 1890.

I am indebted for valuable assistance to friends both at the India Office and in India. Frequent reference has also been made to the minutes of Sir H. S. Maine printed for the Indian Legislative Department in 1890.

But although the book owes its origin to an official suggestion, and has benefited by the criticisms of official friends, it is in no sense an official publication. For any statements or expressions of opinion I am personally and exclusively responsible.

I have omitted from this edition certain reprints of documents which are to be found elsewhere. The charters of the Indian High Courts are now to be found in Vol. VI of the *Statutory Rules and Orders Revised*. The first Charter to the East India Company, with some omissions, will be found in Prothero, *Statutes and Constitutional Documents*. The other illustrative documents printed in ch. viii of the first edition would find an appropriate place in a selection of documents illustrating the constitutional history of British India. Such a selection would be of great use to students.

C. P. ILBERT.

SPEAKER'S COURT,
January, 1907.

PREFACE TO THE THIRD EDITION

THIS edition incorporates the two supplementary chapters added to the second edition, and makes such further additions and alterations as are required to bring the book up to date.

C. P. I.

SPEAKER'S COURT,
December, 1914.

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<p>1453 (May 29). Constantinople taken by the Turks.</p> <p>1486. Cape of Good Hope discovered by Bartholomew Diaz.</p> <p>1493. Pope Alexander the Sixth's Bull.</p> <p>1497-8. Voyage of Vasco da Gama to India.</p> <p>1535-6 (February). Grant of 'Capitulations' by Solymán the Magnificent to Francis I.</p> <p>1558-1603. Elizabeth.</p> <p>1572. Massacre of Huguenots.</p> <p>1577-80. Drake's voyage round the world.</p> <p>1579. Capitulations granted to England.</p> <p>1580. Spain annexes Portugal.</p> <p>1581. Charter granted to Levant Company.</p> <p>1588. Defeat of the Spanish Armada. Levant Company incorporated.</p> <p>1589. Henry IV of France.</p> <p>1598. Edict of Nantes.</p> <p>1599. Death of Philip II of Spain.</p> <p>1603. James I.</p> <p>1606. First Charter of Virginia Company.</p> <p>1609. Second Charter of Virginia Company.</p> <p>Henry IV of France murdered by Ravaillac.</p> <p>1618. Beginning of Thirty Years' War.</p>	<p>1556-1605. Akbar.</p> <p>1565. Fall of Hindu kingdom of Vijayanagar.</p> <p>1579. Thomas Stevens visits Goa.</p> <p>1589. An English expedition reaches India by land.</p> <p>1600. East India Company founded.</p> <p>1602. Dutch East India Company founded.</p> <p>1604. French East India Company founded.</p> <p>1605-27. Jehangir.</p> <p>1609. Charter of East India Company renewed.</p> <p>1611. English at Masulipatam.</p> <p>1612. English at Surat.</p> <p>1615. Sir Thomas Roe sent as Envoy to Great Mogul.</p> <p>Authority to execute martial law granted to East India Company.</p> <p>1616. Tranquebar granted to the Danes.</p> <p>1620. English agents in Bengal.</p> <p>1622-3 (February). Massacre of Amboyna.</p>

GENERAL HISTORY.	INDIA.
1624-42. Richelieu first minister of France.	1623-4 (February). East India Company authorized to grant their officers power of executing martial law.
1625. Charles I.	1628-58. Shah Jahan.
1628. Charter granted to Massachusetts Company.	1634. English permitted to trade throughout the dominions of the Mogul.
1632. Battle of Lutzen.—Death of Gustavus Adolphus.	1639. Madras bought by East India Company.—Fort St. George built.
1642-9. Civil War in England.	1640. East India Company's factory at Hugli.
1643-1715. Louis XIV.	1657. Cromwell's charter to East India Company.
1648. Peace of Westphalia.—End of Thirty Years' War.	1658. Madras made independent of Bantam.
1649. Commonwealth.	1658-1707. Aurangzeb.
1651. Navigation Act.	1661. English get Bombay as part of dowry of Catherine of Braganza.
1651-4. First war between England and Holland.	(April 3). Charles II grants charter to East India Company.
1652. Dutch East India Company establish a station at the Cape.	1664. Sivaji becomes Raja of Maráthás.
1653. Oliver Cromwell, Protector.	Defence of Surat against Sivaji. French East India Company (Colbert's) established.
1655. Capture of Jamaica.	1669. Charles II gives Bombay to East India Company.
1660. Charles II. Navigation Act renewed.	1677. Charter granting Company powers of coinage.
1664. New York taken from the Dutch.	1679. Aurangzeb at war with the Rajputs.
1665-7. Second war between England and Holland.	1680. Death of Sivaji.
1667. Treaty of Breda.	1681. Bengal made a separate presidency.
1672-4. Third war between England and Holland.	

GENERAL HISTORY.	INDIA.
1683. Death of Colbert.	1683. Rising at Bombay quelled. Charter giving powers of martial law and establishing Admiralty Courts.
1685. James II. Revocation of Edict of Nantes.	1686. Calcutta founded. Charter of James II to East India Company.
1688. Revolution in England. 1689. William III. Peter the Great becomes Czar of Russia. 1689-97. War between England and France. 1694. Bank of England incorporated.	1687. East India Company's factory moved from Surat to Bombay. English driven from Húgli, but allowed to return. Charter establishing municipality at Madras.
1697. Treaty of Ryswick.	1687-9. East India Company's war against Aurangzeb. 1691. 'New' or 'English' Company established. 1693 (October 7). Grant of new charter to old East India Company. (Supplemental charters November 11, 1693, and September 28, 1694.) 1696. East India Company build Fort William.
1700. War between Sweden and Russia.	1698. Charter modifying voting powers and qualifications of East India Company. Act (9 & 10 William III, c. 44) authorizing incorporation of 'General Society.' (September 3). Charter incorporating the General Society as a regulated company. (September 5). Charter incorporating the 'English Company.' East India Company buy site of Calcutta (Aitchison's Treaties, i. 2).
1702. Anne.	1702. Indenture Tripartite amalgamating the Old Company and the English Company.
1702-13. War of Spanish Succession.	1707. Death of Aurangzeb.
1707. Union of England and Scotland.	1708. Lord Godolphin's award as to terms of amalgamation.
1713. Treaty of Utrecht.	1709. Old Company's charters surrendered.—The two companies united as the United East India Company.
1714. George I.	
French occupy Mauritius.	
1715. Rebellion in Scotland.	

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GENERAL HISTORY.	INDIA.
1715-74. Louis XV.	1719. New French East India Company.
1716-20. Law's 'system.'	1722. Charles VI grants charter to Ostend Company.
1720. South Sea Bubble.	1725. Charter of Ostend Company withdrawn.
1721-42. Walpole, Prime Minister.	1726. Municipal charters granted to Calcutta, Madras, and Bombay. Mayors' courts established in each place.
1725. Death of Peter the Great.	1728. Danish Company extinguished.
1727. George II.	1731. Swedish India Company formed.
1732. Colony of Georgia founded.	1739. Invasion of India by Nádir Sháh.
1740-4. Anson's voyages.	1742. Aliverdi Khan, Nawab of Bengal.
1740-8. Wars of the Austrian Succession.	1746. Labourdonnaix takes Madras.
1740-86. Frederick II of Prussia.	1748. English besiege Pondicherry. Madras restored to English by Treaty of Aix-la-Chapelle.
1744. Pelham, Prime Minister.	1749-54. War of Succession in the Carnatic.
1745-6. Rebellion in Scotland.	1750-4. War between French and English Companies.
1748. Treaty of Aix-la-Chapelle.	1751. Clive seizes Arcot.
1754. Duke of Newcastle, Prime Minister.	1752. French surrender Trichinopoly.
1756-61. The elder Pitt directs foreign policy of England.	1753. New charters granted to Presidency towns.
1756-63. Seven Years' War.	1754. French recall Duplex. Treaty of peace signed at Pondicherry.
	Mutiny Act (27 Geo. II, c. 9) passed for Indian forces.
	1756. Suráj-ud-doulá becomes Nawab of Bengal and (June) takes Calcutta. (Black Hole Massacre.) Rupture between France and England.
	1757 (January). Clive recovers Calcutta. (June 23). Battle of Plassey.
	1758. Lally's expedition reaches India.—Lally besieges Madras. Maráthá invasion of Punjab.

GENERAL HISTORY.	INDIA.
<p>1759. Wolfe takes Quebec.</p> <p>1760. George III.</p> <p>1762. Bute, Prime Minister. Catherine, Empress of Russia.</p> <p>1763. Peace of Paris.—End of Seven Years' War. George Grenville, Prime Minister.</p> <p>1765. Stamp Act passed. (July). Rockingham, Prime Minister.—Stamp Act repealed.</p> <p>1766 (July). Duke of Grafton, Prime Minister.</p> <p>1768-71. Captain Cook circumnavigated the world.</p> <p>1770. Lord North, Prime Minister. —Disturbance at Boston.</p>	<p>1759. Lally raises siege of Madras. —Defeat of Dutch in Bengal.</p> <p>1760. Coote defeats Lally at Wandewash. Clive returns to England.</p> <p>1760-5. Period of misrule in Bengal.</p> <p>1761. Coote takes Pondicherry.— Fall of the French power in Deccan. Ahmed Shah defeats Maráthas at Battle of Paniput.</p> <p>1763. Pondicherry restored to France (Peace of Paris). Massacre of English prisoners at Patna.</p> <p>1764 (October 23). Battle of Baxar.</p> <p>1765. Clive returns to India; accepts Diwani of Bengal for the Company, makes treaties of alliance with Oudh and the Mogul emperor.</p> <p>1766. Grant of Northern Sarkars to Company. (November). Parliamentary inquiry into affairs of Company.</p> <p>1767-9. First war of English with Hyder Ali.</p> <p>1767. Clive finally leaves India. Acts of Parliament relating to East India Company (7 Geo. III, cc. 48, 49, 56, 57). Power to declare dividend restrained. Company to pay £400,000 annually into Exchequer.</p> <p>1768. Restraint on dividend continued (8 Geo. III, c. 11). The Nizám cedes the Carnatic.</p> <p>1769. New arrangement for five years between Government and Company. Payment of annuity of £400,000 continued (9 Geo. III, c. 24).</p> <p>1770. Famine in Bengal.</p> <p>1771 (August 28). Company resolve to 'stand forth as Diwan' of Bengal.</p>

GENERAL HISTORY.	INDIA.
<p>1773. The people of Boston board the English ships and throw the tea overboard.</p> <p>1774. Congress meets at Philadelphia and denies right of Parliament to tax colonies.—Accession of Louis XVI.</p> <p>1775. George Washington appointed Commander-in-Chief of American Forces.</p> <p>1775-83. War of American Independence.</p> <p>1776 (July 4). Declaration of Independence by United States.</p> <p>1778. Death of Earl of Chatham. War with France in Europe. France recognizes independence of United States.</p> <p>1781. England at war with Spain, France, Holland, and American colonies. Cornwallis surrenders at Yorktown.</p> <p>1782. Lord North resigns.—Lord Rockingham and then Lord Shelburne, Prime Ministers. Grattan's Declaration of Right accepted by Irish Parliament.</p> <p>1783 (April 2). Coalition ministry under Duke of Portland as Prime Minister.</p>	<p>1772. Warren Hastings, Governor of Bengal.—Draws up plan of government. Directors of East India Company declare a deficit, and appeal to Lord North for help. (November). Secret Parliamentary inquiry into affairs of Company.</p> <p>1773. Regulating Act passed (13 Geo. III, c. 63). Motion condemning Clive rejected.</p> <p>1774. Warren Hastings becomes first Governor-General of India. Rohilla War. Death of Clive.</p> <p>1775. Benares and Ghazipur ceded to Company. Government of Bombay occupy Salsette and Bassein.</p> <p>1776. Trial and execution of Nuncomar. Maráthá War.</p> <p>1778. English seize French settlements in India.</p> <p>1779. Maráthás repel English advance on Poona. League of Mysore. Maráthás and Nizám against English.</p> <p>1780. Hyder Ali ravages Carnatic.</p> <p>1781. Benares insurrection.—Defeat of Hyder Ali at Porto Novo.—Treaty of Peace with Maráthás. Parliamentary inquiries into administration of justice in Bengal and into causes of Carnatic War.—Act passed to amend the Regulating Act (21 Geo. III, c. 70).</p> <p>1782. Death of Hyder Ali. Naval battles between French and English in Bay of Bengal.</p> <p>1783. Pondicherry and other French settlements restored to France by Treaty of Versailles.</p>

GENERAL HISTORY.	INDIA.
<p>1783 (January). Treaty of Versailles. —Peace signed between England and United States.</p> <p>1783 (December 23)—1801. William Pitt, Prime Minister.</p> <p>1783. General peace in Europe.</p>	<p>1783-4. Fox's India Bill introduced and rejected.</p> <p>1784. Treaty of peace with Tippu, Sultan of Mysore.—General peace in India.</p> <p>Pitt's Act establishing Board of Control (24 Geo. III, sess. 2, c. 25).</p>
<p>1786. Burke moves impeachment of Warren Hastings.</p>	<p>1785. Warren Hastings leaves India. Mahdajee Sindia (Maráthá) occupies Delhi.</p> <p>1786. Act passed to enlarge powers of Governor-General (26 Geo. III, c. 16).</p>
<p>1788-95. Trial of Warren Hastings.</p>	<p>1786-93. Lord Cornwallis, Governor-General.</p> <p>1787. Tippu sends embassies to Paris and Constantinople.</p>
<p>1789. Beginning of French Revolution.</p>	<p>1789-90. Tippu attacks Travancore.</p> <p>1790-2. War with Tippu.</p> <p>1791. Bangalore taken.</p>
<p>1793. Execution of Louis XVI. War between England and France declared February 11.</p>	<p>1792. Tippu signs treaty of peace ceding territory.</p> <p>1793. English take Pondicherry. Permanent settlement of Bengal. Cornwallis leaves India. Act renewing Company's charter (33 Geo. III, c. 52).</p>
<p>1795. Cape of Good Hope captured from Dutch.</p>	<p>1793-8. Sir J. Shore (Lord Teignmouth), Governor-General.</p> <p>1795. The Maráthás defeat the Nizám.</p>
<p>1797. Battle of Cape St. Vincent.—Mutiny at the Nore.</p>	<p>1796. Ceylon taken from Dutch.</p> <p>1797. Shah Zeman invades Punjab.</p>
<p>1798. Irish Rebellion. French expedition to Egypt.—(August 1) Battle of the Nile.</p> <p>1799. Buonaparte, First Consul.</p>	<p>1798-1805. Marquis Wellesley, Governor-General.</p>
<p>1800. Union of Great Britain and Ireland. Battles of Marengo and Hohenlinden. Malta taken from French.</p>	<p>1799. Capture of Seringapatam. Death of Tippu. Partition of Mysore.</p>
<p>1801. Addington, Prime Minister.</p>	<p>1800. Subsidiary treaty with Nizám.</p> <p>1801. Incorporation of Carnatic. Oudh cedes territory by subsidiary treaty.</p>

GENERAL HISTORY.	INDIA.
1802. Treaty of Amiens. Cape restored to Dutch.	1802. Treaty of Bassein and restoration of Peshwá.
1803 (May). War declared between England and France.	1803. League of Sindia and Nagpur Raja (Maráthás). Maráthá War (Battles of Assaye, Argaum, Laswaree).
1804. Pitt's second ministry. Napoleon, Emperor.	1804. Gáekwar of Baroda submits to subsidiary system.
1805 (October 21). Battle of Trafalgar.—Capitulation of Ulm. (December 2). Battle of Austerlitz.	1805 (July to October). Lord Cornwallis again Governor-General. —Succeeded by Sir George Barlow (till 1807).
1806 (January 23). Death of William Pitt.—Ministry of 'All the Talents.'—Lord Grenville, Prime Minister. Berlin Decrees issued, and Orders in Council issued in reply.	1806. Mutiny of Sepoys at Vellore.
1807. Duke of Portland, Prime Minister.	1807. War with Travancore.
1808–14. Peninsular War.	1807–13. Lord Minto, Governor-General.
1809. Walcheren expedition.—Battle of Wagram. Perceval, Prime Minister. English occupy the Cape.	1809. Travancore subdued.
1810. Mauritius taken from French.	
1812. Napoleon invades Russia. War between England and United States. (June). Lord Liverpool, Prime Minister (till 1827). (July). Battle of Salamanca.	
1813 (June). Battle of Vittoria. (October 16–19). Battle of Leipzig.	1813. Charter Act of 1813 (55 Geo. III, c. 155). East India Company loses monopoly of Indian trade.
1814. First Peace of Paris. — Napoleon abdicates. Cape ceded to England.	1813–23. Lord Hastings, Governor-General.
1815 (February). Napoleon returns from Elba. (June 18). Battle of Waterloo. (November). Second Peace of Paris.	1814–15. Gúrkha War.
	1815. Kumaon ceded.
	1817. Pindáris conquered.
	1817–18. Third Maráthá War, ending in annexation of Poona and reduction of Holkar and Rajputana.
1820. George IV. Congress at Troppau, afterwards at Laybach.	1819. Wazir of Oudh assumes title of King.

GENERAL HISTORY.	INDIA.
1821 (May). Death of Napoleon Buonaparte. Congress of Verona.	
1822 (March 27). Canning appointed Governor-General of India but made Foreign Secretary instead (September).	1823-8. Lord Amherst, Governor-General.
1825. Commercial panic in England.	1824. War with Burma. Rangoon taken.
1827 (April 24). Canning, Prime Minister; dies August 8. (September 5). Lord Goderich, Prime Minister. (October 20). Battle of Navarino.	1826. Storming of Bhurtpur. Annexation of Assam.
1828 (January 25). Duke of Wellington, Prime Minister.	1828-35. Lord William Bentinck, Governor-General.
1830 (June 26). William IV. (November 22). Lord Grey, Prime Minister.	1830. Mysore becomes a protected State.
1832 (June). Reform Bill passed.	1833. Charter Act (3 & 4 Will. IV, c. 85) terminates trading functions of East India Company and defines legislative powers of Governor-General in Council. Macaulay appointed legislative member of Governor-General's Council.
1834 (July 17). Lord Melbourne, Prime Minister; dismissed November 15. (December 26). Sir Robert Peel, Prime Minister.	1834. Annexation of Coorg.
1835 (April 8). Sir Robert Peel resigns. (April 18). Lord Melbourne, Prime Minister.	1835. Lord Heytesbury appointed Governor-General by Sir R. Peel, but appointment cancelled by Whigs.
	1836-42. Lord Auckland, Governor-General.
	1836. Lieutenant-Governorship of North-Western Provinces constituted.
	1838. First Afghan War.
1837. Queen Victoria.	1839. Capture of Ghazni and Kandahar.
1839-42. War between England and China.	Death of Ranjit Singh.
	1840. Surrender of Dost Mohammad.

GENERAL HISTORY.	INDIA.
1841 (September 6). Sir R. Peel, Prime Minister.	1841. Insurrection at Cabul and disastrous retreat of British troops.
1846. Repeal of Corn Laws. (June.) Sir R. Peel resigns. (July 6.) Lord John Russell, Prime Minister.	1842-4. Lord Ellenborough, Governor-General.
1848. Chartist riots.—Revolution in France.	1842. Pollock recaptures and evacuates Cabul.
1852. Louis Napoleon, Emperor. (February 27). Lord Derby, Prime Minister. (December 28). Lord Aberdeen, Prime Minister.	1843. Annexation of Sind (Battle of Meeanee).—Capture of Gwalior.
1854-5. Crimean War.	1844-8. Lord Hardinge, Governor-General.
1855 (February 10). Lord Palmerston, Prime Minister.	1845. Danish possessions bought.
1856. Treaty of Paris.	1845-6. Sikh War. Battles of Múdkí and Ferozeshah (1845).
	1846. Battles of Aliwal and Sobraon.—Treaty of Lahore.
	1848-56. Lord Dalhousie, Governor-General.
	1849. Satára annexed.—Second Sikh War. Battles of Chillianwallah and Goojerat.—Punjab annexed.
	1850. Bombay Railway commenced.
	1852. Second Burmese War.—Pegu annexed.
	1853. Last Charter Act (16 & 17 Vict. c. 95) passed; remodels constitution of Legislative Council.
	Jhánsi, the Berars, and Nagpur annexed.—Telegraphs commenced.
	1854. Bengal constituted a Lieutenant-Governorship.
	1856. Oudh annexed.
	1856-62. Lord Canning, Governor-General.
	1857-8. Indian Mutiny.—Outbreaks at Meerut and Delhi (June). Delhi taken (September). First relief of Lucknow by Havelock and Outram (September). Final relief of Lucknow by Sir Colin Campbell (November).

GENERAL HISTORY.	INDIA.
1858 (February 25). Lord Derby, Prime Minister.	1858. Government of India Act, 1858 (21 & 22 Vict. c. 106), places British India under direct government of Crown.—Lord Canning, Viceroy.
1859. Italian War. — Battles of Magenta and Solferino. (June 18). Lord Palmerston, Prime Minister.	(November 1). Queen's Amnesty Proclamation published in India.
	1859. Punjab constituted a Lieutenant-Governorship under Sir John Lawrence.
	Indian Code of Civil Procedure passed.
	1860. Indian Penal Code passed.
	1862. Indian Civil Service Act, 1861 (24 & 25 Vict. c. 54), Indian Councils Act, 1861 (24 & 25 Vict. c. 67), and Indian High Courts Act, 1861 (24 & 25 Vict. c. 104), passed by Parliament.—Code of Criminal Procedure passed in India.
	1862-3. Lord Elgin, Viceroy.
	1864-9. Lord Lawrence, Viceroy.
	1864. Bhutan Dwars annexed.
1865 (November 6). Lord Russell becomes Prime Minister on death of Lord Palmerston.	1865. Indian Succession Act passed.
1866. War between Prussia and Austria.—Battle of Königgrätz or Sadowa.	1866. Famine in Orissa.
(July 6). Lord Derby, Prime Minister.	1867 (September). Straits Settlements separated from India.
1868 (February 27). B. Disraeli, Prime Minister.	1868. Sher Ali, Amir of Afghanistan.
Abyssinian expedition. (December 9). W. E. Gladstone, Prime Minister.	
1869 (November). Suez Canal opened.	1869-72. Lord Mayo, Viceroy.
1870. Franco-German War.—Revolution in France.	1869. Legislative Department of Government of India established.
1871. King William of Prussia becomes German Emperor.	1872. Indian Contract Act and Evidence Act passed.
1874 (February 21). B. Disraeli, Prime Minister.	1872-6. Lord Northbrook, Viceroy.
	1876-80. Lord Lytton, Viceroy.
	1876-8. Famine in India.

GENERAL HISTORY.	INDIA.
<p>1877. Russo-Turkish War.</p> <p>1878. Treaties of San Stefano (March) and Berlin (July).</p> <p>1880 (April 25). W. E. Gladstone, Prime Minister.</p> <p>1882. Indian troops used in the Egyptian War.</p> <p>1885 (June 24). Lord Salisbury, Prime Minister.</p> <p>1886 (February 6). W. E. Gladstone, Prime Minister. (August 3). Lord Salisbury, Prime Minister.</p> <p>1887. Jubilee of Queen Victoria's reign.</p> <p>1892 (August 18). W. E. Gladstone, Prime Minister.</p> <p>1894 (March 3). Lord Rosebery, Prime Minister.</p> <p>1895 (July 2). Lord Salisbury, Prime Minister.</p>	<p>1877 (January 1). Queen proclaimed Empress of India at Delhi.</p> <p>1878. Invasion of Afghanistan.</p> <p>1879 (July). Treaty of Gandamak. (September). Cavagnari killed at Cabul.—English invade Afghanistan.</p> <p>1880-4. Lord Ripon, Viceroy.</p> <p>1880 (July). Abdurrahman recognized as Amir of Afghanistan. —Battle of Maiwand. General Roberts' march from Cabul to Kandahar.</p> <p>1884. Boundary Commission appointed to settle North-West frontier.</p> <p>1884-8. Lord Dufferin, Viceroy.</p> <p>1885. Third Burmese War.</p> <p>1886 (January 1). Upper Burma annexed. (November 21). Legislative Council established for North-Western Provinces.</p> <p>1888-93. Lord Lansdowne, Viceroy.</p> <p>1889. Military expeditions sent against hill tribes.</p> <p>1890. Chin and Lushai expeditions. —Rising in Manipur.</p> <p>1891. Massacre in Manipur.</p> <p>1892. Constitution and procedure of Indian Legislative Councils altered by Indian Councils Act, 1892 (55 & 56 Vict. c. 14).</p> <p>1893. Separate armies of Madras and Bombay abolished by Madras and Bombay Armies Act 1893 (56 & 57 Vict. c. 62). (June 26). Indian Mint closed.</p> <p>1894 (January 27). Lord Elgin, Viceroy. (December 27). Import duty imposed on cotton.</p> <p>1895. Chitral Expedition.</p> <p>1896. Appearance of plague in Bombay.</p>

GENERAL HISTORY.	INDIA.
<p>1897 (June). Jubilee celebrations in England.</p>	<p>1896-7. Famine in India. 1897 (April 9). Legislative Council established for Punjab. Burma constituted a Lieutenant-Governorship, with a Legislative Council. (June 12). Earthquake in Bengal. War on North-Western frontier.</p>
<p>1899 (October 11). Boer War commenced: ended May 31, 1902.</p>	<p>1898. Appearance of plague at Calcutta and in Madras. Famine Commission. 1899 (January 6). Lord Curzon, Viceroy.</p>
<p>1901 (January 22). Death of Queen Victoria. (January 24). Proclamation of King Edward VII.</p>	<p>1899-1900. Recurrence of famine in India. 1901 (October). Death of Amir Abdurrahman of Afghanistan. Punitive operations against Mahsud Waziris. (November). Constitution of the North-West Frontier Province under a Chief Commissioner.</p>
<p>1902 (August 9). Coronation. (January 30). Anglo-Japanese Treaty signed. (July). Mr. Balfour, Prime Minister.</p>	<p>1902. 'North-Western Provinces and Oudh' renamed 'United Provinces of Agra and Oudh'. 1902-3. Indian Police Commission. 1903 (January). Delhi Durbar. (October). Incorporation of Berar with the Central Provinces.</p>
<p>1904 (February 8). Russo-Japanese War commenced: ended September 5, 1905; Peace Treaty signed at Portsmouth, U.S.A. Anglo-French Agreement signed.</p>	<p>1903-4. Mission to Tibet. 1904. Indian Universities Act. 1904-5. Mission to Cabul.</p>
<p>1905 (August 12). Anglo-Japanese Treaty signed. (December 5). Sir Henry Campbell-Bannerman, Prime Minister.</p>	<p>1905 (March). Constitution of Railway Board in India. (April 4). Earthquake in Punjab. Reorganization of Military Department of the Government of India: creation of Army and Military Supply Departments. Eastern Bengal and Assam constituted a separate administration under a Lieutenant-Governor with a Legislative Council. (November 18). Lord Minto, Viceroy.</p>

GENERAL HISTORY.

- 1906 (January 8). Parliament dissolved.
- 1907 (April 15). Colonial Conference at the Colonial Office. (First meeting.)
(August 31). Anglo - Russian Agreement signed.
- 1908 (April 4). Arbitration Treaty between Great Britain and the United States signed at Washington.
(April 5). Sir Henry Campbell-Bannerman (Premier) resigned (died April 22).
Mr. Asquith, Prime Minister.
- 1909 (April 29). Mr. Lloyd George introduced Budget (November 2). Passed by the Commons (November 30). Rejected by the Lords and conflict between the two Houses commenced.
(September 20). South Africa Union Bill received Royal Assent.
1910. (January 10). Parliament dissolved. (April 29), Budget of 1909 reintroduced and passed.
(May 6). Death of King Edward VII. Proclamation of King George V.
(June 17–November). Conference between the leaders of the Liberal and Unionist Parties held, but failed in its object.
(October 3). Portuguese Revolution.
(November 28). Parliament dissolved.

INDIA.

- 1905–6. Visit of the Prince and Princess of Wales to India.
1906. Convention between Great Britain and China regarding Tibet.
1907. Agreement with the Chinese Government for the gradual extinction of the export of Indian opium to China.
- 1907–8. Famine in the United Provinces.
- 1907–9. Royal Commission on Decentralization in India.
1908. Punitive operations against the Zakka Khel Afridis and Mohmands.
(November 2). Proclamation of the King-Emperor to the Princes and Peoples of India on the fiftieth anniversary of the transfer of the government of India to the Crown.
- 1909 (April). Military Supply Department of the Government of India abolished.
- Indian Councils Act passed: legislative councils greatly enlarged and their functions extended; system of direct election of members introduced, and non-official majorities established in provincial councils.
1910. Indian Press Act.
(November). Education Department of the Government of India constituted.
(November). Constitution of an Executive Council to assist the Lieutenant-Governor of Bengal.
(November 23). Lord Hardinge, Viceroy.

GENERAL HISTORY.	INDIA.
<p>1911 (June 22). George V crowned. (July 13). Anglo-Japanese Alliance renewed for 10 years. (August 14). House of Commons agreed to the Vote for the payment of Members. (August 18). Parliament Act received Royal Assent. (September 4). Recognition of the Portuguese Republic.</p> <p>1912 (April 3). Royal Commission appointed to inquire into the trade of the Empire. (July 29). Death of the Emperor of Japan. (October 8). First Balkan War (Bulgaria, Servia, Greece, and Montenegro against Turkey) commenced.</p> <p>1913 (January 16). Government of Ireland Bill passed in Commons, (January 30) rejected by Lords. (March 7). Parliament prorogued. (March 10). Parliament met again. (June 30). Second Balkan War. Bulgaria against Servia and Greece. (July 8). Government of Ireland Bill again passed by Commons and (July 22) rejected by Lords. (July 10). Rumania declares war against Bulgaria.</p>	<p>1911 (April 1). Constitution of the State of Benares.</p> <p>1911-12. Visit of the King-Emperor and Queen-Empress to India. (Durbar at Delhi, December 17, 1911). Punitive expeditions against the Abors.</p> <p>1912 (April 1). Redistribution of territory in Bengal: new province of Bengal constituted a Presidency Government under a Governor, Bihar and Orissa a Lieutenant-Governorship, and Assam a Chief-Commissionership. (August 1). Executive Council established in Bihar and Orissa. Transfer of the seat of the Government of India from Calcutta to Delhi. (October 1). Constitution of the Province of Delhi, under a Chief Commissioner. (November). Legislative Council established in Assam. Royal Commission on the Public Services in India appointed. (December 23). Attempt to assassinate the Viceroy during the State entry into Delhi.</p> <p>1913. Sale of opium for export to China discontinued. (April). Royal Commission on Indian Finance and Currency appointed. (November). Legislative Council established in the Central Provinces.</p>

GENERAL HISTORY.

INDIA.

(July 15). Government of Ireland Bill again rejected by Lords.

(Aug. 6). Treaty of Peace between Balkan Powers and Turkey signed at Bucharest.

(September 28). Treaty of Peace between Bulgaria and Turkey signed at Constantinople.

1914 (May 26). Government of Ireland Bill passed third time in Commons.

(June 28). Assassination of Grand Duke Ferdinand.

(July 21-24). Conference at Buckingham Palace on Government of Ireland Bill.

(July 23). Ultimatum presented by Austria-Hungary to Serbia.

(July 28). Austria-Hungary declares war on Serbia.

(Aug. 1). Germany declares war on Russia.

(Aug. 3). Germany declares war on France.

(Aug. 4). Great Britain declares war on Germany.

(Aug. 10). France declares war on Austria-Hungary.

(Aug. 12). Great Britain declares war on Austria-Hungary.

(Sept. 18). Government of Ireland Act and Established Church (Wales) Act passed under Parliament Act. Parliament prorogued.

(Nov. 5). Great Britain declares war on Turkey.

(Dec. 18). Egypt declared as British Protectorate.

1914. Despatch of Indian troops to join the British Expeditionary Forces, the cost being borne by Indian revenues in accordance with Resolutions passed by the Governor-General's Council (Sept. 8) and both Houses of Parliament (Sept. 16 and Nov. 26).

GOVERNORS-GENERAL OF FORT WILLIAM IN BENGAL.¹

1774. Warren Hastings (Governor of Bengal from 1772).

1785. Sir J. Macpherson (temporary, February 1, 1785, to September 12, 1786).

1786. Lord Cornwallis.

1793. Sir John Shore (Lord Teignmouth).

1798. Sir Alured Clarke (temporary, March 6 to May 18, 1798).

1798. Earl of Mornington (Marquis Wellesley).

¹ For more minute particulars as to dates see the India List.

1805. Lord Cornwallis (took office July 30, died October 5).
 1805. Sir George Barlow (temporary, October 10, 1805, to July 31, 1807).
 1807. Lord Minto.
 1813. Lord Moira (Marquis of Hastings).

1823. John Adam (temporary January 9 to August 1, 1823).
 1823. Lord Amherst.
 1828. W. B. Bayley (temporary March 13 to July 4, 1828).
 1828. Lord William Bentinck.

GOVERNORS-GENERAL OF INDIA.

1834. Lord William Bentinck.
 1835. Sir Charles Metcalfe (temporary, March 20, 1835, to March 4, 1836).
 1836. Lord Auckland.

1842. Lord Ellenborough.
 1844. Sir Henry (Lord) Hardir
 1848. Lord Dalhousie.
 1856. Lord Canning.

VICEROYS AND GOVERNORS-GENERAL.

(FROM NOV. 1, 1858).

1858. Lord Canning (continued as Viceroy).
 1862. Lord Elgin.
 1864. Sir John (Lord) Lawrence.
 1869. Lord Mayo.
 1872. Lord Northbrook.
 1876. Lord Lytton.

1880. Lord Ripon.
 1884. Lord Dufferin.
 1888. Lord Lansdowne.
 1894. Lord Elgin.
 1899. Lord Curzon.
 1905. Lord Minto.
 1910. Lord Hardinge.

PRESIDENTS OF THE BOARD OF CONTROL.

1784. Lord Sydney.
 1790. W. W. Grenville (afterwards Lord Grenville).
 1793. Henry Dundas (afterwards Viscount Melville).
 1801. Lord Lewisham (afterwards Dartmouth).
 1802. Lord Castlereagh.
 1806 (February 12). Lord Minto.
 1806 (July 26). Thomas Grenville.
 1806 (October 1). George Tierney.
 1807. Robert Dundas (afterwards Viscount Melville).
 1809 (July). Lord Harrowby.
 1809 (November). Robert Dundas (afterwards Viscount Melville).
 1812. Earl of Buckinghamshire.
 1816. George Canning.
 1821. Charles Bathurst.
 1822. Charles Watkins Williams-Wynn.
 1828 (February). Robert Dundas (afterwards Viscount Melville).
 1828 (September). Lord Ellenborough.

1830. Charles Grant (afterwards Lord Glenelg).
 1834. Lord Ellenborough.
 1835. Sir John Cam Hobhouse.
 1841 (September). Lord Ellenborough.
 1841 (October). Lord Fitzgibbon and Vesey.
 1843. Lord Ripon.
 1846. Sir John Cam Hobhouse.
 1852 (February 6). Fox Maule (afterwards Lord Panmure and Earl of Dalhousie).
 1852 (February 28). John Charles Herries.
 1852 (December 30). Sir Charles Wood (afterwards Viscount Halifax).
 1855. Robert Vernon Smith (afterwards Lord Lyveden).
 1858 (March 6). Lord Ellenborough.
 1858 (June). Lord Stanley (afterwards Earl of Derby).

SECRETARIES OF STATE FOR INDIA.

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| <p>1858. Lord Stanley (afterwards Earl of Derby).</p> <p>1859. Sir Charles Wood (afterwards Viscount Halifax).</p> <p>1866 (February). Lord de Grey and Ripon (afterwards Marquis of Ripon).</p> <p>1866 (July). Lord Cranborne (afterwards Marquis of Salisbury).</p> <p>1867. Sir Stafford Northcote (afterwards Earl of Iddesleigh).</p> <p>1868. Duke of Argyll.</p> <p>1874. Lord Salisbury.</p> <p>1878. Gathorne Hardy (afterwards Earl of Cranbrook).</p> | <p>1880. Lord Hartington (afterwards Duke of Devonshire).</p> <p>1882. Lord Kimberley.</p> <p>1885. Lord Randolph Churchill.</p> <p>1886 (February). Lord Kimberley.</p> <p>1886 (August). Sir Richard Cross (afterwards Lord Cross).</p> <p>1892. Lord Kimberley.</p> <p>1894. H. H. Fowler (afterwards Sir H. Fowler).</p> <p>1895. Lord George Hamilton.</p> <p>1903. St. John Brodrick.</p> <p>1905. John Morley.</p> <p>1910. Earl of Crewe.</p> <p>1911 (March). Viscount Morley.</p> <p>1911 (May). Marquis of Crewe.</p> |
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Page 142, note 2 should read :

Under the Indian Councils Act, 1909, there is power to constitute executive councils for lieutenant-governors. The Lieutenant-Governor of Bihar and Orissa has an Executive Council, established in 1912. An Executive Council for the United Provinces has been promised.

THE
GOVERNMENT OF INDIA

DIGEST OF THE LAW RELATING TO THE GOVERNMENT OF INDIA

CHAPTER I

HISTORICAL INTRODUCTION

BRITISH authority in India may be traced, historically, to a twofold source. It is derived partly from the British Crown and Parliament, partly from the Great Mogul and other native rulers of India.

Twofold origin of British authority in India.

In England, the powers and privileges granted by royal charter to the East India Company were confirmed, supplemented, regulated, and curtailed by successive Acts of Parliament, and were finally transferred to the Crown.

In India, concessions granted by, or wrested from, native rulers gradually established the Company and the Crown as territorial sovereigns, in rivalry with other country powers; and finally left the British Crown exercising undivided sovereignty throughout British India, and paramount authority over the subordinate native States.

It is with the development of this power in England that we are at present concerned. The history of that development may be roughly divided into three periods.

During the first, or trading, period, which begins with the charter of Elizabeth in 1600, the East India Company are primarily traders. They enjoy important mercantile privileges, and for the purposes of their trade hold sundry factories, mostly on or near the coast, but they have not yet assumed the responsibilities of territorial sovereignty. The cession of Burdwan, Midnapur, and Chittagong in 1760 makes them masters of a large part of territory, but the first period may

Three periods in history of constitutional development.

perhaps be most fitly terminated by the grant in 1765, when the Company became practical in Bengal, Bihar, and Orissa.

During the second period, from 1765 to 1858, the Company are territorial sovereigns, sharing their sovereignty in diminishing proportions with the Crown, and gradually losing their mercantile privileges and functions. This period may, with reference to its greater portion, be described as the period of double government, using the phrase in the sense in which it was commonly applied to the system abolished by the Act of 1858. The first direct interference of Parliament with the government of India is in 1773, and the Board of Control is established in 1784.

The third and last period, the period of government by the Crown, begins with 1858, when, as an immediate consequence of the Mutiny of 1857, the remaining powers of the East India Company are transferred to the Crown.

In each of these periods a few dates may be selected as convenient landmarks.

Land-
marks of
first
period.

The first period is the period of charters. The charter of 1600 was continued and supplemented by other charters, of which the most important were James I's charter of 1609, Charles II's charter of 1661, James II's charter of 1686, and William III's charters of 1693 and 1698.

The rivalry between the Old or 'London' Company and the New or 'English' Company was terminated by the fusion of the two Companies under Godolphin's Award of 1708.

The wars with the French in Southern India between 1745 and 1761 and the battles of Plassey (1757) and Baxar (1764) in Northern India indicate the transition to the second period.

Land-
marks of
second
period.

The main stages of the second period are marked by Acts of Parliament, occurring with one exception at regular intervals of twenty years.

North's Regulating Act of 1773 (13 Geo. III, c. 63) was followed by the Charter Acts of 1793, 1813, 1833, and 1853.

Regulating Act is Discontinued

The Regulating Act organized the government of the Bengal Presidency and established the Supreme Court at Calcutta.

The Act of 1784 (24 Geo. III, sess. 2, c. 25) established the Board of Control.

The Charter Act of 1793 (33 Geo. III, c. 52) made no material change in the constitution of the Indian Government, but happened to be contemporaneous with the permanent settlement of Bengal.

The Charter Act of 1813 (53 Geo. III, c. 155) threw open the trade to India, whilst reserving to the Company the monopoly of the China trade.

The Charter Act of 1833 (3 & 4 Will. IV, c. 85) terminated altogether the trading functions of the Company.

The Charter Act of 1853 (16 & 17 Vict. c. 95) took away from the Court of Directors the patronage of posts in their service, and threw open the covenanted civil service to general competition.

The third period was ushered in by the Government of India Act, 1858 (21 & 22 Vict. c. 106), which declared that India was to be governed by and in the name of Her Majesty. The change was announced in India by the Queen's Proclamation of November 1, 1858. The legislative councils and the high courts were established on their present basis by two Acts of 1861 (24 & 25 Vict. cc. 67, 104). Since that date Parliamentary legislation for India has been confined to matters of detail. The East India Company was not formally dissolved until 1874.

Land-
marks of
third
period.

The first charter of the East India Company was granted on December 31, 1600. The circumstances in which the grant of this charter arose have been well described by Sir A. Vall.¹ The customary trade-routes from Europe to the East had been closed by the Turkish Sultan. Another route had been opened by the discovery of the Cape of Good Hope. Thus the trade with the East had been transferred from the seas and states on the Mediterranean to the states on the

Charter of
Elizabeth.

¹ *British Dominion in India.*

Atlantic seaboard. Among these latter Portugal took the lead in developing the Indian trade, and when Pope Alexander VI (Roderic Borgia) issued his Bull of May, 1494 dividing the whole undiscovered non-Christian world between Spain and Portugal, it was to Portugal that he awarded India. But since 1580 Portugal had been subject to the Spanish Crown; Holland was at war with Spain, and was endeavoring to wrest from her the monopoly of Eastern trade which had come to her as sovereign of Portugal. During the closing years of the sixteenth century, associations of Dutch merchants had fitted out two great expeditions to Java by the *Arctica* (1595-6 and 1598-9), and were shortly (1602) to be combined into the powerful Dutch East India Company. Protestant England was the political ally of Holland but a commercial rival, and English merchants were not prepared to see the Indian trade pass wholly into her hands. It was under these circumstances that on September 24, 1599, the merchants of London held a meeting at Founders' Hall, under the Lord Mayor, and resolved to form an association for the purpose of establishing direct trade with India. But negotiations for peace were then in progress at Boulogne, and Queen Elizabeth was unwilling to take a step which would give advantage to Spain. Hence she delayed for fifteen months before she granted the charter for which the London merchants had petitioned. The charter incorporated George, Earl of Cumberland, and 215 knights, aldermen, and burgesses, by the name of the 'Governor and Company of Merchants of London trading with the East Indies.' The Company were to elect annually one governor and twenty-four committees, who were to have the direction of the Company's voyage, the provision of shipping and merchandises, the sale of the merchandises returned, and the managing of all other things belonging to the Company. Thomas Smith, Alderman of London, and Governor of the Levant Company, was to be the first governor.

The Company might for fifteen years 'freely traffic and

the trade of merchandise by sea in and by such ways and passages already found out or which hereafter shall be found out and discovered . . . into and from the East Indies, in the countries and parts of Asia and Africa, and into and from all the islands, ports, havens, cities, creeks, towns, and places of Asia and Africa, and America, or any of them, beyond the Cape of Bona Esperanza to the Streights of Magellan.'

During these fifteen years the Company might assemble themselves in any convenient place, 'within our dominions or elsewhere,' and there 'hold court' for the Company and the affairs thereof, and, being so assembled, might 'make, ordain, and constitute such and so many reasonable laws, constitutions, orders, and ordinances, as to them or the greater part of them being then and there present, shall seem necessary and convenient for the good government of the same Company, and of all factors, masters, mariners, and other officers, employed or to be employed in any of their voyages, and for the better advancement and continuance of the said trade and traffick.' They might also impose such pains, punishments, and penalties by imprisonment of body, or by fines and amerciaments, as might seem necessary or convenient for observation of these laws and ordinances. But their laws and punishments were to be reasonable, and not contrary or repugnant to the laws, statutes, or customs of the English realm.

The charter was to last for fifteen years, subject to a power of determination on two years' warning, if the trade did not appear to be profitable to the realm. If otherwise, it might be renewed for a further term of fifteen years.

The Company's right of trading, during the term and within the limits of the charter, was to be exclusive, but they might grant licences to trade. Unauthorized traders were to be liable to forfeiture of their goods, ships, and tackle, and to 'imprisonment and such other punishment as to us, our heirs and successors, for so high a contempt, shall seem meet and convenient.'

The Company might admit into their body all such apprentices of any member of the Company, and all such servants or factors of the Company, 'and all such other' as to the majority present at a court might be thought fit. If any member, having promised to contribute towards an adventure of the Company, failed to pay his contribution, he might be removed, disenfranchised, and displaced.

Points of constitutional interest in charter of Elizabeth. Constitution of Company.

The points of constitutional interest in the charter of Elizabeth are the constitution of the Company, its privileges, and its legislative powers.

The twenty-four committees to whom, with the governor, is entrusted the direction of the Company's business, are individuals, not bodies, and are the predecessors of the later directors. Their assembly is in subsequent charters called the court of committees, as distinguished from the court general or general court, which answers to the 'general meeting' of modern companies.

The most noticeable difference between the charter and modern instruments of association of a similar character is the absence of any reference to the capital of the Company and the corresponding qualification and voting powers of members. It appears from the charter that the adventurers had undertaken to contribute towards the first voyage certain sums of money, which were 'set down and written in a book for that purpose' and failure to pay their contributions to the treasurer within a specified date was to involve 'removal and disenfranchisement' of the defaulters. But the charter does not specify the amount of the several contributions,¹ and for all that appears to the contrary each adventurer was to be equally eligible to the office of committee, and to have equal voting power in the general court. The explanation is that the Company belonged at the outset to the simpler and looser form of association to which the City Companies then belonged, and still belong, and which used to be known by the name of

¹ The total amount subscribed in September, 1599, was £30,133, and there were 101 subscribers.

'regulated companies.' The members of such a company were subject to certain common regulations, and were entitled to certain common privileges, but each of them traded on his own separate capital, and there was no joint stock. The trading privileges of the East India Company were reserved to the members, their sons at twenty-one, and their apprentices, factors, and servants. The normal mode of admission to full membership of the Company was through the avenue of apprenticeship or service.* But there was power to admit 'others,' doubtless on the terms of their offering suitable contributions to the adventure of the Company.

When an association of this kind had obtained valuable concessions and privileges, its natural tendency was to become an extremely close corporation, and to shut its doors to outsiders except on prohibitory terms, and the efforts of those who suffered from the monopoly thus created were directed towards reduction of these terms. Thus by a statute of 1497 the powerful Merchant Adventurers trading with Flanders had been required to reduce to 10 marks (£6 13s. 4d.) the fine payable on admission to their body. By similar enactments in the seventeenth century the Russia Company and Levant Company were compelled to grant privileges of membership on such easy terms as to render them of merely nominal value, and thus to entitle the companies to what, according to Adam Smith, is the highest eulogium which can be justly bestowed on a regulated company, that of being merely useless. The charter of Elizabeth contains nothing specific as to the terms on which admission to the privileges of the Company might be obtained by an outsider. It had not yet been ascertained how far those privileges would be valuable to members of the Company, and oppressive to its rivals.

The chief privilege of the Company was the exclusive right of trading between geographical limits which were practically the Cape of Good Hope on the one hand and the Straits of Magellan on the other, and which afterwards became widely famous as the limits of the Company's charter. The only

Privileges
of Com-
pany.

restriction imposed on the right of trading within this vast and indefinite area was that the Company were not to 'undertake or address any trade into any country, port, island, haven, city, creek, towns, or places being already in the lawful and actual possession of any such Christian Prince or State as at this present or at any time hereafter shall be in league or amity with us, our heirs and successors, and which doth not or will not accept of such trade.' Subject to this restriction the trade of the older continent was allotted to the adventurers with the same lavish grandeur as that with which the Pope had granted rights of sovereignty over the new continent, and with which in our own day the continent of Africa has been parcelled out among rival chartered companies. The limits of the English charter of 1600 were identical with the limits of the Dutch charter of 1602, and the two charters may be regarded as the Protestant counter-claims to the monopoly claimed under Pope Alexander's Bull. During the first few years of their existence the two Companies carried on their undertakings in co-operation with each other; but they soon began to quarrel, and in 1611 we find the London merchants praying for protection against their Dutch competitors. Projects for amalgamation of the English and Dutch Companies fell through, and during the greater part of the seventeenth century Holland was the most formidable rival and opponent of English trade in the East.

'By virtue of our Prerogative Royal, which we will not in that behalf have argued or brought in question,' the Queen straitly charges and commands her subjects not to infringe the privileges granted by her to the Company, upon pain of forfeitures and other penalties. Nearly a century was to elapse before the Parliament of 1693 formally declared the exercise of this unquestionable prerogative to be illegal as transcending the powers of the Crown. But neither at the beginning nor at the end of the seventeenth century was any doubt entertained about the expediency, as apart from the constitutionality, of granting a trade monopoly of this descrip-